

**FIRST AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-75-042(RCA3)**

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, the property consisting of approximately 15.69 acres of land, more particularly described in Exhibits "A" and "B" attached to this First Amended Restrictive Covenant (the "Released Property") is a portion of that certain property described in Zoning File No. C14-75-042, consisting of approximately 19.03 acres of land (the "Property"), as more particularly described in the restrictive covenant of record in Volume 5240, Page 865, of the Real Property Records of Travis County, Texas, (the "Restrictive Covenant").

WHEREAS, the Restrictive Covenant imposed certain restrictions and covenants on the Property.

WHEREAS, the Restrictive Covenant provided that the Restrictive 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, the Owners desire to amend the Restrictive Covenant as to the Released Property.

WHEREAS, the City Council and the Owners agree the Restrictive Covenant should be amended as to the Released Property.

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

1. The Restrictive Covenant is amended to release the Released Property from the terms and provisions of the Restrictive Covenant.

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 the Property on and after the effective date of this Amendment.

3. The City Manager or designee, shall execute, on behalf of the City, this First Amended Restrictive Covenant for Zoning File No. C14-75-042(RCA3), as authorized by the City Council of the City of Austin. This First Amended Restrictive Covenant shall be filed in the Real Property Records of Travis County, Texas.

EXECUTED to be effective the _____ day of _____, 2015.

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 _____

§

This instrument was acknowledged before me on this the _____ day of _____, 2015, 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 _____, 2015, 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. 13379-02

DATE: AUGUST 28, 2014

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11.29 ACRES

Being 11.29 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 3 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 11°27'11" E, 238.78 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: S 27°24'23" W, 110.00 feet to a calculated point, for an angle point in the east line of this tract,

THENCE: continuing through said 62.101 acre tract the following six (6) courses:

1. S 14°23'37" E, 90.00 feet to a calculated point, for an angle point in the east line of this tract,
2. S 27°24'23" W, 8.92 feet to a calculated point, for an angle point in the east line of this tract,
3. S 28°34'23" W, 121.08 feet to a calculated point, for an angle point in the east line of this tract,
4. S 78°37'23" W, 45.00 feet to a calculated point, for an angle point in the east line of this tract,
5. S 27°34'23" W, 60.00 feet to a calculated point, for an angle point in the east line of this tract,
6. S 17°19'37" E, 65.63 feet pass the west line of a called variable width Drainage Easement recorded in Document No. 2001194169, Official Public Records, Travis County, Texas, continuing for 85.00 feet to a calculated point, marking an angle point in the east line of this tract,

THENCE: continuing through said 62.101 acre tract and said Drainage Easement the following eight (8) courses:

1. S 27°34'23" W, 463.48 feet to a calculated point, for an angle point in the east line of this tract,
2. S 28°12'23" W, 95.00 feet to a calculated point, for an angle point in the east line of this tract,

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3. S 66°54'23" W, 40.00 feet to a calculated point, for an angle point in the east line of this tract,
4. S 28°12'23" W, 65.00 feet to a calculated point, for an angle point in the east line of this tract,
5. S 24°54'37" E, 50.00 feet to a calculated point, for an angle point in the east line of this tract,
6. S 28°12'23" W, 285.00 feet to a calculated point, for the most easterly 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 08°58'02" W, 154.44 feet, marking the southwest corner of a called 1.444 acre Tract No. 3, conveyed to the City of Austin in Volume 7882, Page 977, Deed Records of Travis County, Texas;
7. S 71°49'23" W, 64.02 feet to a calculated point, for the most southerly southeast corner of this tract,
8. N 07°18'20" W, 45.21 feet to a calculated point, for an angle point in the south line of this tract,

THENCE: N 55°02'51" W, 56.78 feet pass the west line of said Drainage Easement, continuing for 60.68 feet in all to a calculated point, for an angle point in the south line of this tract,

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

1. N 33°38'48" W, 87.77 feet to a calculated point, for an angle point in the south line of this tract,
2. N 19°31'18" W, 114.95 feet to a calculated point, for an angle point in the south line of this tract,
3. N 37°41'43" W, 76.51 feet to a calculated point, for the southwest corner of this tract,
4. N 49°03'23" E, 208.34 feet to a calculated point, for an angle point in the west line of this tract,
5. 299.96 feet along a curve to the left (r=800.00', LC=N 38°18'23" E 298.21') to a calculated point, marking an angle point in the west line of this tract,
6. N 27°34'23" E, 437.00 feet to a calculated point, for an angle point in the west line of this tract,
7. 125.61 feet along a curve to the left (r=80.00', LC=N 17°24'37" W 113.10') to a calculated point, marking an angle point in the west line of this tract;

FIELD NOTES

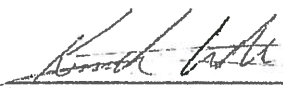
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8. N 62°23'37" W, 440.00 feet to a calculated point, for an angle point in the west line of this tract,
9. 61.68 feet, along a curve to the left ($r=370.00'$, $LC=N 67°10'10" W 61.61'$) to a calculated point at the centerline of a creek, marking an angle point in the west line of this tract;
10. N 01°29'43" W, with the center line of said creek, 35.99 feet to a calculated point, for an angle point in the west line of this tract,
11. N 02°13'45" E, continuing with the center line of said creek, 167.92 feet to a calculated point, for an angle point in the west line of this tract,
12. N 11°09'26" E, continuing with the center line of said creek, 96.20 feet to a calculated point, for the northwest corner of this tract,
13. S 62°14'02" E, leaving the center line of said creek, 7.17 feet to a calculated point, for an angle point in the north line of this tract,
14. S 18°29'37" E, 90.00 feet to a calculated point, for an angle point in the north line of this tract,
15. N 73°59'23" E, 90.00 feet to a calculated point, for an angle point in the north line of this tract,
16. S 62°23'37" E, 697.41 feet to the Point of Beginning.

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

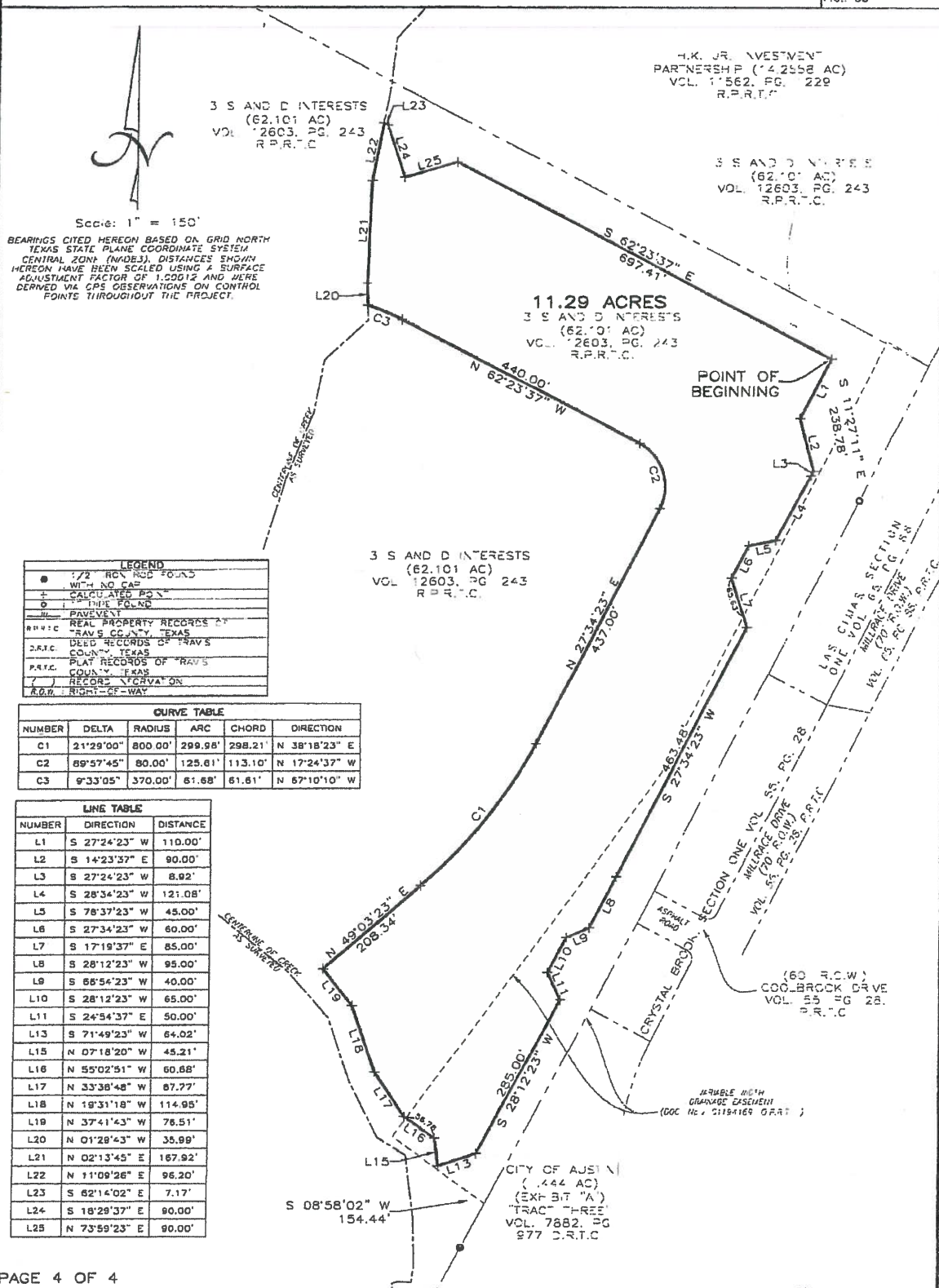
 9-2-14
Kenneth Louis Crider, R.P.L.S. No. 5624
Texas Land Surveying, Inc.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



Texas Land Surveying, Inc.

3613 Williams Drive, Suite 903 – Georgetown, Texas 78628
(512) 930-1600 www.texas-ls.com
TBPLS FIRM No. 10056200

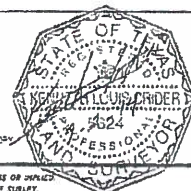
JOB NO: 13379-02
DRAWN: RDG
F.C.: CC



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FIELD NOTES

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4.40 ACRES

Being 4.40 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 3 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 west line of a called Las Cimas, Section One, a subdivision in Travis County, Texas, recorded in Volume 65, Page 88, Plat Records of Travis County, Texas, marking the southeast corner of a called 14.2558 acre tract conveyed to H.K. Jr. Investment Partnership in Volume 11562, Page 1229, said Real Property Records, marking the northeast corner of a called variable width Drainage Easement recorded in Document No. 2001194169, Official Public Records, Travis County, Texas, for the northeast corner of said 62.101 acre tract and this tract;

THENCE: S 27°26'55" W, with the east line of said 62.101 acre tract and the west line of said Las Cimas subdivision, 250.42 feet to a 1 inch pipe found, marking the northwest corner of Lot 9 in said Las Cimas Subdivision for an angle point in the east line of this tract,

THENCE: S 27°35'45" W, continuing with the east line of said 62.101 acre tract and the west line of said Las Cimas subdivision, 321.96 feet to a 1/2 inch iron rod found, marking the southwest corner of Lot 6 in said Las Cimas Subdivision and the northwest corner of Lot 5 of a called Crystal Brook, Section One, a subdivision in Travis County, Texas, recorded in Volume 55, Page 28, said Plat Records, for an angle point in the east line of this tract,

THENCE: S 27°37'14" W, with the east line of said 62.101 acre tract and the west line of said Crystal Brook subdivision, 410.94 feet to a calculated point, for an angle point in the east line of this tract,

THENCE: S 28°15'28" W, with the east line of said 62.101 acre tract and the west line of said Crystal Brook subdivision, 211.39 feet pass the southwest corner of Lot 2 of said Crystal Brook subdivision, being the northwest corner of a called 1.444 acre Tract No. 3, conveyed to the City of Austin in Volume 7882, Page 977, Deed Records of Travis County, Texas, and continuing with the east line of said 62.101 acre tract and the west line of said City of Austin tract for a total distance of 802.84 feet to a calculated point, for the 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 28°14'34" W, 50.40 feet, marking the southwest corner of said City of Austin tract;

THENCE: into and across said 62.101 acre tract the following twenty-two (22) courses:

1. N 82°40'38" W, 50.54 feet to a calculated point, for the southwest corner of this tract,
2. N 07°18'20" W, 82.43 feet to a calculated point, for an angle point in the west line of this tract,

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3. N 71°49'23" E, 64.02 feet to a calculated point, for an angle point in the west line of this tract,
4. N 28°12'23" E, 285.00 feet to a calculated point, for an angle point in the west line of this tract,
5. N 24°54'37" W, 50.00 feet to a calculated point, for an angle point in the west line of this tract,
6. N 28°12'23" E, 65.00 feet to a calculated point, for an angle point in the west line of this tract,
7. N 66°54'23" E, 40.00 feet to a calculated point, for an angle point in the west line of this tract,
8. N 28°12'23" E, 95.00 feet to a calculated point, for an angle point in the west line of this tract,
9. N 27°34'23" E, 463.48 feet to a calculated point, for an angle point in the west line of this tract,
10. N 17°19'37" W, 85.00 feet to a calculated point, for an angle point in the west line of this tract,
11. N 27°34'23" E, 60.00 feet to a calculated point, for an angle point in the west line of this tract,
12. N 78°37'23" E, 45.00 feet to a calculated point, for an angle point in the west line of this tract,
13. N 28°34'23" E, 121.08 feet to a calculated point, for an angle point in the west line of this tract,
14. N 27°24'23" E, 8.92 feet to a calculated point, for an angle point in the west line of this tract,
15. N 14°23'37" W, 90.00 feet to a calculated point, for an angle point in the west line of this tract,
16. N 27°24'23" E, 110.00 feet to a calculated point, for an interior "ell" corner in the west line of this tract,
17. N 62°23'37" W, 697.41 feet to a calculated point, for an angle point in the west line of this tract,

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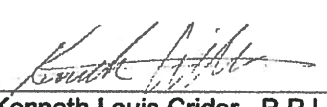
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18. S 73°59'23" W, 90.00 feet to a calculated point, for an angle point in the west line of this tract,
19. N 18°29'37" W, 90.00 feet to a calculated point, for an angle point in the west line of this tract,
20. N 62°14'02" W, 7.17 feet to a calculated point, for an angle point in the west line of this tract,
21. N 11°09'26" E, 59.05 feet to a calculated point, for an angle point in the west line of this tract,
22. N 06°22'45" E, 8.57 feet to a calculated point in the south line of said H.K. Jr. Investment tract and the north line of said 62.101 acre tract, for the northwest corner of this tract,

THENCE: S 62°23'37" E, 1004.18 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, R.P.L.S. No. 5624
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AFTER RECORDING RETURN TO:

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