

**SECOND AMENDED AND RESTATED
DEVELOPMENT AGREEMENT FOR NEW CELE SUBDIVISION
(a/k/a VERONA SUBDIVISION)**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This Second Amended and Restated Development Agreement for New Cele Subdivision ("Creeside Park") a/k/a Verona Subdivision ("Second Amended Agreement") is made and entered into effective as of _____, 2015 (the "Effective Date"), by and between the City of Pflugerville, Texas, a Texas municipal corporation (the "City") and Verona Development, Inc., a Texas corporation (the "New Developer" or "Developer"). The City and New Developer are sometimes referred to herein as the "Parties". The Parties agree as follows:

PURPOSES, TERMS AND CONSIDERATION

WHEREAS, Cele Partners, L.P. was the successor in interest to that certain Developer that entered into the New Cele Subdivision Agreement on April 28, 2004 to develop that certain 147.59 acre parcel of land out of the James R. Kemp Survey No. 12 in Travis County, Texas (the "Property"), as that Property is described in a deed recorded in Document No. 1999115801, Official Public Records of Travis County, Texas; and

WHEREAS, New Developer entered into a First Amended and Restated Development Agreement for New Cele Subdivision on May 15, 2007; and

WHEREAS, the City approved a preliminary plan on August 4, 2014 under the name Verona Preliminary Plan (PP1301-01) which was generally consistent with the original concept plan included in the First Amended Agreement; and

WHEREAS, the Subdivision has been annexed into the corporate limits of the City and will be assigned zoning classifications of Single Family Residential (SF-R) for the residential portions of the project and a low intensity commercial zoning district such as Neighborhood Services (NS) or Retail (R) which classification may not be consistent with all the lot depth and building setbacks contemplated in the approved concept plan for the Subdivision; and

WHEREAS, the intent of the Second Amendment is to provide clarity to the permitted lots size and building setback requirements for single family uses.

NOW THEREFORE, for and in consideration of the mutual premises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Developer and the City hereby agree as follows:

ARTICLE I
GENERAL TERMS

The Parties hereby ratify and reaffirm the First Amended and Restated Development Agreement for New Cele Subdivision except as expressly amended by the adoption of the following amended paragraphs of the First Amended Agreement, which shall replace in its entirety Sections 1.03 and 2.01 as adopted in the First Amended Agreement.

1.03 New Developer and the City agree that the City shall be entitled to enforce all municipal land use and development regulations for the project that are not in conflict with the approved preliminary subdivision plan in the same manner that such land use and development regulations are enforced within the City's corporate boundaries. The Project, as that term is used in this document means the development of Verona Subdivision formally known as New Cele Subdivision and alternatively, Creekside Park Subdivision. The Parties expressly agree that lot depth on each of the residential lots in the Subdivision shall have a minimum depth of lot of 120-feet, except for the following lots, which shall be allowed lot depths as shown on the approved preliminary Plan: Lots 7,8,9 Block E; and Lots 5,6,7,8 Block A. Side yard building setbacks for internal lots shall be a minimum of 5-feet; side street setbacks shall be a minimum of 15-feet; rear yard setbacks shall be not be less than 20-feet; and front street setbacks shall be a minimum of 25-feet. A copy of the approved preliminary subdivision plan is attached hereto and incorporated herein as Exhibit A.

2.01 The Project is the development of the property into a residential community and the construction of the necessary utility, street and drainage infrastructure to serve such development. The project includes approximately 81.35 acres developed with 324 Residential Lots; one Commercial/Mixed Use Lot; 3 common area lots comprising approximately 2.14 acres; 1 public use Lot comprising approximately .71 acres; 1 Park land lot of approximately 63.9 acres; and approximately 20.44 acres of dedicated public streets; all as more particularly described in the approved preliminary Plan attached hereto as Exhibit A.

EXECUTED in multiple originals and effective as of the date signed by the City of Pflugerville, Texas.

CITY OF PFLUGERVILLE

By: _____
Jeff Coleman, Mayor

Date: _____

ATTEST:

Karen Thompson, City Secretary

Date: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2015, by Jeff Coleman, Mayor of the City of Pflugerville, Texas, a Texas home-rule municipality, on behalf of said municipality.

Notary Public – State of Texas

NEW DEVELOPER

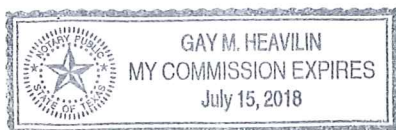
VERONA DEVELOPMENT, INC., a Texas corporation

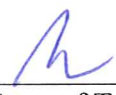
By: 
John S. Lloyd, President

Date: 10/8/15

STATE OF TEXAS §
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 8 day of October 2015, by John S. Lloyd, President of Verona Development, Inc., on behalf of said corporation.



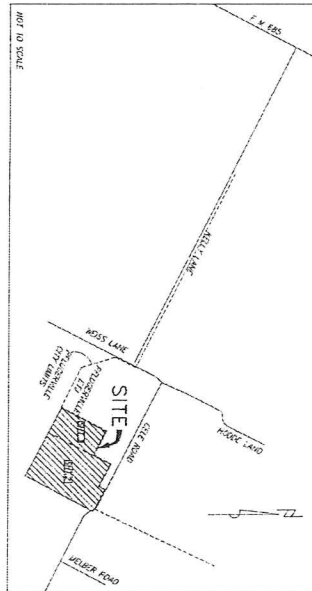

Notary Public, State of Texas

Approved Preliminary Plan

VERONA
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

LOCATION MAP

OWNER/SUBDIVIDER:
JOHN LLOYD
CELE PARTNERS L.P.
4720-4 ROCKCLIFF ROAD
AUSTIN, TX 78746



INDEX OF SHEETS:

1. COVER SHEET
2. SITE PLAN SHEET 1
3. SITE PLAN SHEET 2
4. DRAINAGE LAYOUT SHEET 1 OF 2
5. DRAINAGE LAYOUT SHEET 2 OF 2
6. WATER AND WASTEWATER LAYOUT SHEET
7. FIRE PROTECTION WATER SHEET

REFERENCES

- 1 05/07/73 LET, 10/17/73 TELETYPE, THE ABOVE ADDRESSES
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REVIEWED BY PLANNING
AND ZONING COMMISSION
8/4/2014 (DATE)

PAGE 1 OF 7 PAGES

DATE: JUNE 17, 2014

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