

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEE CAVE AND CECIL PERKINS

STATE OF TEXAS

COUNTY OF TRAVIS

The City of Bee Cave, a home rule municipal corporation with its offices located at 4000 Galleria Parkway, Bee Cave, Texas 78738 ("City"), and property owner Cecil Perkins ("Owner") hereby agree to amend the Development Agreement effective the 9th day of December 2014, and filed in the official public records of Travis County, Texas, as No. 2014184366, as follows:

Recitals:

(5) Add: The City and Owner hereby agree to remove from this Development Agreement 5.47 acres of land, as depicted on Exhibit "A".

Section Two:

(4) Add last sentence to state that "If at any time during the period in which this agreement is in effect, the Owner and City agree to parcel out any portion of the property for inclusion under a separate Development Agreement, such change will not affect this provision or impact the parties respective rights as they relate to the property removed from this Agreement or the property remaining under this Agreement.

All other recitals and provisions not herein specifically amended shall remain in full force and effect.

Owner: (ciff) Pokine

Cecil Perkins

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Cecil Perkins, known to me to be the person whose name is subscribed to the foregoing Agreement and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on the 5th day of September, 2019.

(NOTARY)

R.B.J	

REGINALD BROOKS Notary Public, State of Texas Comm. Expires 11-16-2019 Notary ID 13044086-0

Notary Public, State of Texas

My Commission expires: 11-16-2019

City of Bee Cave

monty Packer

Monty Parker, Mayor

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Monty Parker, Mayor, known to me to be the person whose name is subscribed to the foregoing Agreement and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on the Adday of Ceffentry, 2019.



Notary Public, State of Texas

My Commission expires: 5 - 17 - 32023

Perkins 0.723 Acre Vail Divide 0.20 Acres

DESCRIPTION OF A 0.20 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN NOVEMBER 2017, LOCATED IN THE WILLIAM CONRADI SURVEY NUMBER 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 0.723 ACRE TRACT CONVEYED TO CECIL D. PERKINS, DESCRIBED IN VOLUME 12830, PAGE 433, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.20 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TxDoT type I concrete monument found in the north right-of-way line of Hamilton Pool Road (ROW varies) same being a south corner of said 0.723 acre tract;

THENCE with a south line of said 0.723 acre tract, same being the north ROW line of said Hamilton Pool Road, S68°04'38"W a distance of 132.62 feet to a 1/2 inch iron rod with "Delta Survey" cap set for a south corner of said 0.723 acre tract, same being a northeast corner of a remainder of a called 36.92 acres tract conveyed to Cecil D. Perkins and Mozelle W. Perkins, described in Volume 5935, Page 1990, Real Property Records, Travis County, Texas, and also being in the north ROW line of said Hamilton Pool Road from which a ½ inch iron rod bears N86°13'41"W a distance of 62.22 feet;

THENCE leaving the north ROW line of said Hamilton Pool Road and crossing said 0.723 acre tract, N02°16'43"E a distance of 99.64 feet to a 1/2 inch iron rod with "Delta Survey" cap set in the north line of said 0.723 acre tract, same being in a south line of a called 5.2389 acre tract conveyed to Cecil D. Perkins, described in Document Number 2009188320, Official Public Records, Travis County, Texas, from which a ½ inch iron rod bears N82°26'17"W a distance of 77.65 feet;

THENCE with said common line, S82°26'17"E a distance of 167.73 feet to a 1/2 inch iron rod with "Delta Survey" cap set in the north ROW line of said Hamilton Pool Road, same being the northeast corner of said 0.723 acres tract, and also being the southeast corner of said 5.2389 acre tract;

Perkins 0.723 Acre Vail Divide 0.20 Acres

THENCE with the north ROW line of said Hamilton Pool Road, same being a south line of said 0.723 acre tract, S59°20'41"W a distance of 54.87 feet to the **POINT OF BEGINNING** and containing 0.20 acres of land, more or less.

BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

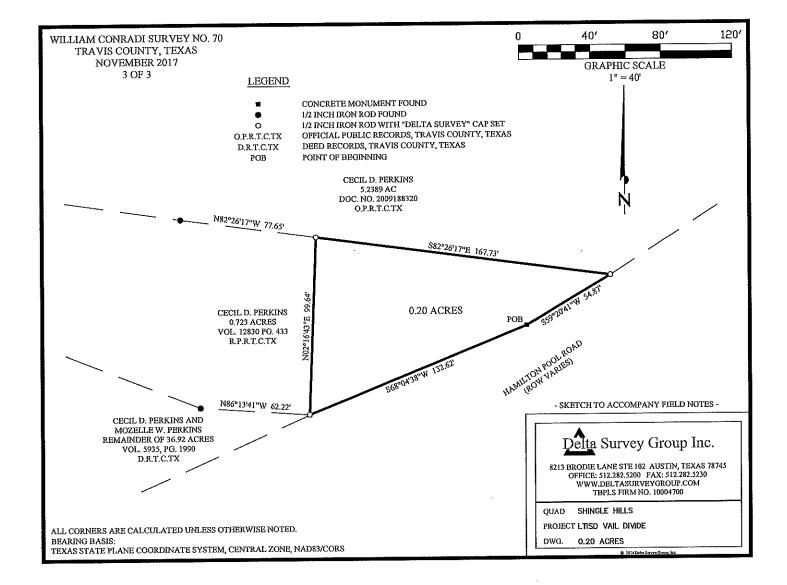
<u>11-06-17</u> Date

John E Braudigam Registered Professional Land Surveyor No. 5057-State of Texas

Delta Survey Group, Inc. 8213 Brodie Lane, Suite 102 Austin, Texas 78745 TBPLS Firm No. 10004700



Page 2 of 3



Perkins 15.954 Acre 0.92 Acre Pond

EXHIBIT "A"

DESCRIPTION OF A 0.92 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN NOVEMBER 2017, LOCATED IN THE WILLIAM CONRADI SURVEY NUMBER 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A REMAINDER OF A CALLED 15.954 ACRE TRACT CONVEYED TO CECIL D. PERKINS, DESCRIBED IN VOLUME 4223, PAGE 1454, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.92 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch iron rod found at an east corner of a called 8.35 acre tract conveyed to Cecil D. Perkins, described in Document Number 2017173698, Official Public Records, Travis County, Texas, same being the southwest corner of a called 5.81 acre tract conveyed to Camelot Real Estate Holdings, described in Document Number 2015066142, Official Public Records, Travis County, Texas, and also being the northwest corner of said remainder of 15.954 acres tract, for the **POINT OF COMMECEMENT**;

THENCE with a south line of said 5.81 acre tract, same being a north line of said remainder of 15.954 acres tract, S86°05'45"E a distance of 243.37 feet to a 1/2 inch iron rod found;

THENCE leaving said common line and crossing said remainder of 15.954 acres tract, S36°46'48"W a distance of 83.24 feet to a 1/2 inch iron rod with "Delta Survey" cap set for the **POINT OF BEGINNING**;

THENCE continuing across said remainder of 15.954 acres tract the following eight (8) courses and distances:

- 1. N89°33'43"E a distance of 263.57 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 2. S72°58'29"E a distance of 73.02 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 3. S07°37'46"E a distance of 41.47 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 4. S07°10'37"E a distance of 49.26 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 5. S86°09'20"W a distance of 50.15 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 6. S78°25'53"W a distance of 218.95 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 7. N31°04'14"W a distance of 25.66 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and

Perkins 15.954 Acre 0.92 Acre Pond

8. with the arc of a curve to the right a distance of 150.66 feet, through a central angle of 09°02'54", having a radius of 954.00 feet, and whose chord bears N26°32'47"W, a distance of 150.50 feet to the **POINT OF BEGINNING** and containing 0.92 acres of land, more or less.

BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

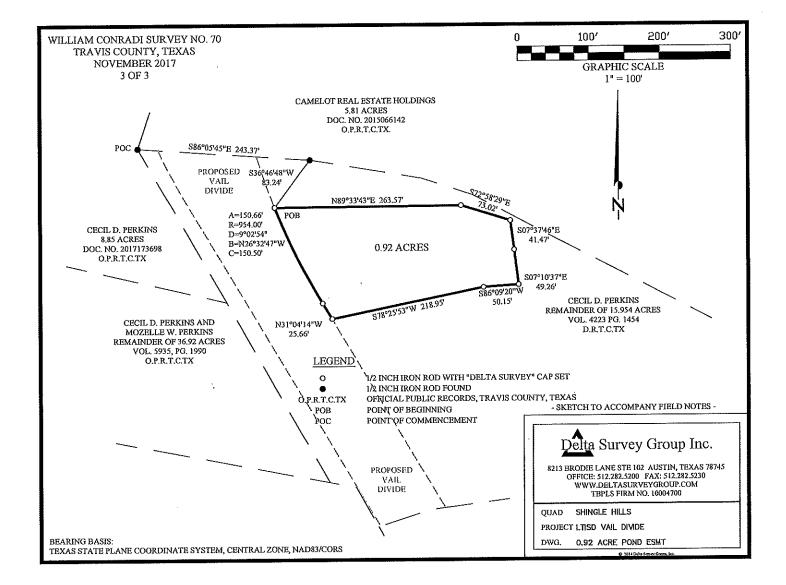
<u>11-08-17</u> Date

John E Braufigam Registered Professional Land Surveyor No. 5057-State of Texas

Delta Survey Group, Inc. 8213 Brodie Lane, Suite 102 Austin, Texas 78745 TBPLS Firm No. 10004700



Page 2 of 3



Perkins 5.2389 Acre Vail Divide 1.12 Acres

DESCRIPTION OF A 1.12 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN DECEMBER 2017, LOCATED IN THE WILLIAM CONRADI SURVEY NUMBER 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 5.2389 ACRE TRACT CONVEYED TO CECIL D. PERKINS, DESCRIBED IN DOCUMENT NUMBER 2009188320, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.11 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ¹/₂ inch iron rod with "Doucet" cap found for a southeast corner of a called 15.406 acre tract conveyed to John and Kathryn Welbourne, described in Document Number 2016212564, Official Public Records, Travis County, Texas, same being a northeast corner of a portion of a remainder of a called 36.92 acres tract conveyed to Cecil D. Perkins and Mozelle W. Perkins, described in Volume 5935, Page 1990, Deed Records, Travis County, Texas, and also being in a west line of said 5.2389 acre tract for the **POINT OF COMMECEMENT**;

THENCE with a west line of said 5.2389 acre tract, same being an east line of said remainder of 36.92 acres tract, S14°49'38"W a distance of 156.79 feet to a 1/2 inch iron rod with "Delta Survey" cap set for the southwest corner of said 5.2389 acre tract, same being the northwest corner of a called 0.723 acre tract conveyed to Cecil D. Perkins, described in Volume 12830, Page 433, Real Property Records, Travis County, Texas;

THENCE with the north line of said 0.723 acre tract, same being the south line of said 5.2389 acre tract the following two (2) courses and distances:

- 1. S81°38'54"E a distance of 181.30 feet to a ½ inch iron rod found, and
- 2. S82°26'17"E a distance of 77.65 feet to a 1/2 inch iron rod with "Delta Survey" cap set for the **POINT OF BEGINNING**;

THENCE leaving said common line and crossing said 5.2389 acre tract the following two (2) courses and distances:

- 1. N31°04'14"W a distance of 354.17 feet to a ½ inch iron rod with "Delta Survey" cap set, and
- S58°55'46"W a distance of 4.08 feet to a ½ inch iron rod with "Delta Survey cap set for an east corner of said 15.406 acre tract, same being a west corner of said 5.2389 acre tract;

THENCE with an east line of said 15.406 acre tract, same being a west line of said 5.2389 acre tract, N30°08'41"W a distance of 112.74 feet to a 1/2 inch iron rod with "Delta Survey" cap set for the northwest corner of said 5.2389 acre tract, same being a south corner of a remainder of a called 15.954 acre tract conveyed to Cecil D. Perkins, described in Volume 4223, Page 1454, Deed Records, Travis County, Texas;

Perkins 5.2389 Acre Vail Divide 1.12 Acres

THENCE with a south line of said remainder of 15.954 acres tract, same being a north line of said 5.2389 acre tract the following two (2) courses and distances:

- 1. N72°16'16"E a distance of 76.87 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and
- 2. N82°31'16"E a distance of 21.24 feet to a 1/2 inch iron rod with "Delta Survey" cap set;

THENCE leaving said common line and crossing said 5.2389 acre tract the following two (2) courses and distances:

- 1. S31°04'14"E a distance of 440.66 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and
- 2. S64°25'10"E a distance of 124.37 feet to a 1/2 inch iron rod with "Delta Survey" cap set in the north right-of-way (ROW) line of Hamilton Pool Road (ROW varies) same being a southeast line of said 5.2389 acre tract;

THENCE with said common line, S57°19'23"W a distance of 29.36 feet to a 1/2 inch iron rod with "Delta Survey" cap set for a southeast corner of said 5.2389 acre tract, same being the northeast corner of said 0.723 acre tract from which a TxDoT type I concrete monument bears S59°20'41"W a distance of 54.87 feet;

THENCE with the north line of said 0.723 acre tract, same being a south line of said 5.2389 acre tract, N82°26'17"W a distance of 167.73 feet to the **POINT OF BEGINNING** and containing 1.12 acre of land, more or less.

BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

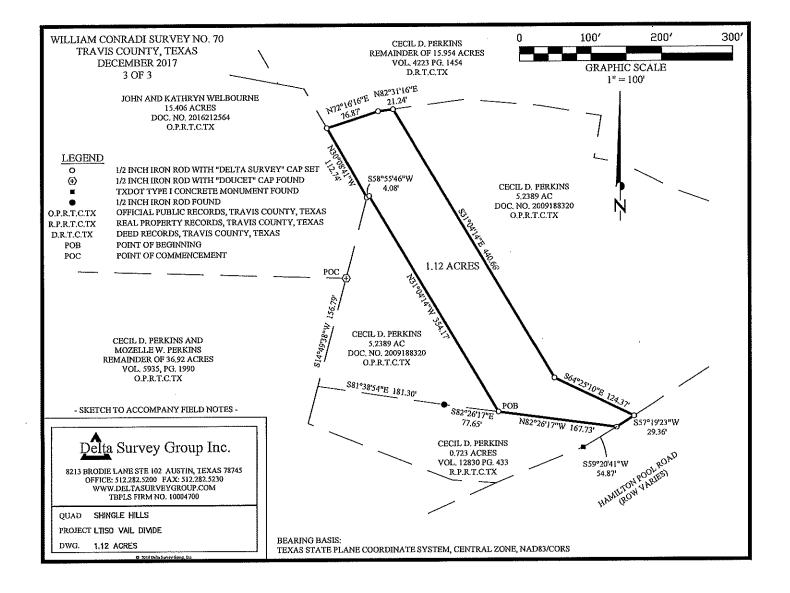
<u>12-07-17</u> Date

John E Brautigam Registered Professional Land Surveyor No. 5057-State of Texas

Delta Survey Group, Inc. 8213 Brodie Lane, Suite 102 Austin, Texas 78745 TBPLS Firm No. 10004700



Page 2 of 3



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Perkins 8.85 Acre Vail Divide 0.91 Acres

DESCRIPTION OF A 0.91 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN DECEMBER 2017, LOCATED IN THE J. C. DEGMAN SURVEY NUMBER 537, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 8.85 ACRE TRACT CONVEYED TO CECIL D. PERKINS, DESCRIBED IN DOCUMENT NUMBER 2017173698, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.91 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 12 inch fence post found at the northeast corner of said 8.35 acre tract, same being a west corner of a remainder of a called 117.35 acres tract conveyed to Meritage Homes of Texas, LLC., described in Document Number 2011172383, Official Public Records, Travis County, Texas, same being the southwest corner of a called 136.059 acre tract conveyed to Lake Travis Independent School District, described in Document Number 2010014061, Official Public Records, Travis County, Texas, and also being the northwest corner of a called 5.81 acre tract conveyed to Camelot Real Estate Holdings, described in Document Number 2015066142, Official Public Records, Travis County, Texas, for the **POINT OF BEGINNING**;

THENCE with an east line of said 8.85 acre tract, same being a west line of said 5.81 care tract, S18°23'46"W a distance of 445.73 feet to a 1/2 inch iron rod with "Delta Survey" cap set from which a ½ inch iron rod found bears S18°23'46"W a distance of 39.30 feet;

THENCE leaving said common line and crossing said 8.35 acre tract, with the arc of a curve to the right a distance of 402.72 feet, through a central angle of 35°56'29", having a radius of 642.00 feet, and whose chord bears N02°16'28"W, a distance of 396.15 feet to a 1/2 inch iron rod with "Delta Survey" cap set in the north line of said 8.35 acre tract, same being a south line of said 136.059 acre tract;

Perkins 8.85 Acre Vail Divide 0.91 Acres

THENCE with said common line, N80°09'50"E a distance of 158.72 feet to the **POINT OF BEGINNING** and containing 0.91 acres of land, more or less.

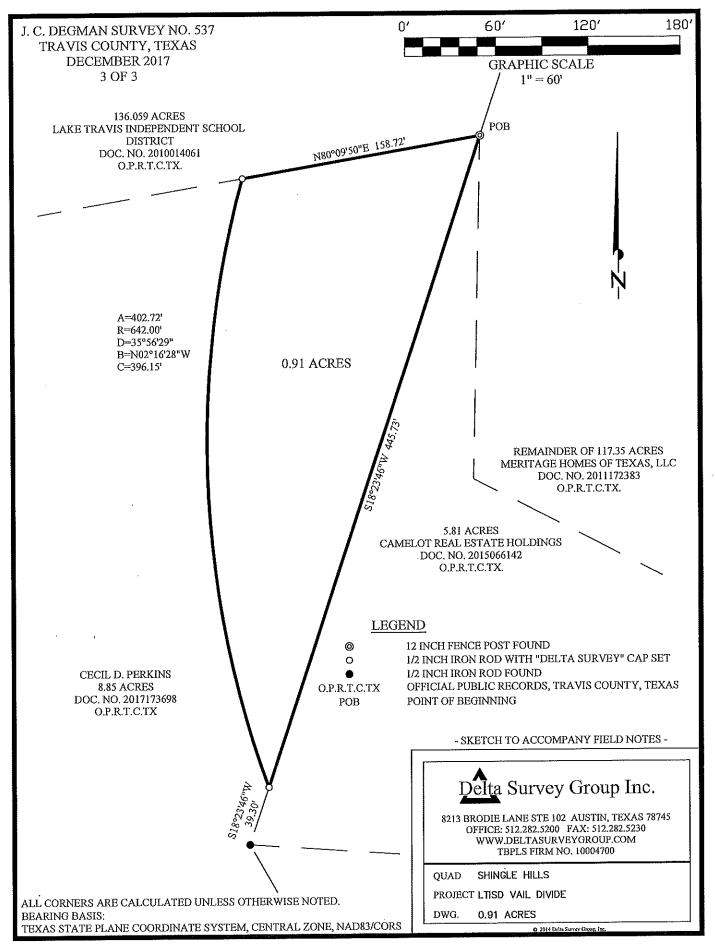
BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

<u>12-06-17</u> Date

John E Braufidam Registered Professional Land Surveyor No. 5057-State of Texas

Delta Survey Group, Inc. 8213 Brodie Lane, Suite 102 Austin, Texas 78745 TBPLS Firm No. 10004700





Page 1 of 3

Perkins 15.954 Acre Vail Divide 1.31 Acres

DESCRIPTION OF A 1.31 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN DECEMBER 2017, LOCATED IN THE WILLIAM CONRADI SURVEY NUMBER 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A REMAINDER OF A CALLED 15.954 ACRE TRACT CONVEYED TO CECIL D. PERKINS, DESCRIBED IN VOLUME 4223, PAGE 1454, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.31 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch iron rod found at an east corner of a called 8.35 acre tract conveyed to Cecil D. Perkins, described in Document Number 2017173698, Official Public Records, Travis County, Texas, same being the southwest corner of a called 5.81 acre tract conveyed to Camelot Real Estate Holdings, described in Document Number 2015066142, Official Public Records, Travis County, Texas, and also being the northwest corner of said remainder of 15.954 acres tract, for the **POINT OF COMMECEMENT**;

THENCE with an south line of said 5.81 acre tract, same being a north line of said remainder of 15.954 acres tract, S86°05'45"E a distance of 28.42 feet to a 1/2 inch iron rod with "Delta Survey" cap set for the **POINT OF BEGINNING**;

THENCE continuing with said common line, S86°05'45"E a distance of 139.16 feet to a 1/2 inch iron rod with "Delta Survey" cap set from which a $\frac{1}{2}$ inch iron rod found bears S86°05'45"E a distance of 75.78 feet ;

THENCE leaving said common line and crossing said remainder of 15.954 acres tract the following two (2) courses and distances:

- 1. with the arc of a curve to the left a distance of 226.99 feet, through a central angle of 13°37'58", having a radius of 954.00 feet, and whose chord bears S24°15'15"E, a distance of 226.46 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and
- S31°04'14"E a distance of 335.37 feet to a 1/2 inch iron rod with "Delta Survey" cap set in the south line of said remainder of 15.954 acres tract, same being the north line of a called 5.2389 acre tract conveyed to Cecil D. Perkins, described in Document Number 2009188320, Official Public Records, Travis County, Texas;

THENCE with said common line the following two (2) courses and distances:

- 1. S82°31'16"W a distance of 21.24 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and
- 2. S72°16'16"W a distance of 76.87 feet to a 1/2 inch iron rod with "Delta Survey" cap set in the east line of a called 15.406 acre tract conveyed to John and Kathryn Welbourne, described in Document Number 2016212564, Official Public Records, Travis County, Texas, same being the northwest corner of said 5.2389 acre tract, and also being the southwest corner of said remainder of 15.954 acres tract;

Perkins 15.954 Acre Vail Divide 1.31 Acres

THENCE with an east line of said 15.406 acre tract, same being a west line of said remainder of 15.954 acres tract, N30°08'41"W a distance of 63.83 feet to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of said 15.406 acre tract, same being a west corner of said remainder of 15.954 acres tract;

THENCE crossing said remainder of 15.954 acres tract the following three (3) courses and distances:

- 1. S79°18'28"E a distance of 1.65 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 2. N31°04'14"W a distance of 472.30 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and
- 3. with the arc of a curve to the right a distance of 78.94 feet, through a central angle of 07°02'43", having a radius of 642.00 feet, and whose chord bears N27°32'52"W, a distance of 78.89 feet to the **POINT OF BEGINNING** and containing 1.31 acres of land, more or less.

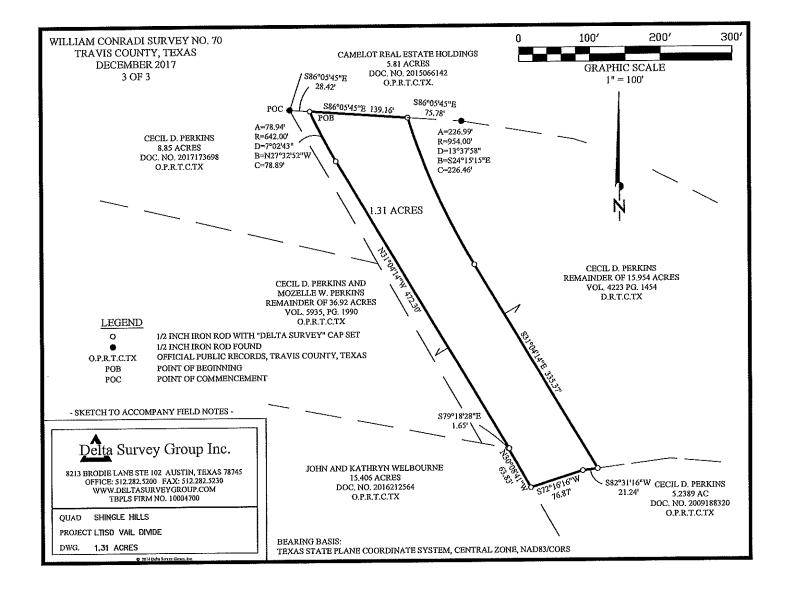
BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

<u>12-07-17</u> Date

John E Braudigam Registered Professional Land Surveyor No. 5057-State of Texas

Delta Survey Group, Inc. 8213 Brodie Lane, Suite 102 Austin, Texas 78745 TBPLS Firm No. 10004700





Perkins 5.2389 Acre 1.01 Acre Pond

EXHIBIT "A"

Page 1 of 3

DESCRIPTION OF A 1.01 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN NOVEMBER 2017, LOCATED IN THE WILLIAM CONRADI SURVEY NUMBER 70, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 5.2389 ACRE TRACT CONVEYED TO CECIL D. PERKINS, DESCRIBED IN DOCUMENT NUMBER 2009188320, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.01 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch iron rod with "Doucet" cap found for a southeast corner of a called 15.406 acre tract conveyed to John and Kathryn Welbourne, described in Document Number 2016212564, Official Public Records, Travis County, Texas, same being a northeast corner of a portion of a remainder of a called 36.92 acres tract conveyed to Cecil D. Perkins and Mozelle W. Perkins, described in Volume 5935, Page 1990, Deed Records, Travis County, Texas, and also being in a west line of said 5.2389 acre tract for the **POINT OF COMMECEMENT**;

THENCE with a west line of said 5.2389 acre tract, same being an east line of said 15.406 acres tract, N14°49'38"W a distance of 117.03 feet to a 1/2 inch iron rod with "Doucet" cap found for an east corner of said 15.406 acre tract, same being a west corner of said 5.2389 acre tract;

THENCE crossing said 5.2389 acre tract, N75°25'26"E a distance of 100.21 feet to a 1/2 inch iron rod with "Delta Survey" cap set for the **POINT OF BEGINNING**;

THENCE continuing across said 5.2389 acre tract the following seven (7) courses and distances:

- 1. S87°03'07"E a distance of 130.13 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 2. S63°27'16"E a distance of 99.05 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 3. S78°46'17"E a distance of 128.50 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 4. S00°25'27"E a distance of 54.69 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 5. S06°11'13"E a distance of 24.32 feet to a 1/2 inch iron rod with "Delta Survey" cap set,
- 6. S72°04'42"W a distance of 223.71 feet to a 1/2 inch iron rod with "Delta Survey" cap set, and

Perkins 5.2389 Acre 1.01 Acre Pond

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7. N31°04'14"W a distance of 261.16 feet to the **POINT OF BEGINNING** and containing 1.01 acres of land, more or less.

BEARING BASIS: Texas State Plane Coordinate System, Central Zone, NAD83/CORS

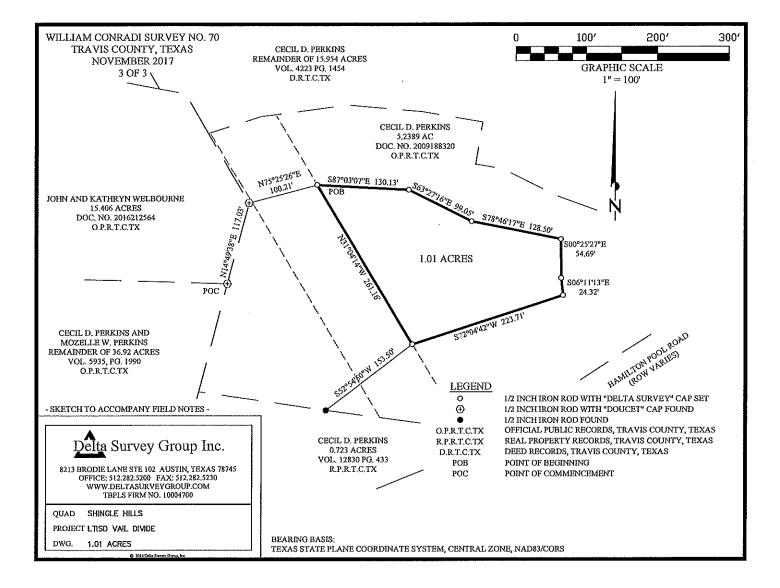
<u>11-13-17</u> Date

E Brayligam

John E Brayddam Registered Professional Land Surveyor No. 5057-State of Texas

Delta Survey Group, Inc. 8213 Brodie Lane, Suite 102 Austin, Texas 78745 TBPLS Firm No. 10004700





AFTER RECORDING, RETURN TO:

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

> Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

2019155735

FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Dana De Seamoir

Dana DeBeauvoir, County Clerk **Travis County, Texas**

Oct 07, 2019 03:06 PM Fee: \$106.00 TOMSR