

STATE OF TEXAS § **FIRST AMENDED**
 § **DEVELOPMENT AGREEMENT**
COUNTY OF WILLIAMSON §

This is a FIRST AMENDED DEVELOPMENT AGREEMENT by and between the Williamson County, Texas (“County”) and Brushy Creek Ranch Investments, Ltd., (“Developer”).

WHEREAS, Developer is owner of that certain 112 acre tract of land known as the Business Park at Brushy Creek (the “Property”), as depicted on **Exhibit “A”**, attached hereto, and

WHEREAS, County and Developer entered into a Development Agreement (the “Agreement”) on January 14, 2014 to cooperate in the construction a roadway and certain improvements, from US 79 across the Union Pacific Railroad through the Property (the “Project”), as depicted on **Exhibit “B”**, attached hereto, and

WHEREAS, the County and Developer desire to amend the Agreement to clarify the respective obligations of the Parties.

NOW THEREFORE, for and in consideration of the promise and the mutual agreements set forth herein, the County and Developer hereby agree as follows:

That Section D. County Responsibilities is hereby deleted in its entirety and replaced with the following:

D. **COUNTY RESPONSIBILITIES**

1. As consideration for the benefits as stated herein, the County shall reimburse Developer for all Project Costs for improvements to Segment 1, including all costs

related to the construction of the Union Pacific signalized crossing by Cash Construction Company, Inc. and Austin Traffic Signal Construction Company, Inc., up to and no more than \$500,000.

2. The County agrees that Developer has contributed to the County \$250,000 in cash and engineering and design expenditures, for its share of segment 1. Project Costs.

3. The County reimbursement of up to \$500,000 does not exceed 30% of the total Project Costs for segments 1 and 2.

4. The Developer will transmit a copy of each invoice to the County. Each invoice shall identify all Projects Costs incurred by the Developer relating to the Project. Each invoice submitted by the City for reimbursement will clearly describe the work done for which reimbursement is sought, will not seek reimbursement or payment for any costs or expenses other than Projects Costs. Upon request of the County, the Developer agrees to make available documentation in reasonable detail evidencing all Projects Costs for which reimbursement is sought. Upon timely receipt, proper documentation and approval of each invoice, County shall make a good faith effort to pay the amount which is due and payable within thirty (30) days of the County Auditor's receipt. Payment not mailed within 30 calendar days of receipt by the County Auditor will accrue interest at the rate set forth in Government Code Section 2251.025(b).

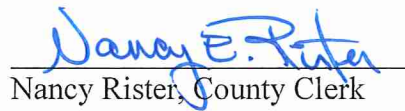
5. All other terms and conditions in the Agreement remain in full force and effect.

SIGNED as of this _____ day of _____, 2016.

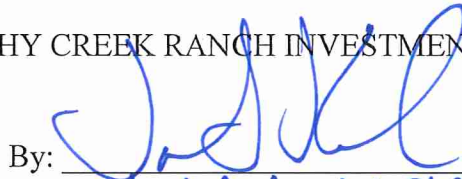
WILLIAMSON COUNTY, TEXAS

By: 
Dan A. Gattis, County Judge

Attest:


Nancy Rister, County Clerk

BRUSHY CREEK RANCH INVESTMENTS, LTD.

By: 
JOHN S. LLOYD
Its MANAGER

TO: BCBP DEVELOPMENT, LLC.
PO BOX 1279
PFLUGERVILLE TX. 78691

FROM: CASH CONSTRUCTION COMPANY, INC.
P.O. BOX 1279
PFLUGERVILLE TX. 78691

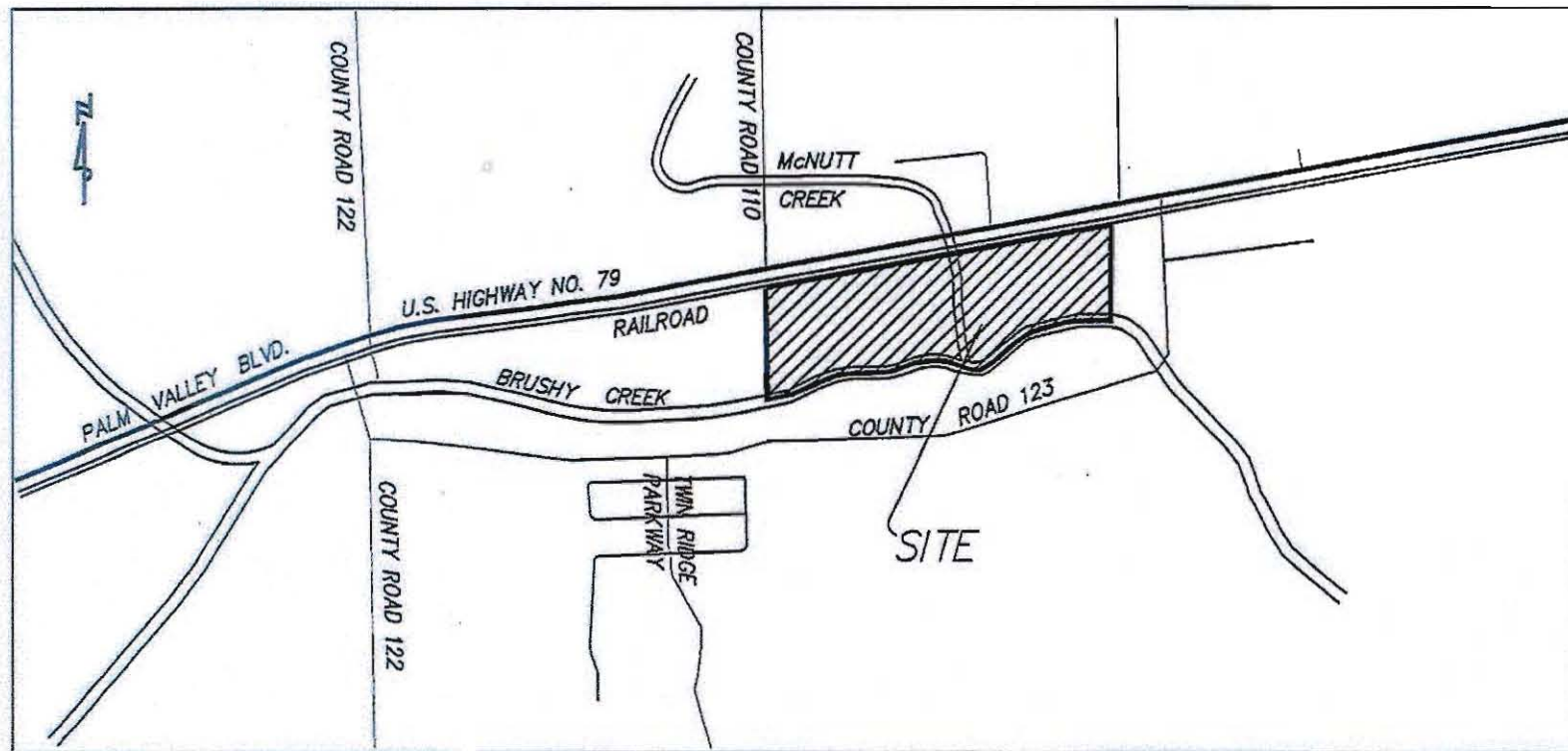
APPLICATION FOR PAYMENT

JOB NAME: BUSINESS PARK AT BRUSHY CREEK SECTION 1
JOB# 751
ESTIMATE # 3
DATE 10/31/2015
ORIG. AMOUNT \$1,457,849.00
REV. AMOUNT \$1,474,721.00
RETAINAGE 5%

TOTAL WORK THIS ESTIMATE \$243,411.50
TOTAL COMPLETED TO DATE \$1,051,740.50
LESS RETAINAGE \$52,587.03
TOTAL DUE TO DATE \$999,153.48
PREVIOUS BILLINGS \$767,912.55
AMOUNT DUE THIS ESTIMATE \$231,240.93

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	CONTRACT AMOUNT	UNIT PRICE	PREVIOUS QUANTITY	QTY THIS ESTIMATE	AMOUNT THIS ESTIMATE	QUANTITY TO DATE	AMOUNT TO DATE	PERCENT COMPLETE
TXDOT & UPRR ROW IMPR EROSION CONTROLS											
SCE		EA	1.00	\$1,500.00	1,500.00	1	0.00	\$0.00	1	\$1,500.00	100.00%
SILT FENCE		LF	1,099.00	\$2,747.50	2.50	1099	0.00	\$0.00	1,099	\$2,747.50	100.00%
ROCK BERM		LF	200.00	\$4,000.00	20.00	200	0.00	\$0.00	200	\$4,000.00	100.00%
REVEG ROW (BERMUDA/RYE)		SY	880.00	\$880.00	1.00	0	0.00	\$0.00	0	\$0.00	0.00%
SUBTOTAL EROSION CONTROLS				\$9,127.50				\$0.00		\$8,247.50	
STREETS/GRADING/DRAINAGE IMPR											
CLEAR/GRUB		SY	1,349.00	\$4,047.00	3.00	1340	0.00	\$0.00	1,349	\$4,047.00	100.00%
MASS EXCV & EMBK		SY	1,349.00	\$9,443.00	7.00	1349	0.00	\$0.00	1,349	\$9,443.00	100.00%
8" STD SUBGRADE PREP		SY	885.00	\$3,097.50	3.50	0	885.00	\$3,097.50	885	\$3,097.50	100.00%
12" FLEX BASE		SY	885.00	\$12,390.00	14.00	0	0.00	\$0.00	0	\$0.00	0.00%
4" HMAC		SY	760.00	\$26,840.00	34.00	0	0.00	\$0.00	0	\$0.00	0.00%
CURB & GUTTER		LF	187.00	\$3,179.00	17.00	0	0.00	\$0.00	0	\$0.00	0.00%
18" RIBBON CURB		LF	187.00	\$2,431.00	13.00	0	0.00	\$0.00	0	\$0.00	0.00%
TIE TO EXIST PVMT		EA	1.00	\$1,000.00	1,000.00	0	0.00	\$0.00	0	\$0.00	0.00%
TIE TO OUTSIDE EDGE CONC PLANKING		EA	2.00	\$3,400.00	1,700.00	0	0.00	\$0.00	0	\$0.00	0.00%
30" RCP CL III		LF	180.00	\$16,200.00	90.00	0	180.00	\$16,200.00	180	\$16,200.00	100.00%
30" SET 4:1		EA	4.00	\$13,600.00	3,400.00	0	0.00	\$0.00	0	\$0.00	0.00%
FLAGMEN		DAY	40.00	\$60,000.00	1,500.00	0	10.00	\$15,000.00	10	\$15,000.00	25.00%
TRAFFIC CONTROL		MO	2.00	\$21,800.00	10,800.00	0	1.00	\$10,800.00	1	\$10,800.00	50.00%
STRIPING/SIGNAGE		LS	1.00	\$19,800.00	19,800.00	0	0.00	\$0.00	0	\$0.00	0.00%
STAKING		LS	1.00	\$4,100.00	4,100.00	0	0.00	\$0.00	0	\$0.00	0.00%
SUBTOTAL STREETS/GRADING/DRAINAGE IMPR				\$200,127.50				\$45,097.50		\$58,587.50	
TOTAL TXDOT & SPRR ROW IMPR				\$209,255.00				\$45,097.50		\$66,835.00	
BUSINESS PARK AT BRUSHY CREEK PHASE 1 EROSION CONTROLS											
SILT FENCE		LF	3,430.00	\$8,575.00	2.50	3430	0.00	\$0.00	3,430	\$8,575.00	100.00%
ROCK BERM		LF	200.00	\$4,000.00	20.00	200	0.00	\$0.00	200	\$4,000.00	100.00%
REVEG ROW/CHANNEL (BERMUDA/RYE)		SY	15,731.00	\$7,865.50	0.50	0	0.00	\$0.00	0	\$0.00	0.00%
MATTING (CHANNEL)(EXCELSIOR PP5-10)		SY	4,427.00	\$26,562.00	6.00	0	0.00	\$0.00	0	\$0.00	0.00%
SUBTOTAL EROSION CONTROLS				\$47,002.50				\$0.00		\$12,575.00	
STREETS/GRADING											
CLEAR/GRUB		SY	94,778.00	\$47,389.00	0.50	94778	0.00	\$0.00	94,778	\$47,389.00	100.00%
MASS EXCV & EMBK		SY	94,778.00	\$355,417.50	3.75	94778	0.00	\$0.00	94,778	\$355,417.50	100.00%
6" STD SUBGRADE PREP		SY	8,164.00	\$20,410.00	2.50	0	8,164.00	\$20,410.00	8,164	\$20,410.00	100.00%
10" LIME STABILIZATION		SY	8,164.00	\$73,476.00	9.00	0	8,164.00	\$73,476.00	8,164	\$73,476.00	100.00%
10" FLEX BASE		SY	8,104.00	\$81,640.00	10.00	0	0.00	\$0.00	0	\$0.00	0.00%
2" HMAC		SY	7,034.00	\$84,408.00	12.00	0	0.00	\$0.00	0	\$0.00	0.00%
18" RIBBON CURB		LF	3,391.00	\$33,910.00	10.00	0	0.00	\$0.00	0	\$0.00	0.00%
GATE		EA	1.00	\$1,500.00	1,500.00	0	0.00	\$0.00	0	\$0.00	0.00%
8" CLB ACCESS ROAD		SY	840.00	\$8,400.00	10.00	0	0.00	\$0.00	0	\$0.00	0.00%
DEMO BASE & HMAC DRIVE		SY	775.00	\$6,975.00	9.00	0	0.00	\$0.00	0	\$0.00	0.00%
STREET END BARRICADE		EA	1.00	\$900.00	900.00	0	0.00	\$0.00	0	\$0.00	0.00%
STOP SIGN/BAR		EA	5.00	\$3,000.00	600.00	0	0.00	\$0.00	0	\$0.00	0.00%
SPEED LIMIT SIGN		EA	4.00	\$1,000.00	250.00	0	0.00	\$0.00	0	\$0.00	0.00%
CONST STAKING		LS	1.00	\$9,000.00	9,000.00	0	0.00	\$0.00	0	\$0.00	0.00%
SUBTOTAL STREET/GRADING				\$727,425.50				\$93,886.00		\$496,692.50	

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LOCATION MAP

EXHIBIT A
BUSINESS PARK AT BRUSHY CREEK
DATE: JAN. 2, 2014

RJ SURVEYING & ASSOCIATES, INC.
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753
(512) 836-4793 FAX: (512) 836-4817

[illegible]

1212 E. BRAKER LANE AUSTIN, TEXAS 78753 (512) 836-4793