

**Amendment No. 1 to Developer Agreement
For Park Road 22 Bridge and Village Canal**

The **CITY OF CORPUS CHRISTI, TEXAS** (the “City”), Padre Island Holdings, LLC, (“PIH”), and Diamond Beach Holdings, LLC (“DBH”) (collectively with PIH, “Developers”), do hereby make and enter into this amendment (the “Amendment”) which, together with the Developer Agreement for Park Road 22 Bridge and Village Canal (the “Agreement”) and all other duly executed amendments, constitutes the entire agreement between the City and the Developers

I.

Section A.1. Roles and Responsibilities of the City, paragraph 1.5 of the Agreement is hereby deleted in its entirety and replaced with the following language:

“1.5 Following the determination of available funding, the City will award the construction contract for the Bridge Project and issue a limited notice to proceed to that the construction contractor for purposes of value engineering and resolving any design issues related to the Bridge Project. The City will have no obligation to issue a full notice to proceed or begin work on the Bridge Project until the Village Canal is substantially completed. For purposes of this Section 1.5, substantial completion of the Village Canal shall mean the date when the dredging and bulkheading is completed for the Village Project;”

II.

Section A.1. Roles and Responsibilities of the City, paragraph 1.6 of the Agreement is hereby deleted in its entirety and replaced with the following language:

“1.6 As soon as practicable following notice of the Village Canal’s substantial completion in accordance with Section 2.5 below, the City shall issue a full notice to proceed (the “Notice to Proceed”) to the contractor awarded the Re-Bid, and will provide written notice of the Notice to Proceed to Developers within 3 days of its issuance. For purposes of this Section 1.6, substantial completion of the Village Canal shall mean the date when the dredging and bulkheading is completed for the Village Project;”

III.

Section A.3. Sequencing of Obligations, paragraph 4 is hereby amended to add the following language at the end of said paragraph:

“4. The City will award the construction contract for the Bridge Project and issue a limited notice to proceed (Section 1.5)”

IV.

Section A.3. Sequencing of Obligations, paragraph 9 is hereby amended to add the following language at the end of said paragraph:

“9. City shall issue the Notice to Proceed on the construction contract for the Bridge Project (Section 1.6)”

The Developers and the City agree to and shall abide by all terms and conditions of the original Agreement and any amendments to that Agreement, to the extent they are not in conflict with the terms of this Amendment.

Padre Island Holdings, LLC

By:_____

Name:_____

Date_____

Title: _____

Diamond Beach Holdings, LLC

By:_____

Name:_____

Date_____

Title: _____

CITY OF CORPUS CHRISTI

Peter Zanoni
City Manager

Date

APPROVED AS TO FORM:

Assistant City Attorney (Date)
for the City Attorney