



**SECOND AMENDMENT TO  
DEVELOPMENT AGREEMENT**

STATE OF TEXAS

COUNTY OF TRAVIS

This Second Amendment to Development Agreement (this "Amendment") is made and entered into by and between the Village of Bee Cave, Texas (hereinafter the "City"), a home-rule municipality located in Travis County, Texas, and HD Development Properties, L.P., a Georgia limited partnership ("HomeDepot"), hereinafter collectively referred to as the "Parties", upon the premises and for the purposes set out herein.

**I. INTRODUCTION**

1.01. Home Depot (as successor in interest to Home Depot U.S.A., Inc., a Delaware corporation) and the City are parties to that certain Development Agreement dated September 13, 2000, as amended by that certain First Amendment to Development Agreement dated June 19, 2002 (collectively, the "Agreement").

1.02. The Parties want to memorialize certain amendments to the Agreement as set forth in this Amendment.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the Parties agree as follows:

**II. AMENDMENTS**

2.01. The first section of Section 3.03 of the Agreement is hereby deleted in its entirety and replaced with the following: "The maximum gross square footage of buildings to be constructed on the Home Depot Parcel shall be limited to 112,480 square foot non-pad site building(s), a 22,000 square foot garden center, up to 7,000 square feet of additional sales area and a fenced area for a tool rental center not to exceed 1,293 square feet."

**III. MISCELLANEOUS**

3.01. This Amendment does not and will not contravene the benefit of the Agreement to the City, as such benefits are described in the Agreement.

3.02. Except as defined differently herein or where the context clearly requires otherwise, all capitalized terms used in this Amendment shall have the meanings ascribed to them under the Agreement.

3.03. If there is any inconsistency between the Agreement and this Amendment, the

terms of this Amendment shall control.

3.04. Except as expressly amended hereby, the Agreement shall remain unchanged and in full force and effect.

The Second Amendment to Development Agreement between the Home Depot and the City was approved by the City Council at their regular meeting on 25<sup>th</sup> day of January, 2022.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 25<sup>th</sup> day of January, 2022.

CITY OF BEE CAVE,  
a Texas home-rule municipality

By: Kara King  
Kara King, Mayor

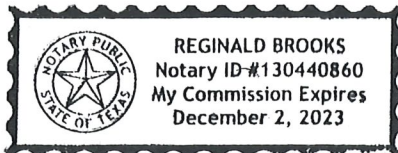
ATTEST:

By: Kaylynn Holloway  
Kaylynn Holloway, City Secretary

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 23<sup>rd</sup> day of February, 2022, by Kara King, Mayor of the City of Bee Cave, Texas, a home-rule municipality on behalf of the City.

R. Brooks  
Notary Public, State of Texas



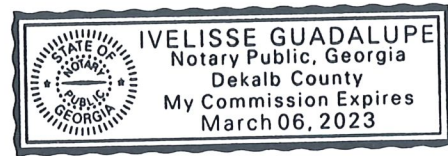
HD Development Properties, L.P.,  
a Georgia limited partnership

By: Suzanne Russo  
Suzanne Russo,  
Assistant General Counsel

STATE OF GEORGIA  
COUNTY OF COBB

This instrument was acknowledged before me on the 9<sup>th</sup> day of February, 2022, by  
Suzanne Russo, Assistant General Counsel of HD Development Properties, L.P., a Georgia limited  
partnership, on behalf of said limited partnership.

Ivelisse Guadalupe  
Notary Public, State of Georgia



**INSTANT RETURN**

After recording return to:

Kaylynn Holloway  
City Secretary  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738



**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Rebecca Guerrero*

**Rebecca Guerrero, County Clerk  
Travis County, Texas**

**2022039576**

**Mar 03, 2022 10:29 AM**

**Fee: \$38.00**

**LOPEZS**