

JOINDER TO CITY OF PFLUGERVILLE AMENDED AND RESTATED NON-
ANNEXATION DEVELOPMENT AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This JOINDER TO CITY OF PFLUGERVILLE AMENDED AND RESTATED NON-ANNEXATION DEVELOPMENT AGREEMENT (“Joinder”), dated _____ (“Effective Date”), is made by and between the **CITY OF PFLUGERVILLE, TEXAS**, a home rule municipality located in Travis County, Texas (“City”) and **EAST BLACKLAND SOLAR PROJECT 1 LLC**, a Delaware limited liability company (“Landowner”). City and Landowner may each be referred to individually as a “Party”, and collectively, as “Parties”.

WHEREAS, on March 6, 2019, Landowner acquired the Property described in Exhibit A to the CITY OF PFLUGERVILLE AMENDED AND RESTATED NON-ANNEXATION DEVELOPMENT AGREEMENT executed on November 21, 2017, recorded as Document No. 2017192538 in the Official Public Records of Travis County, Texas on December 6, 2017, as amended by FIRST AMENDMENT TO CITY OF PFLUGERVILLE AMENDED AND RESTATED NON-ANNEXATION DEVELOPMENT AGREEMENT, recorded as Document No. 2019024578 in the Official Public Records of Travis County, Texas on February 22, 2019, (the “Agreement”); and

WHEREAS, on October 31, 2017 and June 29, 2018, Landowner acquired additional real property located in Travis County, Texas described in **Exhibit A** to this Joinder that will be used for the Project, as that term is defined in the Agreement (the “Additional Property”); and

WHEREAS, Landowner and the City wish to include the Additional Property within the City’s extraterritorial jurisdiction under the terms of the Agreement and to supplement the definition of the “Property” under the Agreement so as to include the “Additional Property”; and

WHEREAS, the Parties agree that this Joinder, along with the original Agreement will be recorded in the Official Public Records of Travis County, Texas, and shall run with the Property and the Additional Property, as provided by law; and

WHEREAS, the City of Pflugerville City Council has authorized and approved this Joinder at a regularly scheduled council meeting subject to the Open Meetings Act in compliance with the laws of the State of Texas and the ordinances and Charter of the City of Pflugerville on _____, as evidenced by the adoption of Resolution No. _____.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained or referred to herein, the receipt and sufficiency of which is hereby acknowledged by the City and the Landowner, the Parties hereto agree as follows:

1. **Findings.** The foregoing recitals are found to be true and correct and are hereby adopted by the Parties and incorporated herein as part of this Joinder for all purposes.

2. Amendment. Exhibit A of the original Agreement is hereby amended so as to include the Additional Property described in Exhibit A hereto.
3. Savings. Except as amended herein, the original Agreement shall remain unchanged and in full force and effect between the Parties.
4. Counterparts. To facilitate execution, this Joinder may be executed in any number of counterparts as may be convenient or necessary, and it shall not be necessary that the signatures of all Parties hereto be contained on any one counterpart herein. A facsimile transmission shall be deemed to be an original signature.
5. Covenant/Recording. This Joinder shall be recorded in the Official Public Records of Travis County, Texas and shall inure to the benefit and obligations of the Parties, their respective heirs, successors and assigns, as a covenant running with the Property.

(Signature pages follow)

EXECUTED by and between the Parties hereto to be effective as of _____,
2019.

CITY:

CITY OF PFLUGERVILLE, a home rule
municipality in Travis County, Texas

By: _____ Date: _____
Sereniah Breland, City Manager

ATTEST:

By: _____
KAREN THOMPSON, City Secretary

LANDOWNER:

EAST BLACKLAND SOLAR PROJECT 1 LLC,
a Delaware limited liability company

By: _____ Date: _____
_____, _____

Exhibit A
The Additional Property

TRACT 7 & 8- 186.629 ACRES

LEGAL DESCRIPTION: BEING 186.629 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE R. FLETCHER SURVEY NO. 69, ABSTRACT NO. 287 AND BEING ALL OF THAT SAME 44.19 ACRE TRACT AND ALL OF THAT 142 ACRE TRACT CONVEYED TO LESTER C. NELSON, AS TRUSTEE OF THE LESTER C. NELSON REVOCABLE LIVING TRUST BY DEED RECORDED IN VOLUME 11917, PAGE 241 AND 243 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 186.629 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JOHN F. WATSON & COMPANY IN MAY, 2017:

BEGINNING at 5/8 inch iron rod with aluminum cap marked "PROP CORNER" found in the southeast line of Manda-Carlson Road for the west corner of that same 78.130 acre tract conveyed to Sarvi Yajat Partnership by deed recorded in Document No. 2010154832 of the Official Public Records of Travis County, Texas and the western most north corner hereof;

THENCE South 62°30'09" East a distance of 2613.44 feet along the southerly line of said 78.130 acre tract to a 5/8 inch iron rod found for the south corner of said 78.130 acre tract, the west corner of said 44.19 acre tract and a corner hereof;

THENCE North 27°04'57" East a distance of 1114.43 feet along the easterly line of said 78.130 acre tract to a point for the west corner of that same 44.57 acre tract conveyed to Carl Carlson by deed recorded in Document No. 2002053540 and the most easterly north corner hereof and from which a 1 inch iron pipe with aluminum cap found for the east corner of said 78.130 acre tract bears North 27°04'57" East a distance of 182.18 feet and from said 1 inch iron pipe another 1 inch iron pipe found bears South 11°35'56" West a distance of 2.85 feet;

THENCE South 62°28'04" East a distance of 1728.49 feet along the southerly line of said 44.57 acre tract to a 1 inch iron pipe found in the westerly line of that same 234.1 acre tract conveyed to Robert Caldwell Bedichek, et al by deed recorded in Document No. 2011137327 of said Official Public Records for the south corner of said 44.57 acre tract and the east corner hereof;

THENCE South 27°25'03" West a distance of 2541.54 feet along the westerly lines of said 234.1 acre tract, that same 253.60 acre tract conveyed to Tom Wells et al by deed recorded in Volume 12196, Page 530 of said Real Property Records and that same 288.6 acre tract conveyed to Brian L. Winter by deed recorded in Volume 12787, Page 2457 of said Real Property Records to a 5/8 inch iron rod with cap found for the east corner of that same 129.922 acre tract conveyed to Andres & Christina Reyes by deed in Document No. 2006033979 of said Official Public Records and the south corner hereof;

THENCE along the north lines of said 129.922 acre tract the following 2 courses:

1. North 62°41'46" West a distance of 2867.96 feet to a 1 inch iron pipe found for a corner hereof;
2. North 62°08'23" West a distance of 1460.19 feet to a 1 inch galvanized iron pipe found in said southeast line of said Manda-Carlson Road for the north corner of said 129.922 acre tract and the west corner hereof;

THENCE North 27°07'29" East a distance of 1428.66 feet along said southeast line of said Manda-Carlson Road to the POINT OF BEGINNING and containing 186.629 acres of land, more or less.

TRACT 19-17.666 ACRES

LEGAL DESCRIPTION: BEING 17.666 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE S. FOWLER SURVEY NO. 42, ABSTRACT NO. 302 AND BEING ALL OF THAT SAME 17.667 ACRE TRACT CONVEYED TO LESTER ANDERSON BY DEED RECORDED IN DOCUMENT NO. 2010065612 OF OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS; SAID 17.666 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JOHN F. WATSON & COMPANY IN MAY, 2017:

BEGINNING at a 5/8 inch iron rod with cap marked "RPLS 1753" found in the northwesterly line of Manda-Carlson Road for the south corner of that same 56.154 acre tract conveyed to Sarvi Yajat Partnership by deed recorded in Document No. 2010155037 of said Official Public Records and the east corner hereof;

THENCE South 27°14'00" West a distance of 181.52 feet along said northwesterly line of said Manda-Carlson Road to a 1/2 inch iron rod with unreadable cap found for the east corner of that same 3.942 acre tract conveyed to Sarvi Yajat Partnership by deed recorded in Document No. 2010155037 of said Official Public Records and the eastern most south corner hereof;

THENCE along the northerly and westerly lines of said 3.942 acre tract the following 4 courses:





1. North 62°01'25" West a distance of 534.93 feet to a 5/8 inch iron rod with unreadable cap found for a corner hereof;
2. North 63°06'11" West a distance of 73.53 feet to a 5/8 inch iron rod with unreadable cap found for a corner hereof;
3. North 64°37'24" West a distance of 339.04 feet to a 5/8 inch iron rod with unreadable cap found for a corner hereof;
4. South 25°11'32" West a distance of 174.68 feet to a 5/8 inch iron rod with unreadable cap found in the northerly line of that same 20 foot strip conveyed to Sarvi Yajat Partnership by deed recorded in Document No. 2010154796 of said Official Public Records for the most westerly south corner hereof;

THENCE North 62°48'52" West a distance of 1673.33 feet along said northerly line of said 20 foot strip to a 5/8 inch iron rod found in the easterly line of that same 80.16 acre tract conveyed to W.C. & Dorothy Anne Roundtree by deed recorded in Volume 12121, Page 172 of the Real Property Records of Travis County, Texas for the north corner of said 20 foot strip and the west corner hereof;

THENCE North 27°12'12" East a distance of 360.00 feet along said easterly line of said 80.16 acre tract to a 1/2 inch iron rod set for the west corner of said 56.154 acre tract and the north corner hereof and from which a 5/8 inch iron rod with broken cap found bears South 70°00'37" East a distance of 16.88 feet;

THENCE South 62°48'34" East a distance of 2614.56 feet along the southerly line of said 56.154 acre tract to the POINT OF BEGINNING and containing 17.666 acres of land, more or less.

**Pflugerville Solar Project
Travis County, TX**

-  Original Non-Annexation Tracts
-  Tracts to be added by Joinder
-  Electric Transmission Lines
-  Gilleland to Elgin 138 kV

0 0.13 0.25 0.5 Miles

