

**FIRST AMENDED RESTRICTIVE COVENANT  
FOR ZONING CASE NO. C14-75-042(RCA1)**

Owner: 3 S and D Interests, a Texas general partnership

Address: 1904 Freight, Laredo, Texas 78041

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, 3 S and D Interests, a Texas general partnership, as owner of a portion of the property described in Zoning File No. C14-75-042, consisting of approximately 11.28 acres of land (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 5240, Page 876, (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, 3 S and D Interests, a Texas general partnership is the current owner (the "Owner") of approximately 11.28 acres of the property (the "Property") on the date of this First Amended 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. 11.28 acres of land, described by metes and bounds in the attached Exhibit "A", shall be removed from the Restrictive Covenant recorded in the Real Property Records of Travis County, Texas, in Volume 5240, Page 876.
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 \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**OWNER:**

**3 S AND D INTERESTS**, a Texas general partnership

By: \_\_\_\_\_  
DAVID KALISZ  
Authorized Agent

**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 \_\_\_\_\_ day of December, 2014, by David Kalisz, Authorized Agent for 3 S and D Interests, a Texas general partnership, on behalf of the partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS           §**  
**§**  
**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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**

JOB NO. 13379-01

DATE: AUGUST 28, 2014

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**11.28 ACRES**

Being 11.28 acres of land out of the J.C. Tannehill League No. 29, Abstract No. 22, in Travis County, Texas, and being a portion of that certain 62.101 acre tract as described in a deed to S and D Interests recorded in Volume 12603, Page 243 of the Real Property Records of Travis County, Texas, and further described by metes and bounds as follows:

**BEGINNING:** at a calculated point in the interior of said 62.101 acre tract, for the northeast corner of this tract, from which a 1 inch pipe found in the east line of said 62.101 acre tract bears S 75°22'07" E, 376.55 feet, marking the northwest corner of Lot 9 of Las Cimas, Section One, a subdivision in Travis County, Texas, recorded in Volume 65, Page 88, Plat Records of Travis County, Texas;

**THENCE:** 125.61 feet along a curve to the right ( $r=80.00'$ ,  $LC=S\ 17^{\circ}24'37''\ E\ 113.10'$ ) to a calculated point, marking an angle point in the east line of this tract;

**THENCE:** continuing through said 62.101 acre tract the following sixteen (16) courses:

1. S 27°34'23" W, 437.00 feet to a calculated point, for an angle point in the east line of this tract,
2. 299.96 feet along a curve to the right ( $r=800.00'$ ,  $LC=S\ 38^{\circ}18'23''\ W\ 298.21'$ ) to a calculated point, marking an angle point in the east line of this tract;
3. S 49°03'23" W, 208.34 feet to a calculated point, for the most southerly southeast corner of this tract, from which a 1/2 inch iron rod found in the east line of said 62.101 acre tract bears S 26°27'48" E, 507.30 feet, marking the southwest corner of a 1.444 acre tract conveyed to the City of Austin in Volume 7882, Page 977, Deed Records of Travis County, Texas;
4. N 37°41'43" W, 40.70 feet to a calculated point, for an angle point in the south line of this tract,
5. N 49°59'38" W, 215.69 feet to a calculated point, for an angle point in a called centerline of creek, marking the southwest corner of this tract,
6. N 09°54'35" W, with said centerline of creek, 165.12 feet to a calculated point, for an angle point in the west line of this tract,
7. N 29°59'13" E, with said centerline of creek, 134.79 feet to a calculated point, for an angle point in the west line of this tract,
8. N 15°03'39" W, with said centerline of creek, 157.93 feet to a calculated point, for an angle point in the west line of this tract,

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9. N 44°35'18" E, with said centerline of creek, 124.22 feet to a calculated point, for an angle point in the west line of this tract,
10. N 17°13'14" E, with said centerline of creek, 121.57 feet to a calculated point, for an angle point in the west line of this tract,
11. N 22°11'40" E, with said centerline of creek, 117.96 feet to a calculated point, for an angle point in the west line of this tract,
12. N 11°44'56" E, with said centerline of creek, 88.13 feet to a calculated point, for an angle point in the west line of this tract,
13. N 47°31'11" E, with said centerline of creek, 96.44 feet to a calculated point, for an angle point in the west line of this tract,
14. N 01°29'43" W, with said centerline of creek, 25.64 feet to a calculated point, for the northwest corner of this tract,
15. 61.68 feet, leaving said centerline of creek, along a curve to the right ( $r=370.00'$ ,  $LC=S 67^{\circ}10'10" E 61.61'$ ) to a calculated point, marking an angle point in the north line of this tract;
16. S 62°23'37" E, 440.00 feet to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83(93).

*Kenneth Louis Crider* 9-2-14  
Kenneth Louis Crider, R P L S. No. 5624  
Texas Land Surveying, Inc  
3613 Williams Drive, Suite 903  
Georgetown, Texas 78628



*Texas Land Surveying, Inc.*

3613 Williams Drive, Suite 903 – Georgetown, Texas 78628  
(512) 930-1600 [www.texas-land.com](http://www.texas-land.com)  
TBPLS FIRM No 10056200

SCANNED

F.C. CC

**AFTER RECORDING RETURN TO:**

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