

Ninth Amendment

To

Declaration of Restrictive Covenants and Easements

The BioCorridor District

AFTER RECORDING, RETURN TO:

West, Webb, Allbritton & Gentry, P.C.
Attn: Michael H. Gentry
1515 Emerald Plaza
College Station, Texas 77845

**NINTH AMENDMENT
TO
DECLARATION OF RESTRICTIVE COVENANTS AND EASEMENTS
THE BIOCORRIDOR DISTRICT**

THIS NINTH AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS AND EASEMENTS THE BIOCORRIDOR DISTRICT ("**Amendment**") is made this ____ day of _____, 2018, by BRYAN/TRADITIONS, LP, a Texas limited partnership ("**Declarant**").

WITNESSETH:

- A. **WHEREAS**, Declarant recorded a Declaration of Restrictive Covenants and Easements The BioCorridor District on April 29, 2013, in the Official Records of Brazos County, Texas, at Volume 11313, Page 1, as amended by Correction Affidavit on June 3, 2013 recorded at Volume 11382, Page 176 of the Official Records of Brazos County, Texas, by First Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on May 23, 2013, in the Official Records of Brazos County, Texas, at Volume 11439, Page 36, by Second Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on March 3, 2015, in the Official Records of Brazos County, Texas, at Volume 12547, Page 266, by Third Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on April 29, 2015, in the Official Records of Brazos County, Texas, at Volume 12651, Page 256, by Fourth Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on January 5, 2016, in the Official Records of Brazos County, Texas, at Volume 13125, Page 288, by Fifth Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on February 10, 2016, in the Official Records of Brazos County, Texas, at Volume 13176, Page 1, by Sixth Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on September 28, 2016, in the Official Records of Brazos County, Texas, at Volume 13629, Page 246, and by Seventh Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on January 26, 2017, in the Official Records of Brazos County, Texas, at Volume 13826 Page 284, and by Eighty Amendment to Declaration of Restrictive Covenants and Easements The BioCorridor District on February 21, 2017, in the Official Records of Brazos County, Texas, at Volume 13866 Page 199 (as amended now or in the future, the "Declaration");
- B. **WHEREAS**, all capitalized terms used herein that are not otherwise defined shall have the meaning given those words in the Declaration;
- C. **WHEREAS**, the Declaration identifies and defines the Additional Property which may be annexed into the District pursuant to Paragraph I(10) of Article III of the Declaration;
- D. **WHEREAS**, Bryan Commerce and Development, Incorporated, a Texas Local Government Corporation is the owner of the certain real property described on **Exhibit "A"** attached hereto (collectively referred to herein as the "Added Property");
- E. **WHEREAS**, the Added Property is defined as Additional Property under the terms of the Declaration;
- F. **WHEREAS**, Declarant desires to amend the Declaration for the purpose of adding the Added Property to the definition of Property and to annex the Added Property into the District;
- G. **WHEREAS**, Paragraph I(4) of Article III of the Declaration authorizes the Declarant to amend the Declaration without the approval of any other Owner or Mortgagee if such amendment has no adverse effect on any such Owner or Mortgagee; and
- H. **WHEREAS**, this Amendment has no material adverse effect on any Owner or Mortgagee.

NOW, THEREFORE, Declarant hereby amends the Declaration as set forth below.

1. **Definition of Property and Annexation of Property into the District.** The Property, as defined in the Declaration and further described on **Exhibit "A"** to the Declaration is amended so that the Added Property is added to and included in the definition of Property and is annexed into the District.
2. **No Other Changes.** Except as amended herein, the Declaration remains in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, duly authorized officers of the undersigned Declarant have executed this Declaration under seal, this 9th day of April, 2018.

DECLARANT:

BRYAN/TRADITIONS, LP, a Texas limited partnership

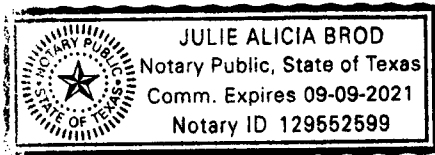
By: TRADITIONS ACQUISITION PARTNERSHIP GP, LLC,
a Texas limited liability company, its General Partner

By: [Signature]
W. SPENCER CLEMENTS, JR.,
Vice President

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 9th day of April, 2018, by W. Spencer Clements, Jr., Vice President of Traditions Acquisition Partnership GP, LLC, a Texas limited liability company, the general partner of BRYAN/TRADITIONS, LP, a Texas limited partnership, acting for and on behalf of said limited partnership.

[Signature]
NOTARY PUBLIC, State of Texas



Consent of Owner

Bryan Commerce and Development, Inc.

By: 
Andrew Nelson, President

ATTEST:

fr 
Mary Lynne Stratta, Secretary

APPROVED AS TO FORM:



Janis K. Hampton, City Attorney

STATE OF TEXAS

§
§
§

COUNTY OF BRAZOS

This instrument was acknowledged before me on the 17th day of May, 2018, by Andrew Nelson, President of Bryan Commerce and Development, Inc.


NOTARY PUBLIC, State of Texas

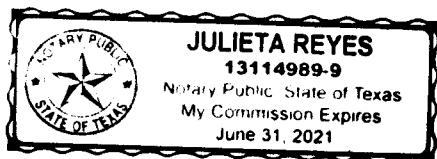


EXHIBIT A

Property Added to Excluded Property

Tract 1:

All that certain lot, tract or parcel of land being 7.946 acres situated in the J. H. JONES SURVEY, Abstract No. 26, Brazos County, Texas and being a part of that certain Called 56.217 acre tract as described in deed from W. T. McDonald, Jr. et ux to Bryan Commerce and Development, Inc. of record in Volume 7878, Page 273, Official Records of Brazos County, Texas, said 7.946 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap set in the northeast line of said Called 56.217 acre tract for the most northerly corner, said point being located in the southeast line of the TAMUS Called 198.0559 acre tract as described in Volume 7988, Page 209, a 1/2" Iron Rod with Cap found for the most westerly corner of the College Station Investors LLC Called 21.401 acre tract as described in Volume 13096, Page 153 bears N 41 ° 44 ' 03 " E a distance of 64.01 feet;

THENCE S 47 ° 19 ' 28 " E, along the northeast line of said Called 56.217 acre tract a distance of 938.67 feet to a 1/2" Iron Rod with Cap set in the north right-of-way line of HSC Parkway as described in Volume 9514, Page 101 for the most easterly corner, the most southerly corner of said Called 21.401 acre tract bears N 76 ° 00 ' 31 " E a distance of 76.60 feet;

THENCE along the northerly right-of-way line of said HSC Parkway around a curve in a clockwise direction having a delta angle of 25 ° 11 ' 08 ", an arc distance of 324.18 feet, a radius of 737.50 feet, and a chord of S 88 ° 25 ' 18 " W, a distance of 321.58 feet to a 1/2" Iron Rod found for the point of tangency of said curve;

THENCE N 75 ° 49 ' 44 " W, continuing along the northerly right-of-way line of said HSC Parkway a distance of 258.73 feet to a 1/2" Iron Rod found for the beginning of a curve;

THENCE continuing along the northerly right-of-way line of said HSC Parkway around a curve in a counterclockwise direction having a delta angle of 43 ° 10 ' 01 ", an arc distance of 649.81 feet, a radius of 862.51 feet, and a chord of S 82 ° 35 ' 15 " W, a distance of 634.55 feet to a 1/2" Iron Rod with Cap found for the southwest corner, said corner being an angle point in the HSC Parkway right-of-way line;

THENCE N 33 ° 16 ' 42 " W, along an easterly right-of-way line of said HSC Parkway a distance of 50.02 feet to a 1/2" Iron Rod with Cap found for the most westerly corner, said corner being located in the southeast line of said Called 198.0559 acre tract;

THENCE N 41 ° 44 ' 03 " E, along the southeasterly line of said Called 198.0559 acre tract a distance of 809.55 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 7.946 ACRES OF LAND MORE OR LESS, according to a survey performed on the ground during the month of April, 2017, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor no. 4961 and working under FIRM No. 10093500. North Orientation is based on rotating the northwest line of said Called 56.217 acre tract to Grid North NAD83 (CORS2011) State Plane Central Zone by utilizing GPS Methods. For other information see accompanying plat.

Tract 2:

All that certain lot, tract or parcel of land being 16.88 acres situated in the J. H. JONES SURVEY, Abstract No. 26, Brazos County, Texas and being a part of the following tracts: 1) Being a part of that certain Called 151.398 acre tract as described in deed from Kathleen S. Jones, Trustee to Bryan Commerce and Development, Inc. of record in Volume 7874, Page 169, Official Records of Brazos County, Texas, and, 2) Being a part of that certain Called 56.217 acre tract as described in deed from W. T. McDonald, Jr. et ux to Bryan Commerce and Development, Inc. of record in Volume 7878, Page 273, Official Records of Brazos County, Texas, said 16.88 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap set in the northeast right-of-way line of State Highway 47 as described in TXDOT R.O.W. Map Project No. 318-02-003 for the most southerly corner, said corner being the most southerly corner of said Called 151.398 acre tract, a Concrete Monument found bears S 6 ° 32 ' 25 " W a distance of 0.79 feet;

THENCE along the northeast right of way line of said State Highway 47 the following calls:

N 70 ° 27 ' 41 " W, a distance of 144.47 feet to a 1/2" Iron Rod found for angle point;

N 67 ° 12 ' 47 " W, a distance of 352.98 feet to a 1/2" Iron Rod set for angle point, a Concrete Monument found bears S 14 ° 13 ' 31 " W a distance of 0.72 feet;

N 67 ° 00 ' 11 " W, a distance of 313.17 feet to a 1/2" Iron Rod found for angle point;

N 63 ° 41 ' 09 " W, a distance of 400.00 feet to a 1/2" Iron Rod with Cap set for angle point; and,

N 63 ° 01 ' 56 " W, a distance of 73.63 feet to a 1/2" Iron Rod found for the most westerly corner, said corner being the most southerly corner of said HSC Parkway as described in Volume 9514, Page 101;

THENCE with the southerly right-of-way line of said HSC Parkway around a curve in a clockwise direction having a delta angle of 78 ° 18 ' 42 ", an arc distance of 1008.02 feet, a radius of 737.51 feet, and a chord of N 65 ° 00 ' 54 " E, a distance of 931.37 feet to a 5/8" Iron Rod found for the point of tangency of said curve;

THENCE S 75 ° 49 ' 44 " E, continuing along the southerly right-of-way line of said HSC Parkway a distance of 258.73 feet to a 1/2" Iron Rod found for the beginning of a curve;

THENCE continuing along the southerly right-of-way line of HSC Parkway around a curve in a counterclockwise direction having a delta angle of 31 ° 04 ' 32 ", an arc distance of 467.79 feet, a radius of 862.50 feet, and a chord of N 88 ° 38 ' 00 " E, a distance of 462.08 feet to a 5/8" Iron Rod with Cap found for the most easterly corner, said point being the most westerly corner of the Bryan Traditions, L.P. Called 4.669 acre tract as described in Volume 13419, Page 112, said point also being the most northerly corner of the Camwest Traditions, L.P. Called 20.5424 acre tract as described in Volume 8555, Page 167;

THENCE S 41 ° 43 ' 07 " W, along the northwest line of said Called 20.5424 acre tract a distance of 889.54 feet to a 1/2" Iron Rod with Cap found for an interior corner, said point being the most westerly corner of said Called 20.5424 acre tract, said corner also being located in the northeast line of said Called 151.398 acre tract and the southwest line of said Called 56.217 acre tract;

THENCE S 46 ° 57 ' 26 " E, along the southwest line of said Called 20.5424 acre tract a distance of 285.96 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 16.88 ACRES OF LAND MORE OR LESS.

Tract 3:

All that certain lot, tract or parcel of land being 1.412 acres situated in the J. H. JONES SURVEY, Abstract No. 26, Brazos County, Texas and being a part of that certain Called 417.85 acre tract as described in deed from the Cashion Family Limited Partnership et al to Bryan Commerce and Development, Inc. of record in Volume 4023, Page 91, Official Records of Brazos County, Texas, said 1.412 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap set in the north right-of-way line of HSC Parkway as described in Volume 9514, Page 101 for the most southerly corner, said point being located in the southwest line of said Called 417.85 acre tract, said point also being located in the northeast line of the Called 56.217 acre tract as described in Volume 7878, Page 273;

THENCE N 47 ° 19 ' 28 " W, along the southwest line of said Called 417.85 acre tract and the northeast line of said Called 56.217 acre tract a distance of 938.67 feet to a 1/2" Iron Rod with Cap set for the most westerly corner, said point located in the southeast line of the Board of Regents of the Texas A & M University System Called 198.0559 acre tract as described in Volume 7988, Page 209;

THENCE N 41 ° 44 ' 03 " E, along the southeast line of said Called 198.0559 acre tract a distance of 64.01 feet to a 1/2" Iron Rod with Cap found for the most northerly corner, said point being the most westerly corner of the College Station Investors, LLC Called 21.401 acre Ground Lease as described in Volume 13096, Page 153;

THENCE S 47 ° 19 ' 28 " E, along the southwest line of said Called 21.401 acre tract a distance of 981.81 feet to a 1/2" Iron Rod with Cap found in the north right-of-way line of said HSC Parkway for the most easterly corner, said corner being the most southerly corner of said Called 21.401 acre tract;

THENCE along the northerly right-of-way line of said HSC Parkway around a curve in a clockwise direction having a delta angle of 5 ° 57 ' 14 ", an arc distance of 76.64 feet, a radius of 737.50 feet, and a chord of S 76 ° 00 ' 31 " W, a distance of 76.60 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 1.412 ACRES OF LAND MORE OR LESS.