

AMENDMENT NUMBER TWO
TO THE
INTERLOCAL COOPERATION AGREEMENT
[Cities of Austin and Bee Cave]

Dated: September 15th, 2016

This Amendment Number Two to the Interlocal Cooperation Agreement (the "**Amendment Two**") is made and entered into by **CITY OF BEE CAVE, TEXAS**, a Texas home rule city ("**Bee Cave**") with notice address of 4000 Galleria Parkway, Bee Cave, Travis County, Texas 78738 and the **CITY OF AUSTIN, TEXAS** ("**Austin**"), with notice address of P.O. Box 1088, Attn: Planning and Development Review Department, Austin, Travis County, Texas 78767-1088 for the purposes and considerations stated below:

WHEREAS, Bee Cave desires to amend the Interlocal Cooperation Agreement entered into with Austin on or about 12 February 2007 (the "**Original Agreement**") as amended by **Amendment One**, dated October 23, 2012, to modify the original Water Quality Regulations within the Bee Cave Release Area as those terms are used in the Original Agreement and Amendment One by revising the form of the Declaration of Restrictive Covenants required by the Original Agreement and Amendment One to allow a hike and bike trail to be constructed in the Little Barton Creek watershed; and

WHEREAS, Section 5.6 of the Original Agreement allows modification or amendment provided the governing bodies of Austin and Bee Cave authorize the modification or amendment; and

WHEREAS, the governing bodies of Austin on or about _____ and Bee Cave on or about September 13th, 2016 authorized the modification or amendment to the Original Agreement and Amendment One;

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged by all of the parties to this Amendment Two, Austin and Bee Cave severally and collectively agree and by the execution hereof shall be bound to the obligations and to the performance and accomplishment of the hereinafter described modifications, alterations and changes to the Original Agreement in the following respects only and all other terms and conditions remain as stated in the Original Agreement and Amendment One:

Section 1 Austin and Bee Cave agree to amend the Original Agreement and Amendment One by amending Amendment One, Exhibit B – Declaration of Restrictive Covenants, in accordance with the Attachment One, attached hereto. All capitalized terms not otherwise defined in this Amendment Two have the meanings assigned to them in the Original Agreement.

Section 2 This Amendment Two may be executed in multiple counterparts, each of which shall be considered an original, but all of which together shall constitute one agreement.

THIS WRITTEN AMENDMENT TO THE ORIGINAL AGREEMENT AND AMENDMENT ONE, AND ANY OTHER AGREEMENTS OR WRITTEN DOCUMENTS REFERRED TO BY SUCH AGREEMENTS REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.

EXECUTED AND DELIVERED effective as of the date first above written.

BEE CAVE:

BY: _____

NAME:

Caroline Murphy

TITLE:

Mayor

CITY OF AUSTIN, TEXAS

BY: _____

NAME:

TITLE:

City Manager

Attachments:

Attachment One – Amended Exhibit B – Declaration of Restrictive Covenant

APPROVED AS TO FORM:

City of Austin
Law Department

James M. Williams, Sr.
Assistant City Attorney

**AMENDMENT TO EXHIBIT B, DECLARATION OF RESTRICTIVE
COVENANTS, INTERLOCAL AGREEMENT AS AMENDED**

STATE OF TEXAS

COUNTY OF TRAVIS

THIS AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS, Document No. 2012214406 recorded in the Official Public Records of Travis County, (this "Declaration") is made on this day of _____, 2016 by Falconhead West Homeowners Association, Inc., a Texas non-profit corporation, as Owner of more than 50% of the gross area of the Release Area, hereinafter referred to as "Declarant".

Section 1, subsection (b), Development and Water Quality Regulations is amended as follows:

b. Little Barton Creek Watershed. No development shall be allowed in the Little Barton Creek Watershed. Provided however, that the City of Bee Cave is authorized to construct or to provide for construction of a 10 foot wide hike and bike trail within the Little Barton Creek Watershed of the Release Area so long as the paved area of the trail does not exceed 4000 square feet of impervious cover and so long as the construction of the paved area of the trail provides a vegetated filter strip that complies with or exceeds the requirements of the Austin Environmental Criteria Manual Section 1.6.7.B on the down slope side of the trail.

All other requirements associated with the Declaration of Restrictive Covenants dated October 25, 2012 in Document No. 2012214406 recorded in the Official Public Records of Travis County, Texas remain unchanged by this amendment.

Declarant:

Falconhead West Homeowner's
Association, Inc., a Texas non-profit
corporation

By: _____
President, Falconhead West Homeowner's
Association, Inc.

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

 This instrument was acknowledged before me this ____ day of _____, 2016
by _____, President of Falconhead West Homeowners Association, Inc.,
a Texas non-profit corporation on behalf of said corporation.

(SEAL)

Notary Public Signature