

EXHIBIT
"A"

**FOURTH AMENDMENT TO THE
GROUND LEASE AGREEMENT
BETWEEN
CITY OF ROUND ROCK, TEXAS
AND
KR CC, INC.**

This FOURTH AMENDMENT (this "**Fourth Amendment**") is made and entered into as of the ___ day of _____, 2024 (the "**Effective Date**"), between the CITY OF ROUND ROCK, TEXAS, a Texas home rule city (the "**City**"), and KR CC, INC., a Delaware corporation ("**Tenant**"). The City and Tenant are sometimes referred to in this **Fourth Amendment** as the "**Parties**" and each as a "**Party**."

RECITALS

WHEREAS, the Parties entered into that one certain Ground Lease Agreement between City of Round Rock Texas and KR CC, INC. on December 20, 2016, (the "**Ground Lease**") and

WHEREAS, the Parties entered into that one certain First Amendment to Ground Lease Agreement on February 1, 2017; and

WHEREAS, the Parties entered into that one certain Second Amendment to Ground Lease Agreement on April 26, 2018; and

WHEREAS, the Parties entered into that one certain Third Amendment to Ground Lease Agreement on April 14, 2022; and

WHEREAS, the Parties now desire to amend the Ground Lease to exclude a parcel of land containing 30 acres from the Leased Premises, and to amend other terms of the Ground Lease as provided below;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the sufficiency of which are hereby conclusively acknowledged, and subject to the terms and conditions hereinafter set forth, the Parties mutually agree as follows:

ARTICLE I
DEFINITIONS

Section 1.1 Except as specifically amended herein, all terms used herein shall have the meanings assigned to them in the Ground Lease, unless the context clearly requires otherwise.

Section 1.2 (A) Effective on January 2, 2025, the definition of "Deferred Rent Security" is amended to read as follows:

"Deferred Rent Security" means the 156.769 acre portion of the Leased Premises known as the "Krienke parcel" and that 14.4 acre portion of the Leased Premises on the west side of Kenney Fort known as part of the "Bison parcel" all as described on **Exhibit B** less the Excluded Parcel, which property may be excluded from this Agreement and sold if Tenant fails to timely make the Deferred Rent payment.

(B) Effective on January 2, 2025, the definition of “Excluded Parcel” is hereby added to read as follows:

“**Excluded Parcel**” means the 30-acre portion of the 156.769 acre portion of the original Leased Premises known as the Krienke parcel, said 30-acre parcel described on **Exhibit H**.

(C) Effective on January 2, 2025, the definition of “Leased Premises” is hereby amended to read as follows:

“**Leased Premises**” shall mean that portion of the Property as identified on **Exhibit A-2** (excluding the Fee Estate and the Excluded Parcel), together with (a) all air rights and air space above the Property; (b) all mineral and water rights; and (c) all of City’s right, title and interest, if any, in and to all rights, privileges and easements appurtenant to the Property now existing or created during the Term of this Agreement; provided however, (i) the Convention Center, as defined in the Master Development Agreement and/or the Economic Development Program Agreement, and (ii) any and all public streets, rights of way, and utility easements dedicated to the City during the platting and development process, shall not be included in the Leased Premises.

(D) Effective on January 2, 2025, the definition of “Rent” is hereby amended to read as follows:

“**Rent**” means the rent paid pursuant to Section 4.1, both before and after the date of this Fourth Amendment.

(E) Effective on January 2, 2025, the definition of “Property” is hereby amended to read as follows:

“**Property**” means the approximately 351.7 acres of land more particularly described in **Exhibit A** excluding the Excluded Parcel and excluding any roadways, easements or other facilities which have been dedicated to the City.

ARTICLE II

OTHER AMENDMENTS

Section 2.1 (A) Effective immediately, the payment set forth in Section 4.1(D) shall be changed from due on December 20, 2024 to due on January 5, 2025; provided, however, that the parties acknowledge that this payment shall be reduced and extended pursuant to Section 2.2 of this Fourth Amendment.

Section 2.2 (A) Effective on January 2, 2025, Section 4.1 is amended to read as follows:

4.1 **Rent.** The Parties agree that all rent due prior to the date of this Fourth Amendment has been timely paid. Tenant shall pay Rent as follows:

(A) make an annual rent payment to the City of One Dollar (\$1.00), which shall be paid, without demand, deduction, or offset, on the fifth day of January of each year during the Term of this Agreement;

(B) make a one-time payment to the City equal to \$6,800,000 on the 20th day of December, 2029 (the “**Deferred Rent**”).

Section 2.3 (A) Effective on January 2, 2025, the **LIST OF EXHIBITS** is hereby amended to add the following:

EXHIBIT H Excluded Parcel Description

ARTICLE III
MISCELLANEOUS

Section 3.1 To the extent necessary to effect the terms and provisions of this Fourth Amendment, the Ground Lease is hereby amended and modified. In all other respects, the aforesaid Ground Lease is hereby ratified and confirmed.

Section 3.2 This Fourth Amendment may be executed in counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto acting under authority of their respective governing bodies have caused this Fourth Amendment to be duly executed as of the day and year first written above.

CITY OF ROUND ROCK, TEXAS
A Texas home rule city and municipal corporation

KR CC, INC.
a Delaware corporation

By: _____
Craig Morgan, Mayor

By:  _____
Todd Nelson, President

DESCRIPTION

DESCRIPTION OF A 30.00 ACRE TRACT OF LAND, LOCATED IN THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, AND THE JOSEPH MARSHALL SURVEY, ABSTRACT NO. 409, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN REMAINDER OF THE CALLED 156.769 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO THE CITY OF ROUND ROCK OF RECORD IN DOCUMENT NO. 2017001675, OF THE OFFICIAL PUBLIC RECORDS (OPR) OF WILLIAMSON COUNTY, TEXAS, SAID 30.00 ACRE TRACT OF LAND BEING SURVEYED ON THE GROUND IN SEPTEMBER, 2024, UNDER THE DIRECT SUPERVISION OF MIGUEL A. ESCOBAR, LSLS, RPLS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap stamped "STAN COALTER, LSLS, RPLS 1481, ROUND ROCK, TX 5122558211" found at the southwest corner of that certain called 1.50 acre tract of land described as a Save and Except tract in a Special Warranty Deed to the City of Round Rock of record in Document No. 2017001675, said OPR, for an angle point in the north boundary line of the herein described tract;

THENCE, North 74°24'50" East, with the south boundary line of said 1.50 acre Save and Except Tract, at 244.92 feet pass a 1/2 inch iron rod with cap stamped "INLAND 4933" found for the southeast corner of said 1.50 acre tract of land, continuing in all a total distance of **326.56 feet** to a 1/2 inch iron rod with cap stamped "INLAND GEODETICS" set on the western boundary line of Lot 1, Block A, BRUSHY CREEK REGIONAL WASTEWATER TREATMENT PLANT, a subdivision of record in Document No. 2007067173, said OPR, for the northern most northeast corner of the herein described tract;

THENCE, South 03°34'00" East, with said western boundary line of Lot 1, a distance of **1102.13 feet** to a 1/2 inch iron rod with cap stamped "INLAND GEODETICS" set at the southwest corner of said Lot 1, for an interior corner of the herein described tract;

THENCE, North 58°56'59" East, with the south boundary line of said Lot 1, a distance of **363.01 feet** to a 1/2 inch iron rod with cap stamped "LCRA" found for an angle point in the south boundary line of said Lot 1, and for a corner of the herein described tract;

THENCE, North 58°33'41" East, continuing with the south boundary line of said Lot 1, a distance of **244.48 feet** to a 1/2 inch iron rod with cap stamped "LCRA" found for an interior corner of said Lot 1, and for the eastern most northeast corner of the herein described tract;

THENCE, South 02°30'07" East, with a west boundary line of said Lot 1, a distance of **462.60 feet** to a point in the centerline of Brushy Creek for the southeast corner of the herein described tract;

THENCE, with the meanders of the centerline of Brushy Creek, the following nine (9) courses and distances:

South 71°57'53" West, a distance of **60.23 feet** to a calculated point;

South 66°40'03" West, a distance of **90.58 feet** to a calculated point;

South 49°32'17" West, a distance of **78.88 feet** to a calculated point;

South 40°47'31" West, a distance of **82.04 feet** to a calculated point;

South 23°37'12" West, a distance of **81.79 feet** to a calculated point;



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Round Rock, TX 78681
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512-238-1200 office

South 28°51'56" West, a distance of **110.18 feet** to a calculated point;
South 36°12'44" West, a distance of **282.02 feet** to a calculated point;
South 38°03'16" West, a distance of **84.64 feet** to a calculated point;
South 47°37'04" West, a distance of **495.33 feet** to a calculated point;

THENCE, South 86°26'01" West, leaving said Brushy Creek, a distance of **64.84 feet** to a calculated point for the southwest corner of the herein described tract;

THENCE, North 03°33'59" West, over and across said 156.769 acre tract of land, at a distance of 130.00 feet pass a 1/2 inch iron rod with cap stamped "INLAND REF POINT" set, continuing in all a total distance of **2122.75 feet** to a 1/2 inch iron rod with cap stamped "INLAND GEODETICS" set for the northwest corner of the herein described tract;

THENCE, North 86°26'01" East, continuing over and across said 156.769 acre tract of land, a distance of **198.93 feet** to the **POINT OF BEGINNING** and containing 30.00 acres of land, more or less, within these metes and bounds.

Bearings are based on the Texas Coordinate System of 1983, Central Zone, NAD 83 (2011). All distances are surface values represented in US Survey Feet based on a Grid-to-Surface Combined Adjustment Factor of 1.00012.

The use of the word "certify" or "certification" on this document only constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.

The foregoing metes and bounds description, and survey on which it was based, is accompanied by and a part of a survey map of the subject tract.

That I, Miguel A. Escobar, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch is true and correct to the best of my knowledge and belief and the property described herein was determined by a survey made on the ground during the months of September, 2024, under my direct supervision.

WITNESS MY HAND AND SEAL at Round Rock, Williamson County, Texas on this 8th of October, 2024, A.D.

INLAND GEODETICS

Miguel A. Escobar, L.S.L.S., R.P.L.S.
Texas Reg. No. 5630
1504 Chisholm Trail Rd #103
Round Rock, TX 78681
TBPELS Firm No. 10059100



P:\Projects\City of Round Rock (CoRR)\CoRR-006.3 - WA3 - Kalahari 30ac Boundary Survey\5 -Descriptions-Reports\CoRR-006.3-Bndy WA3 Kalahari 30ac.docx



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- NOTES:
- BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, NAD83 (2011). ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES REPRESENTED IN U.S. SURVEY FEET BASED ON A GRID-TO-SURFACE CORRECTION ADJUSTMENT FACTOR OF 1.00012.
 - THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE NOR A TITLE COMMITMENT OR TITLE POLICY. THERE MAY BE ADDITIONAL EASEMENTS OR RESTRICTIONS NOT SHOWN HEREON, WHICH MAY AFFECT THE PROPERTY.
 - THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SIZE OR SHAPE OF THE FEATURE.
 - UTILITY INFORMATION SHOWN HEREON CONSTITUTES FIELD RECOVERY OF OBSERVED EVIDENCE OF UTILITIES. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES, SUCH AS ELECTRICAL, TELEPHONE, CABLE TV AND PIPELINES, MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. FOR INFORMATION REGARDING BURIED UTILITIES/STRUCTURES OR BEFORE ANY EXCAVATION IS BEGUN, CONTACT THE APPROPRIATE AGENCIES FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATION.
 - THE USE OF THE WORD CERTIFY OR CERTIFICATION ON THIS DOCUMENT ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.
 - THE FOREGOING MAP AND SURVEY ON WHICH IT IS BASED IS ACCOMPANIED BY AND A PART OF SEPARATE METES AND BOUND DESCRIPTION OF THE SUBJECT TRACT.
 - BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X (NOT SHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE X (SHADED) - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE. SPECIAL FLOOD HAZARD ZONE AE - BASE FLOOD ELEVATIONS DETERMINED AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48491C0515F, THAT BEARS AN EFFECTIVE/REVISED DATE OF 12/20/2018. THE SURVEYOR MAKES NO ASSURANCE AS TO THE ACCURACY OF THE DECLARATIONS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP. THIS STATEMENT IS FOR INSURANCE PURPOSES ONLY AND IS NOT AN OPINION THAT THE PROPERTY WILL OR WILL NOT FLOOD. A FLOOD STUDY WAS NOT CONDUCTED ON THE PROPERTY.
 - THIS TRACT OF LAND MAY BE SUBJECT TO ARTICLE 5414a OF THE REVISED CIVIL STATUTES OF TEXAS, ALSO KNOWN AS THE SMALL BILL.
 - TEXAS PARKS AND WILDLIFE MAY HAVE RIGHTS TO SAND, GRAVEL AND MARL CONTAINED WITHIN THE BOUNDARIES OF THE RIVER BED.

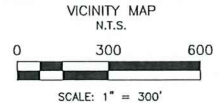
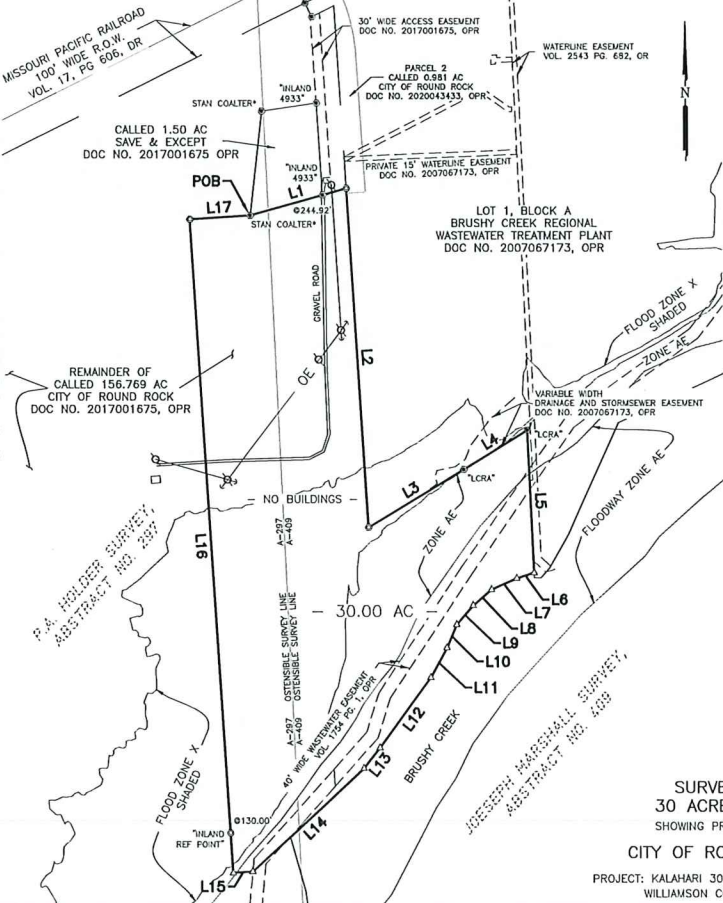
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	N 74°24'50" E	326.56'	L10	S 23°37'12" W	81.79'
L2	S 3°34'00" E	1,102.13'	L11	S 28°51'56" W	110.18'
L3	N 58°56'59" E	363.01'	L12	S 36°12'44" W	282.02'
L4	N 58°33'41" E	244.48'	L13	S 38°03'16" W	84.64'
L5	S 2°30'07" E	462.60'	L14	S 47°37'04" W	495.33'
L6	S 71°57'53" W	60.24'	L15	S 86°26'01" W	64.84'
L7	S 66°40'03" W	90.58'	L16	N 3°33'59" W	2,122.75'
L8	S 49°32'17" W	78.88'	L17	N 86°26'01" E	198.93'
L9	S 40°47'31" W	82.04'			

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND IN AUGUST 2024, BY ME OR UNDER MY SUPERVISION, THAT THIS SURVEY PLAT REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

INLAND GEODETICS

MIGUEL A. ESCOBAR, L.S.L.S., R.P.L.S.
TEXAS REG. NO. 5630

REVISED: 10/14/2024
ADD NOTES 7 & 8



- LEGEND
- IRON ROD SET W/CAP STAMP
 - "INLAND GEODETICS"
 - IRON ROD FOUND
 - W/CAP STAMP - NOTED
 - △ CALCULATED POINT
 - DR DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
 - OPR OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
 - OR OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
 - POB POINT OF BEGINNING
 - ⊕ POWER POLE
 - OHE— OVERHEAD ELECTRIC
 - STAN COALTER* STAN COALTER L.S.L.S., R.P.L.S., 1481, ROUND ROCK, TX 512-265-8211

SURVEY OF
30 ACRE TRACT
SHOWING PROPERTY OF
CITY OF ROUND ROCK
PROJECT: KALAHARI 30AC BOUNDARY SURVEY
WILLIAMSON COUNTY, TEXAS

1504 CHISHOLM TRAIL RD., #103
ROUND ROCK, TX 78681
512-238-1200
FIRM REG. NO. 100591-00
SHEET 3 OF 3

REVISED: 10/14/2024
CORR-006.3 10/08/2024