

**FIRST AMENDED RESTRICTIVE COVENANT  
FOR ZONING CASE NO. C14-73-144(RCA)**

Owner: HDJS Partners, LP, a Texas limited partnership

Address: 2101 Lakeway Boulevard, Suite 100, Austin, Texas 78734

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 3.82 acres of land, more particularly described as follows:

Lot 1A, Eberhart Village Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 84, Page 53A, of the Plat Records of Travis County, Texas (the "Released Property"),

is a portion of that certain property described in Zoning File No. C14-73-144, consisting of approximately 11.82 acres of land (the "Property"), as more particularly described in the restrictive covenant of record in Volume 4892, Page 573, 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. C14-73-144(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.

**OWNER:**

**HDJS PARTNERS, LP**, a Texas limited partnership

By: **HDJS GP, LLC**, a Texas limited liability company, its general partner

\_\_\_\_\_  
**HAYTHEM DAWLETT**  
Managing Member

**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 \_\_\_\_\_, 2015, by Haythem Dawlett, Managing member of HDJS GP, LLC, a Texas limited liability company, general partner of HDJS Partners, LP, a Texas limited 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

**AFTER RECORDING RETURN TO:**

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