

Late Backup

#94
Page 1

FIRST AMENDMED RESTRICTIVE COVENANT FOR ZONING CASE NO. C14R-86-077(RCA)

Owner: Harper Park Two, L.P. a Texas limited partnership

Address: 901 South MoPac, Building One, Suite 160, Austin, TX 78746

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.

Property: 14.28 acres out of Tract 6 in zoning case C14-86-077 described as a 14.28 acre tract of land, more or less, being a portion of Lot 1, Harper Park Section Three Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this First Amended Restricted Covenant (the "Property").

WHEREAS, Harper Park Two, L.P. a Texas limited partnership, as owner of all that certain property described in Zoning File No. C14R-86-077(RCA), consisting of approximately 14.28 acres of land out of Tract 6 in the (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Official Property Records of Travis County, Texas, in Volume 11610, Page 0694, (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, Harper Park Two, L.P. a Texas limited partnership is the current owner (the "Owner") of 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. An additional covenant is added to the Property as follows: Harper Park Drive must be constructed to City standards and be accepted by the City for maintenance prior to the issuance of a certificate of occupancy on the Property.

2. 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.
3. 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 4 day of December, 2013.

OWNERS:

HARPER PARK TWO, L.P.,
a Texas limited partnership

By: **HP TWO GP, L.L.C.,**
a Texas limited liability company,
its General Partner

By: 
GAIL M. WHITFIELD
Manager

CITY OF AUSTIN:

By: _____
SUE EDWARDS,
Assistant City Manager,
City of Austin

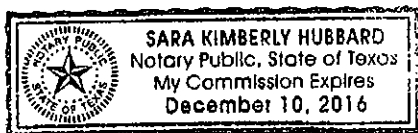
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 4 day of December, 2013, by Gail M. Whitfield, of HP Two GP, L.L.C., a Texas limited liability company, general partner of Harper Park Two, L.P., a Texas limited partnership, on behalf of the company and limited partnership.



[Signature]
Notary Public, State of Texas

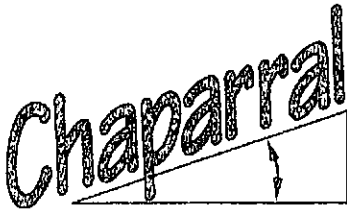
THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

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



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**14.283 ACRES
HARPER PARK SEC. THREE
ZONING DESCRIPTION
CITY OF AUSTIN, TRAVIS COUNTY**

A DESCRIPTION OF 14.283 ACRES (APPROX. 622,161 S.F.), BEING A PORTION OF LOT 1, HARPER PARK SECTION THREE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 200800229 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 14.283 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found for an angle point in the southeast line of said Lot One, being also the northwest corner of Lot 1, Harper Park Section Two, a subdivision of record in Document No. 200700365 of the Official Public Records of Travis County, Texas;

THENCE South 09°16'41" West, with the southeast line of Lot One, being also the west line of Lot 1 of Harper Park Section Two, a distance of 132.35 feet to a 1/2" rebar found for an angle point in the east line of Lot One, being also in the west line of Lot 1, and being in the north termination of Harper Park Drive (right-of-way width varies, Document No. 200700365 and 200800229 of the Official Public Records of Travis County, Texas;

THENCE with the common line of Lot One and Harper Park Drive, the following eight (8) courses and distances:

1. North 79°56'19" West, a distance of 34.98 feet to a calculated point;
2. South 10°04'03" West, a distance of 24.92 feet to a calculated point;
3. With a curve to the right, having a radius of 15.00 feet, a delta angle of 90°05'39", an arc length of 23.59 feet, and a chord which bears South 54°36'41" West, a distance of 21.23 feet to a calculated point;
4. North 79°54'11" West, a distance of 25.01 feet to a calculated point;
5. South 09°56'33" West, a distance of 50.16 feet to a calculated point;
6. South 80°18'27" East, a distance of 24.93 feet to a calculated point;
7. With a curve to the right, having a radius of 15.00 feet, a delta angle of

89°53'34", an arc length of 23.53 feet, and a chord which bears South 35°14'18" East, a distance of 21.19 feet to a calculated point;

8. South 09°57'24" West, a distance of 89.96 feet to a 1/2" rebar found for the southeast corner of Lot One, being also the northeast corner of Lot 1, Block A of Ahuja Subdivision, a subdivision of record in Document No. 201100149 of the Official Public Records of Travis County, Texas;

THENCE South 86°30'03" West, with the south line of Lot One, being also the north line of Lot 1 of Ahuja Subdivision, a distance of 66.78 feet to a 1/2" rebar found for the northwest corner of Lot 1 of Ahuja Subdivision, being also the northeast corner of Lot 2, Block A of J. Henry Cauthen Subdivision, a subdivision of record in Volume 77, Page 308 of the Plat Records of Travis County, Texas;

THENCE South 86°55'26" West, with the south line of Lot One, being also the north line of Lots 1 and 2, Block A, of said J. Henry Cauthen Subdivision, a distance of 292.02 feet to a calculated point, from which the southwest corner of Lot One, being also the northwest corner of Lot 1, Block A, of said J. Henry Cauthen Subdivision, being also in the east line of Lot 26, Block 4 of the Resubdivision of Section No. 2, & Lots 1-21 Section No. 3 of Oak Park Subdivision, a subdivision of record in Volume 26, Page 24 of the Plat Records of Travis County, Texas bears South 86°55'26" West, a distance of 50.00 feet;

THENCE over and across Lot One, the following thirteen (13) courses and distances:

1. North 01°50'58" West, a distance of 135.11 feet to a calculated point;
2. North 28°06'36" East, a distance of 66.40 feet to a calculated point;
3. North 27°49'03" East, a distance of 160.19 feet to a calculated point;
4. North 27°51'59" East, a distance of 80.13 feet to a calculated point;
5. North 27°49'46" East, a distance of 79.97 feet to a calculated point;
6. North 27°54'54" East, a distance of 79.95 feet to a calculated point;
7. North 27°52'35" East, a distance of 201.23 feet to a calculated point;
8. North 27°51'21" East, a distance of 155.08 feet to a calculated point;
9. North 27°49'57" East, a distance of 95.23 feet to a calculated point;
10. North 27°49'14" East, a distance of 194.83 feet to a calculated point;
11. North 27°53'42" East, a distance of 99.88 feet to a calculated point;

12. North 28°03'28" East, a distance of 100.44 feet to a calculated point;
13. North 27°35'05" East, a distance of 125.29 feet to a calculated point in the north line of Lot One, being also in the south line of Lot 1, Block A, Harper Park Section One, a subdivision of record in Volume 100, Page 196 of the Plat Records of Travis County, Texas, from which the northwest corner of Lot One, being also the southwest corner of Lot 1, Block A, Harper Park Section One, being also in the east line of Lot 41, Block 4 of the Resubdivision of Lots 25-42, Section No. 3 of Oak Park Subdivision, a subdivision of record in Volume 50, Page 89 of the Plat Records of Travis County, Texas, bears North 62°13'45" West, a distance of 50.00 feet;

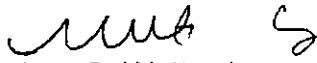
THENCE South 62°13'45" East, with the north line of Lot One, being also the south line of Lot 1 of the Resubdivision of Lots 25-42, Section No. 3 of Oak Park Subdivision, a distance of 463.92 feet to a calculated point, from which a 1/2" iron pipe found for the northeast corner of Lot One, being also the northwest corner of Lot 35-A of the Resubdivision of a Portion of Oak Acres, a subdivision of record in Volume 9, Page 91 of the Plat Records of Travis County, Texas, bears South 62°13'45" East, a distance of 75.00 feet;

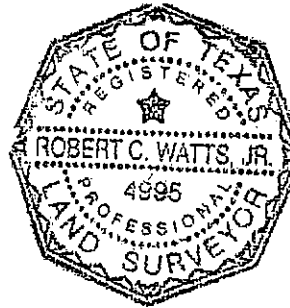
THENCE over and across Lot One, the following six (6) courses and distances:

1. South 28°12'18" West, a distance of 109.32 feet to a calculated point;
2. South 27°51'43" West, a distance of 110.02 feet to a calculated point;
3. South 28°11'21" West, a distance of 109.87 feet to a calculated point;
4. South 27°56'23" West, a distance of 110.08 feet to a calculated point;
5. South 28°04'20" West, a distance of 109.88 feet to a calculated point;
6. South 28°05'39" West, a distance of 426.45 feet to a calculated point in the southeast line of Lot One, being also the north line of Lot 1, Harper Park Section Two, from which a cotton spindle found in the east line of Lot One, being also the west line of Lot 32 of Oak Acres, a subdivision of record in Volume 9, Page 91 of the Plat Records of Travis County, Texas, bears South 87°54'13" East, a distance of 83.44 feet;

THENCE North 87°54'13" West, with the southeast line of Lot One, being also the north line of Lot 1, Harper Park Section Two, a distance of 171.59 feet to the **POINT OF BEGINNING**, containing 14.283 acres of land, more or less.

Surveyed on the ground January 23, 2013. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 847-003-Z1.


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

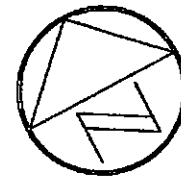


12-2-13

LOT 1
BLOCK A
HARPER PARK SUBDIVISION
SECTION ONE
(100/196)

S62°13'45"E 588.92'
(S60°07'55"E 588.68')

1" = 100'



LOT 41
BLOCK 4
(50/89)

LOT 42
BLOCK 4
(50/89)

LOT 43
BLOCK 4
(50/89)

LOT 44
BLOCK 4
(50/89)

LOT 45
BLOCK 4
(31/46)

LOT 46
BLOCK 4
(31/46)

LOT 47
BLOCK 4
(31/46)

50.00'

L22

L21

L20

L19

L18

L23

75.00'

1/2"

L24

L25

L26

L27

L28

LOT 35-A
(9/91)

LOT 35-B
(9/91)

LOT 34-A
(9/91)

LOT 34-B
(9/91)

LOT 33-A
(9/91)

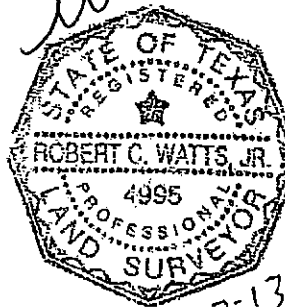
LOT 33-B

75'
REM. OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

14.283 ACRES
APPROX. 622,161 SQ. FT.

PORTION OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

50'
REM. OF LOT ONE
HARPER PARK SECTION THREE
(200800229)



Chaparral

SHEET 1 OF 4

LOT 47
BLOCK 4
(31/46)

LOT 48
BLOCK 4
(31/46)

LOT 49
BLOCK 4
(31/46)

LOT 17-A
(35/5)

LOT 18-A
(35/5)

LOT 19
BLOCK 4
(26/24)

LOT 20
BLOCK 4
(26/24)

LOT 21
BLOCK 4
(26/24)

LOT 22
BLOCK 4

L18

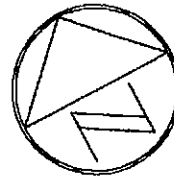
L17

L16

L15

L14

L13



1" = 100'

14.283 ACRES
APPROX. 622,161 SQ. FT.
PORTION OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

75'
REM. OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

50'
REM. OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

P.O.B.

L30
N87°54'13"W 255.03'
(N85°50'45"W 255.10')

LOT 1
HARPER PARK
SECTION TWO
(200700365)

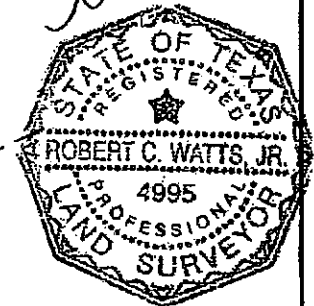
HARPER PARK DRIVE
(R.O.W. VARIES)
200700365, 200800229

LOT 33-B
(9/91)

1/2"

S28°05'39"W 389.88'
(S30°09'45"W 389.99')

LOT 32
OAK ACRES
(5/24)



LOT 31
OAK ACRES
(5/24)

Chaparral

LOT 21
BLOCK 4
(26/24)

LOT 22
BLOCK 4
(26/24)

LOT 23
BLOCK 4
(26/24)

LOT 24
BLOCK 4
(26/24)

LOT 25
BLOCK 4
(26/24)

LOT 26
BLOCK 4
(26/24)

14.283 ACRES
APPROX. 622,161 SQ. FT.
PORTION OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

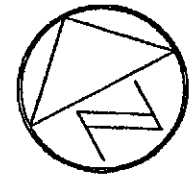
50'
REM. OF LOT ONE
HARPER PARK SECTION THREE
(200800229)

LOT 1
BLOCK A
(77/308)

LOT 2
BLOCK A
(77/308)

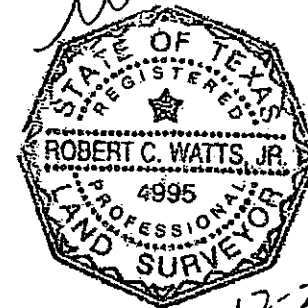
LOT 1
BLOCK A
AHUJA SUB.
(201100149)

UNABLE TO SET
PROPERTY CORNER
DUE TO TREE LOCATION



1" = 100'

LOT 1
HARPER PARK
SECTION TWO
(200700365)



LEGEND

- | | |
|---|------------------------------|
| ● | 1/2" REBAR FOUND |
| ⊙ | IRON PIPE FOUND (SIZE NOTED) |
| ▲ | MAG NAIL FOUND |
| * | COTTON SPINDLE FOUND |
| △ | CALCULATED POINT |

Chaparral

A DESCRIPTION OF 14.283 ACRES (APPROX. 622,161 S.F.), BEING A PORTION OF LOT 1, HARPER PARK SECTION THREE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 200800229 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LINE TABLE			
LINE	BEARING	DISTANCE	(RECORD)
L1	S09°16'41"W	132.35'	(S11°38'50"W 131.89')
L2	N79°56'19"W	34.98'	(N78°05'45"W 35.00')
L3	S10°04'03"W	24.92'	(S11°54'15"W 25.00')
L4	N79°54'11"W	25.01'	(N78°05'45"W 25.00')
L5	S09°56'33"W	50.16'	(S11°54'15"W 50.00')
L6	S80°18'27"E	24.93'	
L7	S09°57'24"W	89.96'	(S11°54'15"W 90.05')
L8	S86°30'03"W	66.78'	(S88°39'15"W 66.76')
L9	S86°55'26"W	292.02'	
L10	N01°50'58"W	135.11'	
L11	N28°06'36"E	66.40'	
L12	N27°49'03"E	160.19'	
L13	N27°51'59"E	80.13'	
L14	N27°49'46"E	79.97'	
L15	N27°54'54"E	79.95'	
L16	N27°52'35"E	201.23'	
L17	N27°51'21"E	155.08'	
L18	N27°49'57"E	95.23'	
L19	N27°49'14"E	194.83'	
L20	N27°53'42"E	99.88'	
L21	N28°03'28"E	100.44'	
L22	N27°35'05"E	125.29'	
L23	S62°13'45"E	463.92'	
L24	S28°12'18"W	109.32'	
L25	S27°51'43"W	110.02'	
L26	S28°11'21"W	109.87'	
L27	S27°56'23"W	110.08'	
L28	S28°04'20"W	109.88'	
L29	S28°05'39"W	426.45'	
L30	N87°54'13"W	171.59'	
L31	N01°50'58"W	149.56'	

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	(RECORD CHORD)
C1	15.00'	90°05'39"	23.59'	S54°36'41"W	21.23'	(S56°54'15"W 21.21')
C2	15.00'	89°53'34"	23.53'	S35°14'18"E	21.19'	(S33°05'45"E 21.21')

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 847-003-Z1

ADJOINING PLATS

RESUBDIVISION OF A PORTION OF OAK ACRES (9/91)

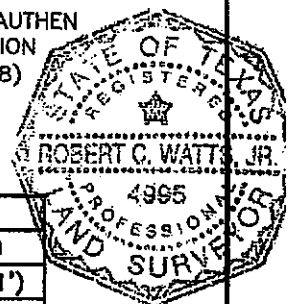
RESUBDIVISION OF SECTION NO. 2 & LOTS 1-21 SECTION NO. 3 OF OAK PARK SUBDIVISION (26/24)

RESUBDIVISION OF LOTS 22-24 & 43-48 SECTION NO. 3 OF OAK PARK SUBDIVISION (31/46)

A RESUBDIVISION OF LOTS 17 & 18, BLOCK 4, OF THE RESUBDIVISION OF SECTION 2 AND LOTS 1-21, SECTION 3 OF OAK PARK SUBDIVISION (35/5)

RESUBDIVISION OF LOTS 25-42 SECTION NO. 3 OF OAK PARK SUBDIVISION (50/89)

J. HENRY CAUTHEN SUBDIVISION (77/308)



Mut 12-2-13

DATE OF SURVEY: 01/23/2013
PLOT DATE: 12/02/2013
DRAWING NO.: 847-003-Z1
PROJECT NO.: 847-003
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: RCW
SHEET 4 OF 4

Chaparral

AFTER RECORDING RETURN TO:

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