

STATE OF TEXAS

COUNTY OF BEXAR

**FIRST AMENDMENT TO INDUSTRIAL DISTRICT
NON-ANNEXATION AGREEMENT**

This First Amendment to Industrial District Non-Annexation Agreement (hereinafter referred to as “Amendment”) is made and entered into by and between the City of San Antonio (hereinafter referred to as “CITY”), a Texas Municipal Corporation, acting by and through its City Manager or designee, pursuant to Ordinance No. _____ dated _____, 201__, and Texas Research and Technology Foundation (hereinafter referred to as “TRTF”), a non-profit foundation formed under the laws of the State of Texas, acting by and through its Executive Director hereto duly authorized; (collectively, the “Parties”).

The Parties hereto agree and are bound by the following amendments to the terms of the original Industrial District Non-Annexation Agreement (the “Agreement”) approved by Ordinance No. 2010-12-09-1046, dated December 9, 2010; except as noted, all other terms remain binding and unchanged:

- I. The first recital contained within the Agreement is amended and replaced in its entirety with the following paragraph:*

WHEREAS, TRTF is the current owner of an approximately 501.34 acre tract of land situated in Bexar and Medina Counties, Texas, which is more particularly described in Attachment I hereto, hereinafter referred to as the “Property”) and which is located within the extraterritorial jurisdiction of the City of San Antonio, as that term is defined in Section 42.021 Extent of Extraterritorial Jurisdiction, Local Government Code, V.A.T.C.S., and was previously designated the TRTF Industrial District (hereinafter referred to as “Industrial District”); and

- II. Section 6 within the Agreement is amended and replaced in its entirety with following paragraph for all purposes:*

SECTION 6. TRTF agrees that the Property shall be for the exclusive use of a qualified targeted industry consistent with the City of San Antonio Tax Abatement Guidelines and Criteria and the City of San Antonio Unified Development Code. TRTF agrees that no Uses permitted in the I-2 zoning district in accordance with Table 311-2 Non Residential Use Matrix, of the City of San Antonio Unified Development Code, shall be permitted within 1000 feet of planned or developed residential uses, except that Biomedical Manufacturing Uses may be permitted.

- III. Section 10 within the Agreement is amended and replaced in its entirety with the following paragraph for all purposes:*

SECTION 10. Subject to Section 6 of this Agreement, TRTF agrees that all land use and construction in the Industrial District shall comply with all applicable City Codes and regulation including TCEQ regulations. Prior to commencement of construction of any structure in the Industrial District, TRTF agrees to deliver plans certified by all engineers employed for such construction including, but not limited to, structural, mechanical and electrical engineers to CITY’s Director of Building Inspections.

Said certified plans shall indicate that the plans and specifications for the components of work for each engineer comply with all applicable provisions of City Codes and ordinances. Upon completion of each structure in the Industrial District, TRTF shall deliver certificates to said Director from the architect, engineer(s), and/or construction manager duly licensed in the State of Texas, certifying that there has been such compliance in the construction of the completed structures.

IV. Attachments I, II and III referenced and contained within the Agreement are amended and replaced in their entirety with the documents attached hereto and included herein for all purposes as Attachments I, II and III. For purposes of reference only, the documents include:

- Attachment I – the “Property”;
- Attachment II – the “Petition for Annexation”; and
- Attachment III – the “Basic Fire Services Agreement and its First Amendment”.

TRTF agrees to file a copy of this Amendment, its attachments and authorizing Ordinance, within five (5) days of Amendment execution, in the Real Property Records of Bexar County, at TRTF’s own expense, and remit a copy of the certificate of this filing to City’s EDD Director within ten (10) days of such filing.

EXECUTED in triplicate, each of which shall constitute an Original, this ____th day of _____, 201__.

CITY OF SAN ANTONIO

TEXAS RESEARCH AND TECHNOLOGY FOUNDATION

Carlos J. Contreras, III
Assistant City Manager

York Duncan
Executive Director

ATTEST:

ATTEST:

Leticia Vacek
City Clerk

Name: _____
Title: _____

APPROVED AS TO FORM:

Leslie O. Haby
Assistant City Attorney

ATTACHMENT I
Property

DRAFT

ATTACHMENT II
Petition for Annexation

DRAFT

ATTACHMENT III
Basic Fire Services Agreement and its First Amendment

DRAFT