

**FIRST AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-85-288.8(RCA)**

Owner: Lantana Tract 33, L.P., a Delaware limited partnership

Owner Address: 7500 Rialto Boulevard, Building 1, Suite 270, Austin, Texas 78735

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 27.549 acres of land located at 6701, 6825 ½ and 7045 ½ Rialto Boulevard, more particularly described as follows:

Tract 1:

Lot 9B, Block A, a resubdivision of Lot 9, Block A, Rialto Park at Lantana Subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 201500204 of the Official Public Records of Travis County, Texas, and;

Tract 2:

Lot 7, Block A, Rialto Park at Lantana Subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200100096 of the Official Public Records of Travis County, Texas, and;

Tract 3:

Lot 8, Block A, Rialto Park at Lantana Subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200100096 of the Official Public Records of Travis County, Texas (cumulatively known as the “Restricted Property”),

is a portion of that certain property described in Zoning File No. C14-85-288.8(RCA), originally consisting of approximately 29.6238 acres of land (the “Original Property”), as more particularly described in that certain Restrictive Covenant recorded in Volume 9888, Page 927, of the Real Property Records of Travis County, Texas (the “Restrictive Covenant”), was impressed with certain covenants and restrictions by the Restrictive Covenant.

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 Original Property at the time of such modification, amendment or termination.

WHEREAS, Lantana Tract 33, L.P., a Delaware limited partnership is the current owner (the "Owner") of the Original 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. Paragraph No. 1 of the Restrictive Covenant is deleted in its entirety.
2. Impervious cover on the Restricted Property may not exceed 34 percent gross site area.
3. That portion of the Original Property that is not included in the Restricted Property is hereby released from the Restrictive Covenant. Notwithstanding the foregoing, the terms and conditions of any other restrictive covenant entered into with respect to the Original Property not included in the Restricted Property remain in full force and effect.
4. 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.
5. 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 _____, 2016.

OWNER:

Lantana Tract 33, L.P., a Delaware limited partnership

By: Green/Lion GP Two, L.L.C., a Delaware limited liability company, its General Partner

By: _____
Barry Marcus
Senior Vice President

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 _____, 2016, by Barry Marcus, Senior Vice President of Green/Lion GP Two, L.L.C., a Delaware limited liability company, general partner of Lantana Tract 33, L.P., a Delaware limited partnership, on behalf of said partnership.

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the _____ day of _____, 2016, 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: Michele Thompson, Paralegal