



AUSTIN CITY CLERK
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AMENDMENT TO
PLANNED DEVELOPMENT AREA AGREEMENT

THIS AMENDMENT TO PLANNED DEVELOPMENT AREA AGREEMENT ("Amendment"), effective as of December 19, 2011 (the "Effective Date"), is entered into by and between **Austin Baptist Church**, a Texas non-profit corporation ("ABC"), and the **City of Austin**, a home-rule municipal corporation situated in the Counties of Travis, Williamson and Hays ("City"). ABC and the City are sometimes referred to in this Amendment as a "Party" and collectively as the "Parties".

RECITALS:

A. Kallestad Laboratories, Incorporated ("**Kallestad**") and the City entered into that certain Planned Development Area Agreement recorded in Volume 9889, Page 38, in the Real Property Records of Travis County, Texas (the "**Agreement**"). The Agreement impressed the "**Property**", as defined on Exhibit "A" to the Agreement, to which reference is hereby made for further description, with certain covenants and restrictions running with the land. The Property has been subsequently subdivided and is further described on **Exhibit "A-1"** attached hereto.

B. ABC is the current owner of the Property.

C. The City and ABC desire to amend the Agreement pursuant to the terms of this Amendment.

AGREEMENT:

In consideration of the Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and ABC hereby agree as follows:

1. **Incorporation of Recitals.** The Recitals set forth hereinabove are incorporated herein by this reference as if set forth in their entirety herein.

2. **Definitions.** Each capitalized term used herein will have the meaning assigned to such term in the Agreement, unless the context hereof otherwise requires or provides.

3. **Section 1.** Section 1 of the Agreement is hereby amended to read as follows:

1. City acknowledges and agrees that the Property owner, its successors and assigns, is planning and developing a Research and Development project on the Property ("Project"). As of the date of these covenants, construction of the Project is estimated to be phased over a number of years and is to consist of either an office or laboratory use, as shown on the site plan attached hereto as Exhibit "B" and incorporated herein by reference ("**Site Plan**").

4. **Other Terms Unmodified.** This Amendment will be, and is hereby, incorporated into the Agreement for all intents and purposes and, except as otherwise stated herein, the terms, provisions and definitions of the Agreement will continue to apply. The Agreement is in full force and effect, no default exists thereunder, and it is hereby ratified and confirmed in all respects except where inconsistent with the terms of this Amendment.

12-8-11 #100
C14R-8B-023.01

5. **Counterparts.** This Amendment may be executed in any number of counterparts, which will, together, be deemed to constitute one document.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the Effective Date.

(signatures are on following counterpart pages)

COUNTERPART SIGNATURE PAGE TO AMENDMENT TO PLANNED
DEVELOPMENT AREA AGREEMENT

ABC:

Austin Baptist Church,
a Texas non-profit corporation

By: Tom Stacy
Name: TOM STACY
Title: Chairman Building & Design Comm. Hec

THE STATE OF TEXAS

§

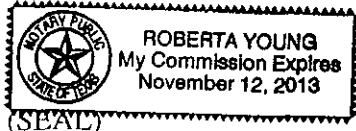
§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on the 7th day of December,
2011 by TOM STACY, CHR. Bldg & Design of Austin Baptist Church, a Texas
non-profit corporation, on behalf of said corporation. Comm.

Roberta Young
Notary Public Signature



COUNTERPART SIGNATURE PAGE TO AMENDMENT TO PLANNED
DEVELOPMENT AREA AGREEMENT

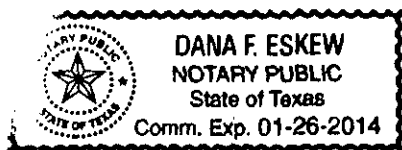
CITY:

City of Austin, a Texas municipal corporation

By: *Sue Edwards*
Name: Sue Edwards
Title: Assistant City Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 15th day of December, 2011 by Sue Edwards, Asst. City Manager of the City of Austin, a Texas municipal corporation, on behalf of said municipal corporation.



Dana F. Eskew
Notary Public Signature

(SEAL)

Approved As To Form

By: *[Signature]*
Name: CAND SAGU
Title: ASST. CITY ATTORNEY

Date: DEC 13, 2011

EXHIBIT "A-1"

PROPERTY

Lot 1, Block A, Kallestad Laboratories Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 87, Page 6, of the Plat Records of Travis County, Texas

Return to:
City of Austin Law Dept
P.O. Box 1088
Austin TX 78767-1088
Attn: DW Minter

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dec 20, 2011 02:42 PM

2011186526

MITCHELLM: \$32.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS