

#98

Late Backup

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FIRST AMENDED RESTRICTIVE COVENANT FOR ZONING CASE NO. C14-85-149.100(RCA)

Owner: James E. McCarn

Address: 8608 Camelia Lane, Austin, Texas 78759

City: The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.

City Council: The City Council of the City of Austin

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, James E. McCarn, as owner of a portion of the original property described in Zoning File No. C14-85-149.100, said portion consisting of approximately 10.09 acres of land and described on the attached Exhibit "A" and referred to as Area 11 (the "Area 11").

WHEREAS the Original Property, as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 09647, Page 0011, (the "Restrictive Covenant") imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the Property at the time of such modification, amendment or termination.

WHEREAS, James E. McCarn is the current owner (the "Owner") of approximately 10.09 acres of the property (the "Property") on the date of this Amendment of Restrictive Covenant ("Amendment") and desires to amend the Restrictive Covenant as to the Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Area 11 highlighted in yellow and described on Exhibit A, Land Use Plan is modified to allow for a total of 46 single-family Residential units.

2. Paragraph No. 5(e) of the Restricted Covenant is deleted in its entirety and the following provision is substituted in its place.
 - (e) All lots in Areas 15, 16 and 17 shall have a lot width at the front building setback line of not less than sixty-five feet (65').
3. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.
4. The City Manager, or his designee, shall execute on behalf of the City, this Amendment as authorized by the City Council of the City of Austin. The Amendment shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED to be effective the 29th day of August, 2013.

OWNER:

By: James E. McCarn
James E. McCarn

CITY OF AUSTIN:

By: _____
Sue Edwards
Assistant City Manager
City of Austin

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

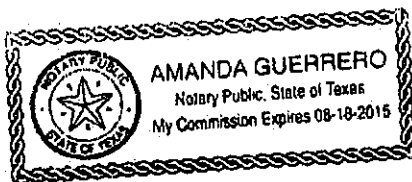
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 29th day of August, 2013, by James E. McCarn.



A. Guerrero
Notary Public, State of Texas

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the _____ day of _____, 2013, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

FIELD NOTES

FIELD NOTES OF 10.0922 ACRES OUT OF THE FRANCISCO GARCIA NO. 60, IN TRAVIS COUNTY, TEXAS. BEING THE SAME TRACT OF LAND DESCRIBED IN SUBSTITUTE TRUSTEES DEED RECORDED IN VOL. 11063, PAGE 1190, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. SAID 10.0922 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found for the Northwest corner of Lot 1, Block A, of North Shields Section One, a subdivision recorded in Book 66, Page 89, Plat Records of Travis County, Texas; same being in the East line of that 7.471 acre tract conveyed to Means Investment, and recorded in Vol. 10268, Page 178, Real Property Records of Travis County, Texas; same being the Southwest corner of said tract recorded in Vol. 11063, Page 1190, Real Property Records of Travis County, Texas, for the Southwest corner of this tract and the POINT OF BEGINNING.

THENCE N 30° 27' 00" E, with the East line of the said 7.471 acre tract, 122.54 feet to an iron pin found for the Northeast corner of the said 7.471 acre tract; same being the South corner of a 23.89 acre tract described in a deed to Nash Phillips/Copus, and recorded in Vol. 8503, Page 87, Deed Records of Travis County, Texas.

THENCE with the South line of said 23.89 acre tract; same being the North line of this tract, the following six (6) courses and distances:

- 1) N 70° 32' 06" E, 274.53 feet to an iron pin found.
- 2) S 77° 51' 43" E, 180.16 feet to an iron pin found.
- 3) S 54° 05' 36" E, 436.95 feet to an iron pin found.
- 4) S 59° 36' 14" E, 208.92 feet to an iron pin found.
- 5) S 59° 37' 04" E, 432.84 feet to an iron pin set.
- 6) S 30° 53' 02" W, 316.63 feet to an iron pin found, being in the North terminus of the R.O.W. for Winnick Way.

THENCE N 59° 45' 29" W, with the North terminus line of said Winnick Way, 26.98 feet to an iron pin found for the Northeast corner of Lot 14, Block E, of the said North Shields Section One.

THENCE with the North line of said North Shields Section One the following three (3) courses and distances:

- 1) N 59° 36' 54" W, 680.08 feet to an iron pin found.
- 2) N 53° 36' 04" W, 168.06 feet to an iron pin found.
- 3) N 59° 37' 33" W, 347.93 feet to an iron pin found, for the Northwest corner of Lot 1, Block E, said North Shields Section One.

Exhibit "A"

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THENCE S 30° 27' 59" W, with the West Line of Lot 1, Block E, 47.63 feet to an iron pin found, same being the North terminus of the East R.O.W. of Wingate Way.

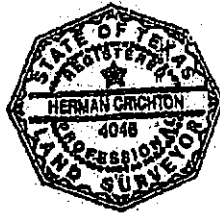
THENCE N 59° 37' 48" W, with the North terminus of said Wingate Way, 49.95 feet to an iron pin found for the North terminus of the East R.O.W. of Wingate Way, same being the Northeast corner of the said Lot 1, Block A, of the North Shields Section One.

THENCE N 59° 35' 35" W, with the North line of Lot 1, Block A, 150.03 feet to the POINT OF BEGINNING and containing 10.0922 acres of land more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this the 13th Day of November 1991.


Herman Crichton, R.P.L.S. 4046


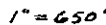


AFTER RECORDING RETURN TO:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: J. Collins, Paralegal

January 9, 1986

CONCEPT 40



AMERICAN
PLANNING
ASSOCIATION

44

30

25A-1	62.6	FRANK
31	62.7	REYNOL
32	6.4	FRANK
41	5.8	FRANK
	72.42	REYNOLDS
	72.42	OFFICE OPEN SPACE

**7.2 VERY SUPERFICIAL
DENTAL FILLS**

1	5.0	TYPE 1	01	.00	12,000
6	5.0	TYPE 2	02	.05	200,000
10	25.1	TYPE 3	03	.00	1,000,000
10	5.0	TYPE 4	04	.00	100,000
23	10.0	TYPE 5	05	.00	200,000
25	5.0	TYPE 6	06	.00	100,000
30	5.0	TYPE 7	07	.00	100,000
37	5.0	TYPE 8	08	.00	100,000
42	10.0	TYPE 9	09	.00	200,000
	100.0				2,400,000

2.0750

2	10.1	TYPE A	1.0	.25	174,000
6	1.3	TYPE B	.40	.40	140,000
7	67.0	TYPE C	60.0	.40	602,000
8	11.0	TYPE D	10.0	.40	261,000
18	13.7	TYPE E	1.0	.25	11,000
19	14.1	TYPE F	1.0	.25	112,000
20	6.0	TYPE G	1.0	.25	177,000
34	6.3	TYPE H	6.0	.25	67,000
43	10.0	TYPE I	1.0	.20	107,000
	200.0				

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3	04.8	TYPE III	250	25	129,000
4	50.1	TYPE IV	250	25	262,000
	04.8				94,400
TOTAL	740.01				4,755,000
	ACRES				(40.00)

4.7 (5.0)