

RESOLUTION NO. R-2024-102

WHEREAS, on the 26th day of August 1993, the City of Round Rock (“City”) and Dell Inc. entered into that one certain Economic Development Program Agreement (“Agreement”) establishing an Economic Development Program as authorized by §380.001 of the Texas Local Government Code; and


WHEREAS, the City and Dell Inc. hereto now wish to amend the Agreement by extending the term thereof and by updating names and addresses for giving notice, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, First Amendment to Economic Development Program Agreement with Dell Inc., a copy being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 25th day of April, 2024.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:


MEAGAN SPINKS, City Clerk

EXHIBIT
"A"

FIRST AMENDMENT TO
THE ECONOMIC DEVELOPMENT PROGRAM AGREEMENT

THIS FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (the "First Amendment") is dated and entered into as of the ____ day of May 2024, by and between the City of Round Rock, Texas (the "City") and Dell Inc., successor by name change to Dell Computer Corporation ("Dell".)

RECITALS

WHEREAS, on the 26th day of August 1993, the City and Dell entered into that one certain Economic Development Program Agreement (the "Agreement") establishing an Economic Development Program as authorized by §380.001 of the Texas Local Government Code; and

WHEREAS, the parties hereto now wish to amend the Agreement by extending the term thereof and by updating names and addresses for giving notice;

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 City and Dell mutually agree as follows:

ARTICLE I
DEFINITIONS

Section 1.01 All terms used herein shall have the meanings assigned to them in the Agreement, unless the context clearly requires otherwise.

ARTICLE II
AMENDMENTS

Section 2.01 Wherever it appears in the Agreement, the name DELL COMPUTER CORPORATION is amended to read DELL INC.

Section 2.02 In **Section 3, Term** of the Agreement, the date December 31, 2053, is amended to read December 31, 2099.

Section 2.03 In **Section 18, Notice** of the Agreement, the appropriate party and addresses for notice to Dell are amended to read as follows:

Company	Dell Inc. One Dell Way, RR1-11 Round Rock, Texas 78682 Attn: Facilities – Senior Vice President
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With a copy to:	Dell Inc. One Dell Way, RR1-33 Round Rock, Texas 78682 Attn: Facilities Legal
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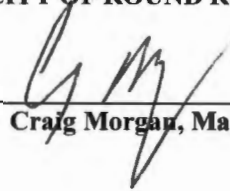
ARTICLE III
MISCELLANEOUS

Section 3.01 To the extent necessary to affect the terms and provisions of this First Amendment, the Agreement is hereby amended and modified. In all other respects, the aforesaid Agreement is hereby ratified and confirmed.

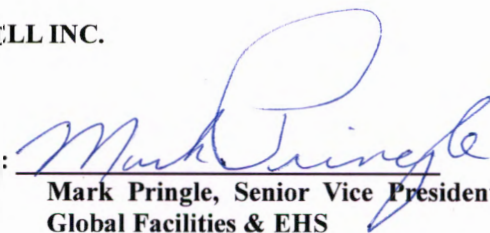
Section 3.02 This First Amendment may be executed in counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be duly executed as of the day and year first above written.

THE CITY OF ROUND ROCK, TEXAS

By:  _____
Craig Morgan, Mayor

DELL INC.

By:  _____
Mark Pringle, Senior Vice President,
Global Facilities & EHS