

**FIRST AMENDMENT TO
CHAPTER 380 ECONOMIC DEVELOPMENT
PROGRAM AND AGREEMENT**

THIS FIRST AMENDMENT TO CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AND AGREEMENT is made as of June __, 2020 (the “Effective Date”) by and between **KDC MCKINNEY INVESTMENTS ONE LP**, a Texas limited partnership (“KDC”) and the **CITY OF MCKINNEY** (the “City”).

R E C I T A L S:

A. KDC and the City entered into a Chapter 380 Economic Development Program and Agreement dated March 6, 2019 (the “Agreement”). Unless otherwise defined herein, terms used herein with initial capital letters shall have the same meanings which are assigned to such terms in the Agreement.

B. KDC and the City desire to amend the Agreement as set forth below.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, KDC and the City hereby agree as follows:

1. The first sentence of Section 4a. of the Agreement is hereby amended and restated in its entirety to provide as follows:

“KDC shall construct new building improvements incident to the Project and a certificate of occupancy for the Project (including all tenant improvements therein) shall have been issued on or before October 15, 2020.”

2. As amended hereby, the Agreement remains in full force and effect.
3. In order to facilitate execution, this Amendment may be separately executed in any number of counterparts, each of which will be an original, but all of which, taken together, will be deemed to constitute one and the same instrument. Any signature page to any counterpart may be detached from such counterpart without impairing the legal effect of the signatures thereon and thereafter attached to another counterpart identical thereto except having attached to it additional signature pages. If this Amendment is transmitted by facsimile machine, electronic mail, or other electronic transmission, it shall be treated for all purposes as an original document. Additionally, the signature of any party on this Amendment transmitted by way of a facsimile machine, electronic mail, or other electronic transmission shall

be considered for all purposes as an original signature. Any such transmitted document shall be considered to have the same binding legal effect as an original document.

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KDC:

KDC MCKINNEY INVESTMENTS ONE LP,
a Texas limited partnership

By: KDC McKinney Investments One GP LLC,
a Texas limited liability company

By: 

M. SCOTT OZYMY,
Vice President

CITY:

CITY OF MCKINNEY,
a Texas municipal corporation

By: _____
PAUL G. GRIMES
City Manager

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney