

**FIRST AMENDMENT TO R-O-W AGREEMENT
BETWEEN
THE CITY OF PFLUGERVILLE
AND
PENLEY PARK HOA**

This First Amendment to R-O-W Agreement (this "First Amendment") is made the date set forth below by and between the CITY OF PFLUGERVILLE, TEXAS, a home-rule city located in Travis County, Texas (the "**City**") and PENLEY PARK HOMEOWNERS ASSOCIATION, a Texas non-profit corporation (the "**Association**").

RECITALS

WHEREAS, pursuant to that certain R-O-W Agreement dated October 28, 2014, recorded under Document No. 2014163235 of the Official Public Records of Travis County, Texas (the R-O-W Agreement), the City granted the Association a license to install and maintain landscaping, irrigation, and certain authorized improvements on public rights-of-way and open space in the Reserve at Penley Park, a residential subdivision located in Travis County, Texas in and upon the "Licensed Areas" (as such term is defined in Exhibit A to the R-O-W Agreement).

WHEREAS, the City and the Association desire to add additional land to the Licensed Areas defined and presently subject to the R-O-W Agreement.

NOW, THEREFORE, the City and the Association hereby acknowledge and agree that the land described as Lots 1 and 22, Block B Penley Park Phase 3 recorded under Document No. 201600155 and depicted in **Exhibit "A"** attached hereto and fully incorporated herewith (the "Additional Land") shall be included with and shall hereafter be a part of the Licensed Areas, as defined in and subject to the R-O-W Agreement. All terms, covenants, restrictions, and obligations set forth in the R-O-W Agreement that are applicable to the Licensed Areas are hereafter applicable to the Additional Land and all references in the R-O-W Agreement to the Licensed Areas shall include the Additional Land.

The First Amendment shall be binding on the City and the Association and their respective successors and assigns.

IN WITNESS WHEREOF, this First Amendment is executed to be effective on the ____ day of _____ 2016.

[signature lines to follow]

CITY OF PFLUGERVILLE, TEXAS
A Texas home rule municipality

By: _____
Brandon E. Wade, City Manager

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____
2016, by Brandon E. Wade, City Manager of the City of Pflugerville, Texas, a Texas home rule
city, on behalf of said city.

Notary Public, State of Texas

LICENSEE:

Penley Park Homeowners Association

By: _____

Name: Frank Severino

Title: President

Address: _____

City: _____

State/Zip: _____

STATE OF NEW JERSEY §

§

COUNTY OF OCEAN §

§

This instrument was acknowledged before me on this 13th day of September 2016, by Frank Severino, President of Penley Park Homeowners Association, a Texas non-profit corporation, on behalf of said non-profit corporation.



Notary Public, State of New Jersey

AFTER RECORDING, PLEASE RETURN TO:

City of Pflugerville
Attn. City Manager
P.O. Box 589
Pflugerville, Texas 78691

LYNN L. POMPILI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires on August 27, 2017

201600155



