

**FIRST AMENDMENT TO THE RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-85-288.8(RCA4)**

OWNER: JDI Holdings, LLC, a Texas limited liability company

ADDRESS: P.O. Box 3014, Marble Falls, TX 78654

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 undersigned Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, the property consisting of approximately 9.107 acres of land located at 7717 Southwest Parkway, more particularly described as follows:

9.107 acres of land situated in the J.D. McAllister Survey No. 71, Travis County, Texas, being all of Lot 1, Block D, Lantana Phase 1, Section 2, a subdivision whose plat is recorded in Document No. 200000150 of the Official Public Records of said county conveyed to JDI Holdings, LLC by deed recorded in Document No. 2015148748 of the said Official Public Records, said 9.107 acres being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (the "Restricted Property"),

is a portion of that certain property described in Zoning File No. C14-85-288.8(RCA4), originally consisting of approximately 13.05 acres of land (the "Original Property"), as more particularly described in that certain Restrictive Covenant recorded in Volume 9888, Page 872, 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 only 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, JDI Holdings, LLC, a Texas limited liability company, is the current owner (the "Owner") of the Restricted Property on the date of this First Amended Restrictive Covenant ("Amendment") and desires to amend the Restrictive Covenant as to the Restricted 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. Delete the existing reference to maximum net leasable square feet of buildable space and floor-to-area ratio in Paragraph 1.
2. Reduce the existing maximum allowable impervious cover from 65% to 58% in Paragraph 2.
3. Subsequent redevelopment is subject to the impervious cover restrictions and other site development regulations applicable under then-current regulations.
4. The use of outdoor sound amplification equipment is prohibited on the Property.
5. Notwithstanding the foregoing, the terms, conditions and provisions of the Restrictive Covenant shall continue for that portion of the Original Property that is not included in the Restricted Property.
6. 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.
7. The City Manager, or her 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 _____, 2017.

OWNER:

JDI HOLDINGS, LLC, a Texas limited liability company

By: _____

J.D. IVEY

Manager

CITY OF AUSTIN:

By: _____

BERT LUMBRERAS

Assistant City Manager

City of Austin

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

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COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2017, by J.D. Ivey, Manager of JDI Holdings, LLC, a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas

THE STATE OF TEXAS §

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COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2017, by Bert Lumbreras, Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

JANUARY 27, 2016 JOB NO. 1673-13 FIELD NOTE NO. 1673-01
CLIENT: JDI HOLDINGS, LLC PROJECT: LOT 1, BLOCK D, LANTANA
PHASE 1, SECTION 2 C.O.A. GRID B21 & C21

FIELD NOTES

A DESCRIPTION OF 9.107 ACRES OF LAND SITUATED IN THE J.D. McALLISTER SURVEY NO. 71, TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 1, BLOCK D, LANTANA PHASE 1, SECTION 2, A SUBDIVISION WHOSE PLAT IS RECORDED IN DOCUMENT NO. 200000150 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY CONVEYED TO JDI HOLDINGS, LLC BY DEED RECORDED IN DOCUMENT NO. 2015148748 OF THE SAID OFFICIAL PUBLIC RECORDS, SAID 9.107 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found for the northeast corner of said Lot 1 and the northwest corner of Lot 6, Block P of said Lantana Phase 1, Section 2 on the south right-of-way (R.O.W.) line of Southwest Parkway, R.O.W. varies, dedicated by Volume 10559, Page 1 and Volume 10559, Page 14 of the Real Property Records of said county;

THENCE along the east lines of said Lot 1 and the west lines of said Lot 6 the following eight (8) courses:

1. S47°31'03"W, 32.31 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
2. S12°22'07"W, 48.99 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
3. S08°25'55"E, 106.13 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
4. S16°04'58"W, 64.31 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
5. S05°38'15"E, 173.71 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
6. S18°34'57"E, 68.94 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
7. S02°28'52"E, 83.25 feet to a 5/8 inch iron rod found, and
8. S05°03'23"E, 90.04 feet to a 5/8 inch iron found for the southwest corner of said Lot 6 and the northwest corner of Lot 2 of said Block P;

THENCE continuing along the east line of said Lot 1 and along the west line of said Lot 2, Block P, S05°03'23"E, 87.50 feet to a 5/8 inch iron found for the southeast corner of said Lot 1 and the northeast corner of Lot 2 of said Block D;

THENCE, departing the west line of said Lot 2, Block P, along the south lines of said Lot 1 and the north lines of said Lot 2, Block D the following five (5) courses:

1. S80°21'41"W, 55.60 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
2. N81°56'36"W, 101.75 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
3. N42°13'01"W, 99.08 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found,
4. N64°07'52"W, 46.84 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found, and
5. S85°22'32"W, 426.91 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found for the southwest corner of said Lot 1 and the northwest corner of said Lot 2, Block D on the east R.O.W. line of Terravista Drive, 70 foot wide R.O.W., dedicated by said Lantana Phase 1, Section 2;

THENCE along the west lines of said Lot 1 and said east R.O.W. line the following four (4) courses:

1. N19°31'17"E, 72.35 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found for a point of curvature,
2. a distance of 228.11 feet along the arc of a curve to the left whose radius is 535.00 feet, central angle is 24°25'44" and whose chord bears N07°18'25"E, 226.38 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found for a point of tangency,
3. N04°54'27"W, 294.19 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found for a point of curvature, and
4. a distance of 39.09 feet along the arc of a curve to the right whose radius is 25.00 feet, central angle is 89°35'34" and whose chord bears N39°53'19"E, 35.23 feet to a 5/8 inch iron rod with plastic cap marked "RL SURVEYING" found for the most northerly northwest

corner of said Lot 1 on the said south R.O.W. line of Southwest Parkway and a point of tangency;

THENCE along the north line of said Lot 1 and said south R.O.W. line N84°41'06"E, 620.37 feet to the POINT OF BEGINNING containing 9.107 acres of land more or less.



Clifton Seward
01/27/16

AFTER RECORDING RETURN TO:

City of Austin Law Department

P.O. Box 1088

Austin, Texas 78767-1088

Attn: Michele Thompson, Paralegal