

**FIRST AMENDMENT TO
FIRST AMENDED AND RESTATED CONTRACT**

This First Amendment to First Amended and Restated Contract ("First Amendment") is hereby entered into by and among The Senna Hills Municipal Utility District ("MUD"), the Senna Hills Homeowners Association, Inc. ("HOA"), Senna Hills, Ltd. ("SHL") and The Senna Hills Trust ("Trust") which is as follows:

RECITALS

WHEREAS, the MUD, HOA, SHL and Trust previously entered into that certain First Amended and Restated Contract with an Effective Date of May 23, 2018 ("Current Contract"); and

WHEREAS, the parties wish to amend Current Contract to conform with the application approved by the City of Austin for modifications to the Consent Agreement amending the use restriction in the Conceptual Plan from "for school or irrigation purposes only" to "office buildings;" and

WHEREAS, the parties also wish to amend Current Contract to provide that development of the Subject Tract shall not exceed impervious coverage of 35% Net Site Area (as calculated and determined by the City).

NOW, THEREFORE, PREMISES CONSIDERED, and in consideration of the mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the MUD, HOA, SHL and Trust agree as follows:

Unless defined differently herein or the context clearly requires otherwise, all capitalized terms used in this First Amendment shall have the meanings ascribed to them in the Current Contract.

The Current Contract is hereby amended as follows:

1. Paragraph I is hereby deleted in its entirety and replaced with the following:

"I.

Applications to the City of Austin and TXDOT

SHL, at its expense, will apply to (a) the City of Austin (the "City") for modification of the First Amended and Restated Agreement Concerning Creation and Operation of Senna Hills Municipal Utility District, as amended by the Second Amendment to the First Amended and Restated Agreement Concerning Creation and Operation of Senna Hills Municipal Utility District (the "Consent Agreement") to amend the use restriction of the approximately 11.73 acre tract at the western edge of the Senna Hills Subdivision (the "Subdivision") fronting Bee Caves Road and identified on the Conceptual Plan to the Consent Agreement as "Lot 3" and "Lot 4" (collectively, the "Subject Tract") from "for school or for irrigation purposes only" to "office buildings"; (b) the City for a site development permit to build office buildings on the Subject Tract under the existing plat, being subject to the Barton Creek Watershed Ordinance under which the Subject Tract was platted; (c) the City for approval of an amendment to the Senna Hills plat that includes the Subject Tract, to provide that access to the Subject Tract shall only be off Bee Caves Road and not off Senna Hills Drive; and (d) the Texas Department of Transportation ("TXDOT") for authorization for access to office buildings on the Subject Tract off Bee Caves Road. The applications set forth in (a) – (d) above are collectively referred to hereinafter as the "Applications."

2. The following is added as a new Paragraph 12 in **Exhibit C** to the Current Contract:

"12. In no event shall development of the Subject Tract exceed impervious coverage of 35% Net Site Area (as calculated and determined by the City). Notwithstanding the foregoing, if the City restricts impervious coverage to an amount less than 35% Net Site Area, SHL shall comply with such lower amount."

Except as hereby amended, the Current Contract is hereby ratified and confirmed.

Executed to be effective the 30th day of April, 2020.

SIGNATURES ON FOLLOWING PAGES

**SENNA HILLS HOMEOWNERS
ASSOCIATION, INC.**

a Texas non-profit corporation

SIGNED: April 30, 2020

By: Scott Ramsower
Scott Ramsower, President,
Board of Directors

**SENA HILLS MUNICIPAL
UTILITY DISTRICT**


SIGNED: April 24, 2020

By: 
Chet A. Palesko, President,
Board of Directors

SENNA HILLS, LTD.
a Texas limited partnership

By: SH DEVELOPMENT, LLC,
a Texas limited liability company


SIGNED: 4-27-2020, 2020

By: 

Don Rip Miller,
President

SENNA HILLS TRUST

SIGNED: 4-27-2020, 2020

By: 

Don Rip Miller,
Trustee