

**FIRST AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-76-083(RCA)**

Owner: Harold K. Kaemerle, Jr. and Patrick T. Kaemerle

Address: 2254 Moore Street, Suite 102, San Diego, CA 92110

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 10.49 acres of land, more particularly described in Exhibit "A" attached to this First Amended Restrictive Covenant (the "Released Property") is a portion of that certain property described in Zoning File No. C14-76-083(RCA), consisting of approximately 24.34 acres of land (the "Property"), as more particularly described in the restrictive covenant of record in Volume 5764, Page 1156, 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. C14-76-083(RCA), 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.

OWNERS:

By: _____
HAROLD K. KAEMERLE, JR

By: _____
PATRICK T. KAEMERLE

CITY OF AUSTIN:

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

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

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This instrument was acknowledged before me on this the _____ day of _____, 2015, by Harold K. Kaemerle, Jr.

Notary Public, State of Texas

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This instrument was acknowledged before me on this the _____ day of _____, 2015, by Patrick T. Kaemerle.

Notary Public, State of Texas

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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. 13379-00

DATE:

PAGE 1 OF 2

10.49 ACRES

Being 10.49 acres of land situated in Travis County, Texas, out of the J.C. Tannehill League No. 29, Abstract No. 22, Travis County, Texas and being out of that certain tract of land described as 14.2558 acres in Warranty Deed to H.K. Jr. Investment Partnership dated November 12, 1991 and recorded in Volume 11562, Page 1229 of the Real Property Records of Travis County, Texas; said 10.49 acres as shown on the accompanying sketch being further described by metes and bounds as follows:

BEGINNING: at a 1 inch iron pipe found at the south corner of Lot 4, Block 7 of Las Cimas, Section One, a subdivision in Travis County, Texas as recorded in Volume 65, Page 88 of the Plat Records of Travis County, Texas, for the east corner of said H.K. Jr. Investment Partnership tract and this tract, from which a 1/2 inch iron pin found for the east corner of said Lot 4, Block 7 bears N 27°53'45" E, 125.34 feet for reference;

THENCE: S 27°38'10" W, 457.44 feet with the northwest line of said Las Cimas subdivision and the southeast line of said H.K. Jr. Investment Partnership tract to a 1/2 inch iron rod with plastic cap inscribed "CS LTD" set in the west line of Lot 13, Block 1 of said Las Cimas subdivision, for the east corner of that tract of land described as 62.101 acres in General Warranty Deed to 3 S and D Interests dated January 16, 1996 and recorded in Volume 12603, Page 243 of said Real Property Records, for the south corner of said H.K. Jr. Investment Partnership tract and this tract;

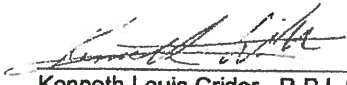
THENCE: N 62°23'37" W, 1004.18 feet with the northeast line of said 3 S and D tract, same being the south line of said H.K. Jr. Investment Partnership tract to a 1/2 inch iron rod with plastic cap inscribed "TLS INC." set, for the west corner of this tract;

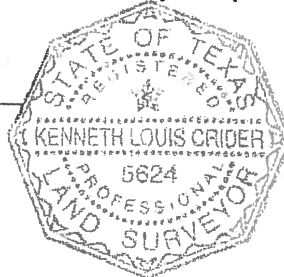
THENCE: into and across said H.K. Jr. Investment Partnership tract with the approximate center line of a creek the following three (3) courses:

1. N 06°22'45" E 70.17 feet to a 1/2 inch iron rod with plastic cap inscribed "TLS INC." set,
2. N 41°38'05" E 259.94 feet to a 1/2 inch iron rod with plastic cap inscribed "TLS INC." set,
3. N 25°15'03" E 146.06 feet to a 1/2 inch iron rod with plastic cap inscribed "TLS INC." set in the southwest line of said Las Cimas subdivision, for the north corner of this tract,

THENCE: S 62°02'05" E, 972.84 feet with the southwest line of said Las Cimas subdivision and the northeast line of said H.K. Jr. Investment Partnership tract to the POINT OF BEGINNING, and containing 10.49 acres of land, more or less.

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


5-27-14
Kenneth Louis Crider, R.P.L.S. No. 5624
Texas Land Surveying, Inc.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

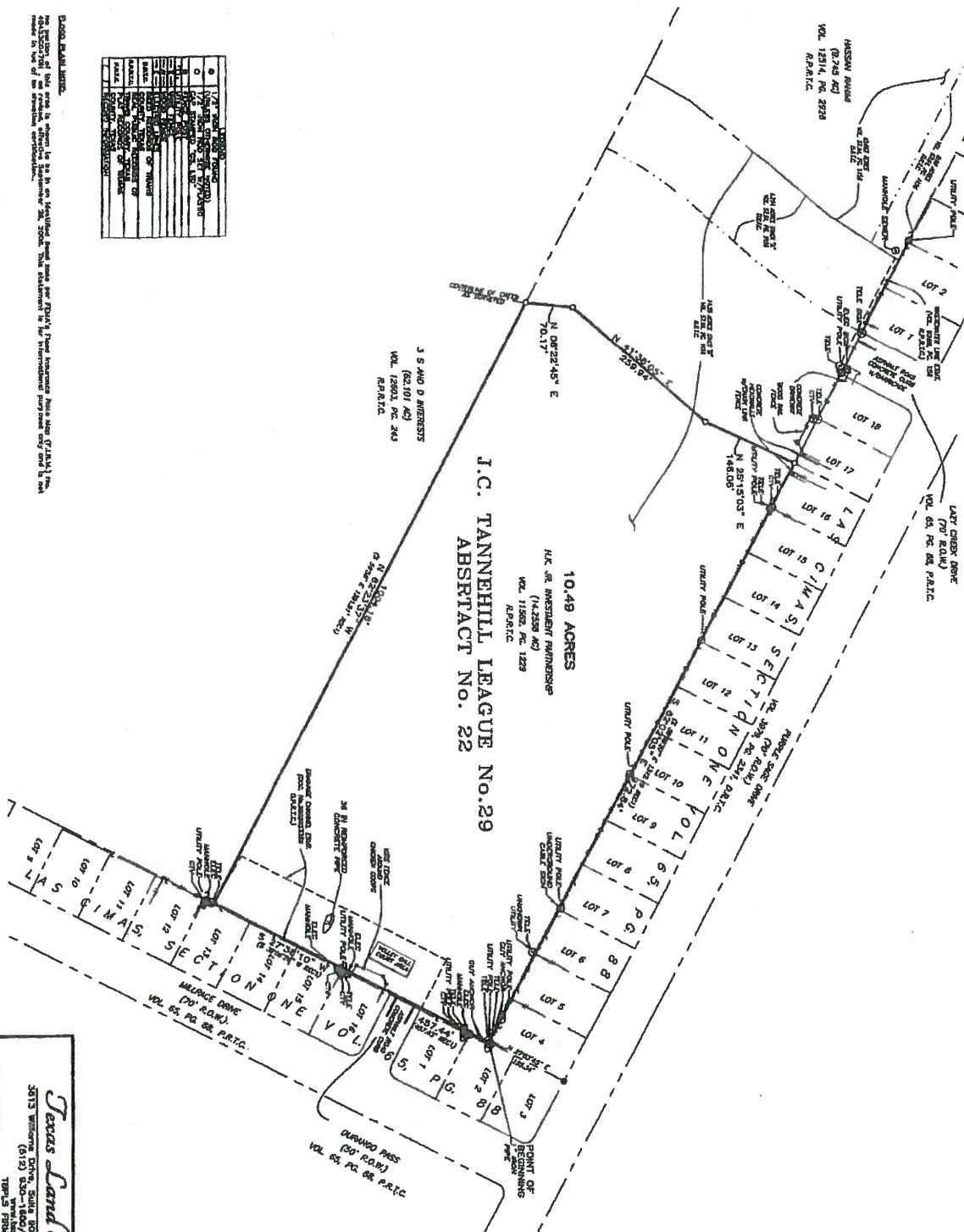


BOUNDARY SURVEY



RESEARCH CITED HEREIN BASED ON CERO NORTH
TOWNSHIP PLANT COORDINATE STUDY
CONTROL, 2007 (RADIAL DISTANCES SHOWN
HEREIN HAVE BEEN SCALED USING A SURFACE
ADJUSTMENT FACTOR OF 1.00013 AND WERE
DERIVED VIA GPS DEPENDENCIES ON CONTROL
POINTS THROUGHOUT THE PROJECT.

Notes

[illegible][illegible]

E.0002: FRANK WINTER:
The position of that article is shown to be in an identified good name for FDIA's Food Insurance Policy (F.I.P.) No. 0433332001, as created effective September 28, 2008. This statement is for international purposes only and is not made in the of an existing application.

Texas Land Surveying, Inc.

(512) 930-1600/(512) 930-8

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SHEET

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AFTER RECORDING RETURN TO:

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Attn: J. Collins, Paralegal