

## **FIRST AMENDMENT TO THE RED BERRY ESTATE MASTER AGREEMENT**

This First Amendment to the Master Agreement ("First Amendment") is entered into by and between the City of San Antonio ("City"), a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance \_\_\_\_\_, the Board of Directors for the Tax Increment Reinvestment Zone Number Eleven of City of San Antonio, Texas ("Board"), and San Antonio Housing Trust ("Developer"), a non-profit organization registered in the State of Texas, whom , together referred as the "Parties."

### **RECITALS**

**WHEREAS**, City authorized the Red Berry Master Agreement (the "Agreement") through City of San Antonio Ordinance No. 2017-10-12-0790 and 2017-10-12-0791, passed and approved on October 12, 2017, and attached hereto as **EXHIBIT A**.

**WHEREAS**, the Parties now seek to amend the terms and conditions of the Agreement in order to change the location of the Salado Creek Greenway Trailhead, move and replace the water pump, and to add additional reimbursement for the increased cost due to these modifications to the scope of the project.

**NOW THEREFORE**, the Parties hereby agree and amend as follows:

A) **Section D. CITY IMPROVEMENT SITE** is amended by including new section 1.2:

- a. The RK Group has granted an easement to City for the sections of the Salado Creek Hike and Bike Trail that crosses through its property. The recorded easement is attached, hereto as **Exhibit** \_\_\_\_

B) **Article IV. ECONOMIC DEVELOPMENT PROGRAM GRANT** Section A.1(c) is amended as follows to reflect the new reimbursement amount related to the Salado Creek Hike and Bike Trail System and water pump:

- (c) Three Million Sixteen Thousand Two Hundred and Ninety Dollars and No Cents (\$3,016,290.00) shall be paid for construction of the Improvements. Developer understands and agrees that the additional funding of One Million Two Hundred Thousand Dollars and No Cents (\$1,200,000.00) is contingent on Developer receiving approval from City's Parks and Recreation Department concerning the new location of the Salado Creek Hike and Bike Trail as well as City receiving a copy of the recorded easement granted by RK Group.

This First Amendment is intended to address the new location for the Salado Creek Hike and Bike Trail System, the water pump, and the additional funding and shall control in instances

where the Master Agreement and this First Amendment conflict.

All other terms, conditions, covenants, and provisions of the Agreement are hereby continued and shall remain in effect in their original form.

This First Amendment has been fully executed as of the date of signature of the last party to sign.

CITY OF SAN ANTONIO,  
a Texas Municipal Corporation

San Antonio Housing Trust

\_\_\_\_\_  
City Manager or his designee

Date: \_\_\_\_\_

\_\_\_\_\_  
Pete Alanis, Executive Director

Date: \_\_\_\_\_

BOARD OF DIRECTORS  
Inner City TIRZ #11

\_\_\_\_\_  
Councilwoman Jada-Andrews Sullivan

Board Chair

Date: \_\_\_\_\_

**ATTEST/SEAL**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tina J. Flores  
City Clerk

\_\_\_\_\_  
Andrew Segovia  
City Attorney