

RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-84-361(RCT)

P.C. DATE: January 10, 2012
January 24, 2012

ADDRESS: 2200 Tillery Street

OWNER/APPLICANT: DCR III Mortgage, Sub I, LLC (Lance B. Amano)

AGENT: Richard H. Crank

EXISTING ZONING: LO-MU-NP

AREA: 1.217 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the applicant's request to terminate the restrictive covenant to eliminate the restrictions placed upon the property in question.

DEPARTMENT COMMENTS:

The property in question is developed with an office/warehouse structure. In 1985, this parcel of land was rezoned from the MF-2 district to the LO district through zoning case C14-84-361. Along with the rezoning case, the applicant entered into a public restrictive covenant with the City of Austin that required the following: 1) The property shall be used only for professional or semi-professional businesses offices including medical and dental offices and laboratories, private schools or nursing home, business machine sales, rental or display, accessory parking, or any such other uses as may be approved in writing by a majority of the property owners owning property within three hundred feet of the subject property. 2) All business activity shall be conducted within the building. No business shall be conducted within the building which shall create a nuisance to the neighborhood such as loud noises or air pollution. 3) The parking area and areas outside the building shall be lighted after dark. After normal business hours, access to the parking area shall be limited to those persons conducting business within the building. 4) A privacy fence no greater than six feet in height shall be maintained along the property lines adjacent to the residential neighborhood. In 1986, this public restrictive covenant was amended to allow the State Bar of Texas to develop a print shop facility on the site.

The applicant is requesting to terminate this public restrictive covenant because the restrictive covenant reduces the types of land uses allowed in the proposed zoning for this site. The applicant would like to terminate the covenant because they would like to use the office/warehouse structure for Office and Limited Warehousing and Distribution uses.

In addition, the applicant has submitted a rezoning case for the property in question (case C14-2011-0088). The applicant is currently requesting CS-MU-NP district zoning to bring the existing Limited Warehousing and Distribution use on the site into conformance with City of Austin Land Development Code use regulations.

The staff recommends the applicant's request to terminate the restrictive covenant for the property in question. The termination of this public restrictive covenant will allow for additional commercial uses to be permitted on this site, which would be consistent with commercial and industrial land uses currently located to the north and west of the property. The applicant is proposing a new public

restrictive covenant through zoning case C14-2011-0088, which will place new restrictions that they have discussed with the surrounding neighbors and neighborhoods on this property.

The applicant agrees with the staff's recommendation.

PLANNING COMMISSION RECOMMENDATION:

1/10/12: Postponed to January 24, 2012 at the staff's request.

1/24/12:

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-MU-NP	Office/Warehouse Structure
<i>North</i>	CS-V-CO-NP	Construction Sales and Services / Landscaping Company (TexaScapes)
<i>South</i>	MF-2-NP	Single-Family Residence
<i>East</i>	CS-CO-NP, SF-3-NP	Undeveloped Lot, Single-Family Residence
<i>West</i>	GR-V-NP	Automotive Repair and Outdoor Storage (Truck and Equipment Tire Sales and Storage)

AREA STUDY: N/A

TIA: Not Required

WATERSHED: Boggy Creek, Tannehill Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Anberly Airport Association
 Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Austin Parks Foundation
 Del Valle Community Coalition
 East MLK Combined Neighborhood Association
 East MLK Combined Neighborhood Contact Team
 East MLK Neighborhood Combined COA Liaison
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 J. J. Seabrook Neighborhood Association
 League of Bicycling Voters
 MLK JR. Boulevard TOD Staff Liaison
 Mueller Master Community Inc.
 Mueller Property Owners Association
 PODER
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.

SCHOOLS:

Maplewood Elementary School
 Kealing Middle School
 McCallum High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0076 (Smart Mail Building), C14-84-361(RCT)	LO-MU-NP to CS-MU-CO-NP and termination of the public restrictive covenant from zoning case C14-84-361	8/28/07: Approved staff's rec. for the termination of the public RC and approved staff's rec. for GR-MU-CO-NP district zoning (6-2, M. Dealey, P. Hui-Nay); J. Reddy-1 st , T. Atkins-2 nd .	11/08/07: Postponed indefinitely and removed from the agenda at the applicant's request (7-0) 5/08/08: Case expired administratively per LDC 25-2-246(A(2)) on
C14-02-0057 (Airport Boulevard)	Upper Boggy Creek Neighborhood Plan Combining District Rezoning	6/12/02: Approved LO-MU-CO-NP, LO-H-MU-CO-NP, LO-CO-NP, LR-MU-CO-NP, LR-CO-NP, GR-CO-NP, GR-MU-CO-NP, CS-CO-NP, CS-MU-NP, CS-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP and Lots 16 and 17 with conditions (8-0)	8/01/02: Approved SF-3-NP, MF-3-NP, MF-4-NP, LO-MU-CO-NP, LO-H-MU-CO-NP, LO-CO-NP, GO-CO-NP, LR-CO-NP, LR-MU-CO-NP, GR-CO-NP, GR-MU-CO-NP, CS-MU-NP, CS-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, Tract 3 zoned LO-NP, Tract 16 & 17 postponed to 8/22/02 (7-0); all 3 readings 8/22/02: Approved LR-MU-CO-NP for Tract 16 and SF-3-NP for Tract 17 on 1 st reading (6-0) 10/24/02: Approved LR-MU-CO-NP for part of Tract 16: 2917 Cherrywood Road (6-0); 2 nd /3 rd readings
C14-02-0142	East MLK Neighborhood Plan Combining District Rezoning	10/09/02: Approved staff rec. for rezonings plus the following changes: 1) Add visual screening and 25 foot vegetative buffer along eastern boundary of Tracts 154 and 159. 2) Rezone Tract 208 to GR-MU-CO-	11/07/02: Approved SF-3-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-CO-NP, NO-MU-NP, LO-MU-NP, GO-NP, LR-NP, LR-CO-NP, LR-MU-NP, GR-NP, GR-CO-NP,

		NP with the "B" conditional overlay. 3) Revise conditional "B" to prohibit Pawn Shop Services. 4) Add conditional overlay "B" to Tracts 22 and 29. 5) Add conditional overlays "H", "I" and "J". 6) Add General Warehouse and Distribution use to Tracts 154 and 159. VOTE: 5-3-1 (MC-1st, MM-2nd); MA, RP and CR- opposed, DS- left early)	GR-MU-NP, GR-MU-CO-NP, CS-NP, CS-CO-NP, CS-MU-NP, CS-1-MU-NP, IP-NP, LI-NP, LI-PDA-NP, PUD-NP, P-NP, w/ conditions on Tracts 5/6/8/15-17/20/22/26-7/28B/29/110/145B/146/208-209/235 (7-0); all 3 readings
C14-01-0150 (Airport Boulevard at Manor Road)	Rosewood Neighborhood Plan Combining District Rezoning	11/14/01: Approved neighborhood plan with Tract 53 rezoned to CS-MU-CO-NP and staff rec. on Tract 56 (8-0)	11/29/01: Approved CS-CO-NP, CS-MU-NP, CS-MU-CO-NP, LR-MU-NP-LR-MU-CO-NP, GR-MU-CO-NP, MF-3-NP, P-NP, SF-3-NP, CS-1-CO-NP, GO-MU-NP, LI-CO-NP, LO-MU-NP, P-H-NP (7-0); 1 st reading 1/10/02: Approved 2 nd /3 rd readings (7-0)
C14-01-0033 (1994 Land Fund II, Dallas 1, LP: 3300 Block of Manor Road)	GR to CS-CO	4/17/01: Approved CS-CO, with conditions: 2,000 vehicle trip per day limit, 15-foot vegetative buffer along west property line along Tillery Street and along south property line adjacent to single-family residences, permit construction sales and services as the only CS district use and permit all other GR district uses, prohibit the following uses: agricultural sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing, campground, convenience storage, drop-off recycling collection facility, equipment repair services,	5/17/01: Approved CS-CO, with other conditions: 1) Limit the site to 2,000 vehicle trips per day; 2) require a 15-foot vegetative buffer along west property line along Tillery Street and along south property line adjacent to single-family residences, 3) prohibit the following uses: agricultural sales and services, art and craft studio (general), automotive rentals, automotive repair services, automotive sales, automotive washing, business maintenance services, campground, convenience storage,

		exterminating services, funeral services, kennels, outdoor entertainment, outdoor sports and recreation, pawn shop services and scrap and salvage uses (8-0-1, SG-abstain)	drop-off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, funeral services, kennels, laundry service, monument retail sales, outdoor entertainment, outdoor sports and recreation, pawn shop services, vehicle storage, veterinary services, limited warehousing and distribution, maintenance and service facilities, transitional housing and transportation terminal (6-0); all 3 readings
C14-00-2083 (Texascapes, Inc.- Office: 3219 Manor Road)	GR to CS-CO	5/23/00: Approved staff rec. of CS-CO zoning (8-0, SA-absent), with the following conditions: limit development of the property to uses that generate less than 2,000 vehicle trips per day, prohibit vehicular access from Tillery Street, require a 15-foot wide vegetative buffer along the property line adjacent to Tillery Street, and prohibit the following uses: Agricultural Sales and Service, Automotive Sales, Campground, Convenience Storage, Drop off Recycling Collection Facility, Equipment Repair Services, Exterminating Services, Funeral Services and Kennels	6/22/00: Approved CS-CO, with the following conditions: limit development of the property to uses that generate less than 2,000 vehicle trips per day, prohibit vehicular access from Tillery Street, require a 15-foot wide vegetative buffer along the property line adjacent to Tillery Street, and prohibit the following uses: Agricultural Sales and Service, Automotive Sales, Campground, Convenience Storage, Drop off Recycling Collection Facility, Equipment Repair Services, Exterminating Services, Funeral Services, Kennels, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop

			Services, Scrap and Salvage (7-0); all 3 readings
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RELATED CASES: C14-2011-0088 (Tillery Street Rezoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Manor Road	88'	MAU4	Major Arterial	6,450
Tillery Street	Varies	33'	Collector Street	1,091

CITY COUNCIL DATE:

ACTION: February 9, 2011

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@austintexas.org



July 25, 2011

Gregory I. Guernsey, Director
Planning & Development Review Department
City of Austin
505 Barton Springs Rd.
Austin, Texas 78704

RE: 2200 Tillery St.; Termination of Restrictive Covenant, File No. C14-84-361

Dear Mr. Guernsey,

As Agent for the above referenced application, I am respectfully requesting the termination of the existing restrictive covenant between the property owner and City of Austin. Concurrent with this application, the applicant is filing applications for a Neighborhood Plan Amendment and Rezoning, to allow for the existing office/warehouse improvements on this property to be utilized as such, as further explained in the attached summary. The restrictive covenant was initially recorded in 1985, and was once amended in 1986 to allow for use by the State Bar of Texas (documents attached). The property has since become part of the East MLK Combined Neighborhood Planning Area.

The existing restrictive covenant does not allow for warehouse use, and would need to be amended by approval of the majority of property owners within 300', which is a very cumbersome process. The restrictive covenant is over 25 years old and the format involving the city is no longer often used with typical rezoning ordinances. Some of the other restrictions in this document, such as required privacy fencing, are unnecessary, since they are addressed by sections of the city code, such as Compatibility Standards. Others are wasteful, such as required parking area lighting after dark.

The previous owner filed an application to terminate the restrictive covenant in 2007, which received COA staff recommendation and Planning Commission recommendation. The application was postponed by the applicant, and the matter never went before the City Council. The use of the existing office warehouse will require public hearings pertaining to the Plan Amendment and Rezoning, and the applicant believes that also amending the restrictive covenant would be unnecessarily redundant.

Please let me know if you have any questions or need additional information. Thank you for your consideration in this matter.

Sincerely,


Richard H. Crank, ASLA

RESTRICTIVE COVENANT

THE STATE OF TEXAS

03902490e

COUNTY OF TRAVIS

APR 19-85 3975 * 9.00

WHEREAS, Jimmy Youngquist of Travis County,

Texas, is the owner of the following described property,

to-wit:

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF OUTLOT 50, DIVISION B, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO WILLIAM L. Lundberg, AS RECORDED IN VOLUME 779, PAGE 232, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron stake in the west line of Tillery Street at the Southeast corner of the said Lundberg tract and the Southeast corner of that certain tract of land as conveyed to the City of Austin, for street widening purposes, as recorded in Volume 3458, Page 1647, of the Deed Records of Travis County, Texas:

THENCE along the South line of the said Lundberg tract and the South line of the said City of Austin tract, S 80° 04' W for a distance to 10.00 feet to an iron stake for the Southwest corner and Place of Beginning hereof:

THENCE continuing along the South line of the said Lundberg tract S 80° 04' W for a distance of 292.24 feet to an iron stake found at the Southwest corner of the said Lundberg tract for the Southwest corner hereof:

THENCE along the West line of the said Lundberg tract N 7° 33' W for a distance of 186.73 feet to an iron stake found at the Northwest corner of the said Lundberg tract for the Northwest corner hereof:

THENCE along the North line of the said Lundberg tract N 81° 15' E for a distance of 284.22 feet to an iron stake for the Northeast corner hereof and from which corner the Northeast of the said Lundberg tract bears N 81° 15' E for a distance of 10.00 feet to an iron stake found in the West line of Tillery Street at the Northwest corner of the said City of Austin tract:

THENCE along the West line of the said City of Austin tract S 10° 00' E for a distance of 180.71 feet to THE PLACE OF BEGINNING.

WHEREAS, the City of Austin and Jimmy Youngquist have agreed that the above described property should be

REAL PROPERTY RECORDS
Travis County, Texas

09124 0604

impressed with certain covenants and restrictions running with the land and desire to set forth such agreements.

NOW, THEREFORE, Jimmy Youngquist for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on him, his successors and assigns, as follows, to-wit:

1. The property shall be used only for professional or semi-professional business offices including medical and dental offices and laboratories, private schools or nursing home, business machine sales, rental or display, accessory parking, or any such other use as may be approved in writing by a majority of the property owners owning property within three hundred (300) feet of the subject property.

2. All business activity shall be conducted inside the building. No business shall be conducted within the building which shall create a nuisance to the neighborhood such as loud noises or air pollution.

3. The parking area and areas outside the building shall be lighted after dark. After normal business hours, access to the parking area shall be limited to those persons conducting business within the building.

4. A privacy fence no greater than six feet in height shall be maintained along property lines adjacent to the residential property.

5. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the city of Austin, a municipal

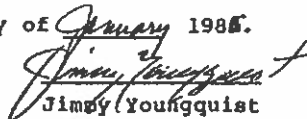
corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

6. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

7. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above described property at the time of such modification, amendment or termination.

EXECUTED, this the 10 day of January 1985.


Jimmy Youngquist

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Jimmy Youngquist known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same

for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
the 10 day of January, 1985.

Allen E. Wood
Notary Public in
and for Travis
County, Texas

NOTARY SEAL

FILED

1985 APR 19 AM 9:57

Noris Angeline
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, as

APR 19 1985



Noris Angeline
COUNTY CLERK
TRAVIS COUNTY, TEXAS

*City of Austin
Deputy Clerk
28767*

09124 0607

86105166 LM

4 15 7963

14-300
300
15.00
10/10/85
11.00
11/10/85STATE OF TEXAS §
COUNTY OF TRAVIS §

We, the undersigned persons, firms or corporations, are a majority of the property owners within 300 feet of that certain 1.19 acre tract of land out of Out lot Number 50, Division "B," Austin, Travis County, Texas, such tract being more fully described as follows:

BEGINNING FOR REFERENCE at an iron stake in the west line of Tillery Street at the Southeast corner of the said Lundberg tract and the Southeast corner of that certain tract of land as conveyed to the City of Austin, for street widening purposes, as recorded in volume 3458, Page 1647, of the Deed of Records of Travis County, Texas;

THENCE along the South line of the said Lundberg tract and the South line of the said City of Austin tract, S 80° 04' W for a distance to 10.00 feet to an iron stake for the Southwest corner and Place of Beginning hereof;

THENCE continuing along the South line of the said Lundberg tract S 80° 04' W for a distance of 292.24 feet to an iron stake found at the Southwest corner of the said Lundberg tract for the Southwest corner hereof;

THENCE along the West line of the said Lundberg tract N 7° 33' W for a distance of 186.73 feet to an iron stake found at the Northwest corner of the said Lundberg tract for the Northwest corner hereof;

THENCE along the North line of the said Lundberg tract N 81° 15' E for a distance of 284.22 feet to an iron stake for the Northeast corner hereof and from which corner the Northeast of the said Lundberg tract bears N 81° 15' E for a distance of 10.00 feet to an iron stake found in the West line of Tillery Street at the Northwest corner of the said City of Austin tract;

THENCE along the West line of the said City of Austin tract S 10° 00' E for a distance of 180.71 feet to THE PLACE OF BEGINNING.

Pursuant to Paragraph 1. of that certain restrictive covenant dated January 10, 1985, signed by Jimmy Youngquist, recorded in Volume 9142 at Page 604 of the Deed of Records of Travis County, Texas, we do hereby agree to and approve the use of the above-described tract by the State Bar of Texas, an agency of the judicial department of the State of Texas and a public corporation, for the purposes of the business of the State Bar of Texas, including but not limited to a print shop facility.

Witness my hand on the date below subscribed.

Patrick Ryan
Signature
PATRICK RYAN

10-10-86
Date

3330 Manor Road, Austin, Texas
Address

Owner of property located at 3301 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0501
and 2-1215-0502

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Patrick Ryan, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10th day of October, 1986.

Perrine G. Canipe NOTARY SEAL
Notary Public in and for
the State of Texas

Perrine G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Ernest Waggoner
Signature ERNEST WAGGONER

Oct 13, 1986
Date

2201 AIRPORT BLVD. AUSTIN, TX 78723
Address

Owner of property located at 3203 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0201
and 2-1215-0203

STATE OF TEXAS }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Ernest Waggoner, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13th day of October, 1986.

Penney G. Canipe
Notary Public in and for
the State of Texas

NOTARY SEAL

Penney G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Mildred C. Stephens
Signature MILDRED C. STEPHENS

10/14/86
Date

21 WALLER # 1212 AUSTIN TEX 78702
Address

Owner of property located at 3219 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0204

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Mildred C. Stephens, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that s he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of October, 1986.

Pennye G. Canipe
Notary Public in and for
the State of Texas

NOTARY SEAL

Pennye G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Lynn C. Hopper
Signature LYNN C. HOPPER

10-14-86
Date

114 W. 7TH ST. STE. 600 AUSTIN, TEXAS 78701
Address

Owner of property located at 3304 Denver Avenue,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0511

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Lynn C. Hopper, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of October, 1986.

Paula Henderson
Notary Public in and for
the State of Texas

NOTARY SEAL

Paula Henderson
Printed Name of Notary

My Commission Expires: 4-10-89

Witness my hand on the date below subscribed.

Airport Valet Parking Co.
by D. J. Underwood
Signature D. J. UNDERWOOD

Oct 14, 1986
Date

1609-B OHLEN RD. AUSTIN, TEXAS
Address

Owner of property located at 3105 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1213-1042

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared D. J. Underwood, known to me to be the person(s) who(s) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of October, 1986.

Penny G. Canipe
Notary Public in and for
the State of Texas

NOTARY SEAL

Penny G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Frank Siddons, Sr.
Signature FRANK SIDDONS, SR. TRUSTEE

OCT 14, 1986
Date

3218
Manor Road
Address

Owner of property located at 3218 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1415-0220

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Frank Siddons, Sr., known to me to be the person(s) who(she) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of October, 1986.

Jeanne Jensen
Notary Public in and for
the State of Texas

NOTARY SEAL

Printed Name of Notary

JEANNIE JENSEN
My Commission
Expires 4-02-89

My Commission Expires:

Witness my hand on the date below subscribed.

M. J. Anderson Sr.
Signature M. J. ANDERSON, SR.

10/15/86
Date

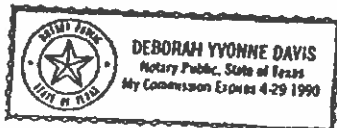
3724 Airport Blvd. Austin, Travis County, Texas
Address

Owner of property located at 3303 Denver Avenue,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0413

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared M. J. Anderson, Sr., known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of October, 1986.



Deborah Yvonne Davis
Notary Public in and for
the State of Texas

Deborah Yvonne Davis
Printed Name of Notary

NOTARY SEAL

My Commission Expires: 4-29-1990

Witness my hand on the date below subscribed.

Conrad J. Lewendowski
Signature CONRAD J. LEWENDOWSKI
PRESIDENT, BEST PRINTING CO., INC.

October 15, 1986
Date

3220 Manor Road / Austin, TX 78723
Address

Owner of property located at 3220 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1415-0213

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared CONRAD J. LEWENDOWSKI, known to me to be the person(s) who(he) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that ✓ he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15TH day of OCTOBER, 1986.

[Signature]
Notary Public in and for
the State of Texas

W. L. SPIEGEL, JR.
Printed Name of Notary

NOTARY SEAL

My Commission Expires: 5-11-89

Witness my hand on the date below subscribed.

R. Leon Pope
Signature R. LEON POPE

10-15-86
Date

114 West 7th, Suite 600, Austin, Texas 78701
Address

Owner of property located at 3306 Denver Avenue,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0510

STATE OF TEXAS |
|
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared R. LEON POPE, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16TH day of OCTOBER, 1986.

Lynda J. Nitz
Notary Public in and for
the State of Texas
Lynda J. Nitz
Notary Public State of Texas
My Commission Expires 7-30-89

NOTARY SEAL

Printed Name of Notary

My Commission Expires: _____

Witness my hand on the date below subscribed.

Interests in the Trust
BY D. Kelly Irvin 10-16-86
Signature D. Kelly Irvin Date
TERRY WINDSOR TRUST

P.O. Box 905 Austin, Tex. 78768
Address

Owner of property located at 2203 Theo Drive
1986 Travis County Appraisal District Parcel number(s) 2-1213-1039

STATE OF TEXAS }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared D. Kelly Irvin, known to me to be the person(s) who(see) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of October, 1986.

Janice E. Oulliber
Notary Public in and for
the State of Texas

JANICE E. OULLIBER
Notary Public in and for Travis County, Texas
My Commission expires: 12-22-89
Printed Name of Notary

NOTARY SEAL

My Commission Expires: 12-22-89

Witness my hand on the date below subscribed.

Gene Brazell
Signature GENE BRAZELL
CAPITAL WELDING SUPPLY, INC.

10-10-86
Date

3103 Manor Rd. Austin, Tx. 78723
Address

Owner of property located at 3103 Manor Road,
1986 Travis County Appraisal District Parcel number(s) 2-1213-1004

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Gene Brazell, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10th day of October, 1986.

George G. Canipe
Notary Public in and for
the State of Texas

George G. Canipe
Printed Name of Notary

NOTARY SEAL

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

James E. Dotson
Signature JAMES E. DOTSON

Oct-16-1983
Date

2022 Encino Cir Austin Texas
Address

Owner of property located at 2022 Encino Circle,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0216

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared James E. Dotson, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of October, 1986.

Pennye G. Canipe
Notary Public in and for
the State of Texas

NOTARY SEAL

Pennye G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Leon Anderson
Signature LEON ANDERSON

10-20-86
Date

20123 Encino Cir
Address

Owner of property located at 2023 Encino Circle,
1986 Travis County Appraisal District Parcel number(s) 2-1215-1004

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Leon Anderson, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20th day of October, 1986.

Penny G. Caspe
Notary Public in and for
the State of Texas

Penny G. Caspe
Printed/Name of Notary

NOTARY SEAL

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Ned Granger
Signature
NED GRANGER

90 Oct 86
Date

605 W 107th
Address

Owner of property located at 2106 Palo Pinto
1986 Travis County Appraisal District Parcel number(s) 2-1215-0417

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Ned GRANGER, known to me to be the person(s) who(s) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of October, 1986.

Nancy Granger
Notary Public in and for
the State of Texas

NOTARY SEAL

NANCY GRANGER
Printed Name of Notary

My Commission Expires: August 1989

Witness my hand on the date below subscribed.

Mrs. Otis Walker
Signature MRS. OTIS WALKER

Oct 22, 1986
Date

2026 Encino Cir
Address

Owner of property located at 2026 Encino Circle,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0214

STATE OF TEXAS |
COUNTY OF TRAVIS (

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Mrs. Otis Walker, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that s he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22nd day of October, 1986.

Perry G. Canipe
Notary Public in and for
the State of Texas

Perry G. Canipe
Printed Name of Notary

NOTARY SEAL

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Eddie B. Freeman 10-23-86
Signature Date
EDDIE B. FREEMAN

2102 PALO PINTO AUSTIN, TEXAS
Address

Owner of property located at 2102 Palo Pinto,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0416

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Eddie B. Freeman, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23rd day of October, 1986.

George G. Canipe
Notary Public in and for
the State of Texas

George G. Canipe
Printed Name of Notary

NOTARY SEAL

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Vanilla C. Scroggins Oct. 23, 1986
Signature VANILLA C. SCROGGINS Date

1803 J.J. Seabrook Dr. - Austin, Tx. 78721
Address

Owner of property located at 2103 Tilley,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0411

STATE OF TEXAS }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Vanilla C. Scroggins, known to me to be the person(s) who(see) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that s he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23rd day of October, 1986.

Raony G. Canipe
Notary Public in and for
the State of Texas

NOTARY SEAL

Raony G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Marvin H. Douglas
Signature MARVIN H. DOUGLAS

10-23-86
Date

1909 Chestnut Ave
Address

Owner of property located at 2104 Palo Pinto Drive,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0415

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Marvin H. Douglas, known to me to be the person(s) who(s) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 23rd day of October, 1986.

Pennye G. Gaipe
Notary Public in and for
the State of Texas

NOTARY SEAL

Pennye G. Gaipe
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

John W. Carter
Signature JOHN W. CARTER

10/4/86
Date

5809 Whitebrook Dr Austin, Texas 787243450
Address

Owner of property located at 3301 Denver Avenue,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0412

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared John W. Carter, known to me to be the person(s) who(s) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th day of October, 1986.

Penny B. Currier
Notary Public in and for
the State of Texas

NOTARY SEAL

Penny B. Currier
Printed Name of Notary

My Commission Expires: 2-6-90

Witness my hand on the date below subscribed.

Mrs. Margaret Bright Urdy
Signature MRS. MARGARET BRIGHT URDY

Oct. 24, 1986
Date

7311 Hartwell Dr. / 78123
Address

CANCEL THE PROPERTY located at 2101 TILERY,
1986 Travis County Appraisal District Parcel number(s) 2-1215-0410

STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Mrs. Margaret Bright Urdy, known to me to be the person(s) who(se) name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that 5 he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th day of October, 1986.

George G. Canipe
Notary Public in and for
the State of Texas

NOTARY SEAL

George G. Canipe
Printed Name of Notary

My Commission Expires: 2-6-90

Return to:
State Bar of Texas
P.O. Box 12487
Capital Station
Austin, TX 78711
Attn: Steve Peterson

FILED

1986 DEC 10 PM 3:37

David L. Thompson
COUNTY CLERK

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me, and
was duly RECORDED, in the Volume and Page of the
Said RECORDS of Travis County, Texas on

DEC 10 1986



David L. Thompson
COUNTY CLERK
TRAVIS COUNTY, TEXAS