

SECOND AMENDMENT TO THE INFRASTRUCTURE AND
DEVELOPMENT AGREEMENT

This SECOND AMENDMENT TO THE INFRASTRUCTURE ACCEPTANCE AGREEMENT (this "*Amendment*") is entered into effective as of the Effective Date (as defined below) by and between City of Boerne ("*City*") and TENOTEX DEVELOPMENT CO. INC., a Texas corporation (the "*Developer*"), located at 10003 N.W. Military Hwy., Suite 2201, San Antonio, Texas 78231 (collectively referred to as the "*Parties*") pursuant to the Texas Local Government Code.

WHEREAS, the City and the Developer entered into that certain Infrastructure and Development Agreement on September 25, 2014 (the "*Agreement*"), and the First Amendment thereto on October 3, 2018.

NOW THEREFORE, the Parties hereby wish to amend certain terms and conditions contained within that certain Agreement as follows:

Section IV
The Roadway Project

The following sections are deleted and replaced as follows:

- 4.01 Except as provided herein, the Developer will design the Roadway Infrastructure described on the attached Exhibit "D-1" (which replaces Exhibit "D") according to terms and conditions contained in the City of Boerne Subdivision Ordinance in place as of the date of the original development Agreement for this project was signed.
- 4.02 Notwithstanding any other provision of this Agreement or any of the terms and conditions contained in the City of Boerne Subdivision Ordinance, the Developer shall not be required to design or build the bridge at the west edge of the Property (as more clearly delineated on the attached Exhibit "D-1") (the "*Bridge*"). Developer shall be required to provide dedication of the Right of Way required for the Bridge.
- 4.03 Notwithstanding any other provision of this Agreement or any of the terms and conditions contained in the City of Boerne Subdivision Ordinance, the Developer shall be required to build a road to the City Park area as depicted on the Master Community Plan on the (as more clearly delineated on the attached Exhibit "D-1") (the "*Park Road*") at the time of development of Phase IX.
- 4.04 Notwithstanding any other provision of this Agreement or any of the terms and conditions contained in the City of Boerne Subdivision Ordinance, a minimum of one street connection to an existing internal collector street connected to the external network, a minimum of one street connection to a newly proposed internal Arterial street connected to the external network, and a minimum of one (1) street stub-out to the adjacent property to the south, which in the future will be connected to the external network, shall be sufficient to meet the requirements for external roadway connections (Sub. Ord. 3.02.002 E.3., updated 9.25.12) for Units 6 and 7 as depicted in exhibit D-1.

Section V
Substation Dedication & The Elevated Storage Tank Oversize Project

The following section is added as follows:

5.02 Developer shall design and construct an elevated water storage tank that exceeds the minimum size and capacity required by the City of Boerne Subdivision Ordinance by Fifty Thousand (50,000) Gallons.

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

Executed in duplicate originals, each of which shall have the full force and effect of an original, on this _____ DAY OF _____ 2022.

CITY OF BOERNE,

BY: _____

Ben Thatcher

ACKNOWLEDGMENT

THE STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2022 A.D., by

(Seal)

Notary Public In and For
The State of Texas

My Commission Expires: _____

Printed Name of Notary: _____

TENOTEX DEVELOPMENT CO. INC.

BY: _____

Israel Fogiel, President

ACKNOWLEDGMENT

THE STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on the day of , 2022 A.D., by

(Seal)

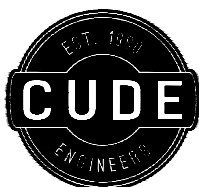
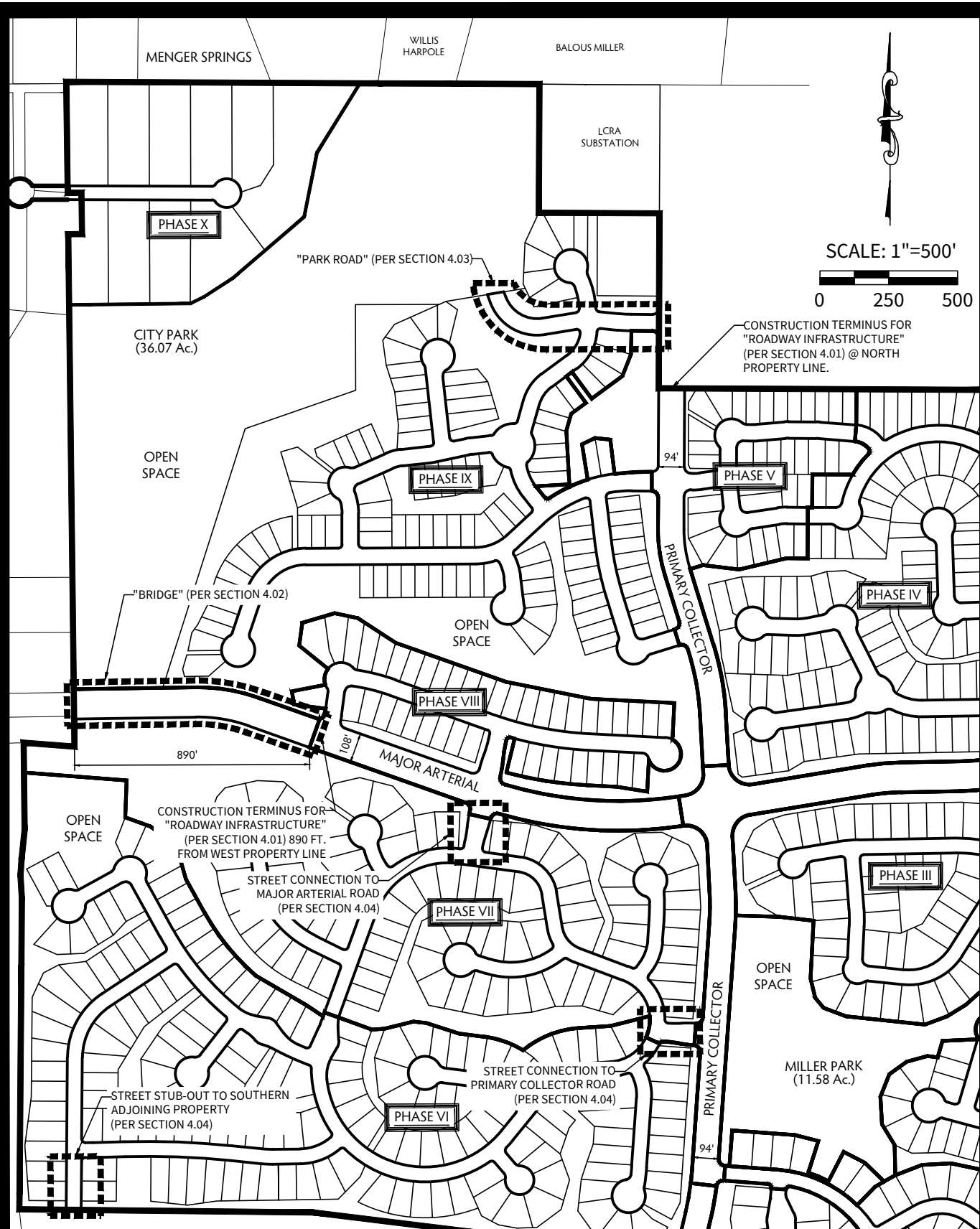
Notary Public In and For

The State of Texas

My Commission Expires: _____

Printed Name of Notary: _____

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REGENT PARK EXHIBIT D-1

ROADWAY INFRASTRUCTURE

DATE: 2021-11-16

JOB NO.: #02133.080

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