

Cause No. D-1-GN-09-000468

JAMES EDWARD JONES and
AQUAPLEX, INC

vs.

CITY OF AUSTIN, *et al*

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IN THE DISTRICT COURT
OF TRAVIS COUNTY, TEXAS

353RD JUDICIAL DISTRICT

SETTLEMENT AGREEMENT

This settlement agreement pertains to the development of property located at 9512 FM 2222 (Subject Property). Plaintiffs and Defendants (collectively “the Parties”) agree to the following:

1. **Scope of the Agreement:** This Agreement shall apply only to the site plan shown on Exhibit A and the additional changes and terms set forth in Exhibit B.
2. **PDRD Recommendation of Draft Ordinance:** PDRD will recommend approval of a draft ordinance that correlates with Exhibits A and B.
 - a. PDRD will initially recommend the Draft Ordinance, attached as Exhibit C, for approval on first reading.
 - b. If the Draft Ordinance is approved on first reading, Jones will submit a fully engineered construction site plan, which is consistent with Exhibits A and B to PDRD for review.
 - c. PDRD will review, on an expedited basis, Jones’ fully engineered construction site plan, as described above (hereafter referred to as the “New Site Plan”). Notwithstanding any City requirement to contrary, review of the New Site Plan shall be governed by the standards used in the 2012 Site Plan modified to be consistent with Exhibits A and B attached hereto.
 - d. After PDRD completes its review, PDRD will recommend the Draft Ordinance and site plan for approval on second and third reading.
3. **Consideration by City Council:** This settlement is contingent upon approval by the Austin City Council.
4. **Consideration Triggered by City Council Approval:**
 - a. If City Council approves, on all three readings, an ordinance that is consistent with Exhibits A through C, the Parties agree to sign an Agreed Final Judgment attached as Exhibit D.
 - b. If the City Council does not approve an ordinance consistent with Exhibits A through C, the Parties are released from any obligations under this Agreement.

[SIGNATURES ON PAGE 2]

SIGNED and AGREED on this ____ day of February, 2014.

Plaintiff's Representative

City of Austin Representative

Plaintiff's Attorney

Assistant City Attorney