Item # 73
PAZ

TERMINATION OF RESTRICTIVE COVENANT
FOR ZONING CASE: C14-84-346(RCT1)

OWNER:	Harold K. Kaemerle, Jr., and Patrick T. Kaemerle
OWNER ADDRESS:	2165 San Diego Avenue, Suite 205, San Diego CA, 92110-2908
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 City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

WHEREAS, Northwest Territory Joint Venture of Travis County, Texas, entered into that certain Restrictive Covenant, dated as of August 21, 1985, and recorded in the Real Property Records of Travis County, Texas, on February 6, 1987, in Volume 10094, Page 0938 (the "Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-84-346; and,

WHEREAS, that certain Restrictive Covenant was first amended on February 10, 2015 and recorded on February 20, 2015 as Document No. 2015024711; and,

WHEREAS, the Restrictive Covenant encumbers real property, consisting of approximately 3.79 acres more particularly described in **Exhibit "A"** incorporated into this Termination of Restrictive Covenant (the "Property"); and,

WHEREAS, the Restrictive Covenant provides that the covenant can be modified, amended, or terminated by joint action of both a majority of the members of the City Council and the Owner of the Property at the time of such modification, amendment or termination; and,

WHEREAS, Harold K. Kaemerle, Jr., and Patrick T. Kaemerle, as sole and current owners (the "Owner") of the Property, now desire to terminate the Restrictive Covenant; and,

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be terminated;

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

1. The Restrictive Covenant is terminated and each term, condition, and provision will have no effect after the effective date of this Termination of Restrictive Covenant.

2. The City Manager, or his designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No. C14-84-346(RCT1) as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas, which will terminate the documents of record in Volume 10094, Page 0938, and amended in Document No. 201502471, in the Real Property Records, Travis County, Texas.

EXECUTED this the 19TH day of APRIL, 2018.

OWNERS:

By: _____
HAROLD K. KAEMERLE, JR

By: _____
PATRICK T. KAEMERLE

CITY OF AUSTIN:

By: _____
Joe Pantalion
Interim Assistant City Manager
City of Austin

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On April 19th, 2018 before me, Whitney Nora Davidson, Notary Public
(insert name and title of the officer)

personally appeared Patrick T. Kaemerle,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

WHITNEY NORA DAVIDSON
Notary Public – California
Orange County
Commission # 2180180
My Comm. Expires Jan 16, 2021

Signature _____ (Seal)

2. The City Manager, or his designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No. C14-84-346(RCT1) as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas, which will terminate the documents of record in Volume 10094, Page 0938, and amended in Document No. 201502471, in the Real Property Records, Travis County, Texas.

EXECUTED this the 19th day of April, 2018.

OWNERS:

By: _____
HAROLD K. KAEMERLE, JR

By: _____
PATRICK T. KAEMERLE

CITY OF AUSTIN:

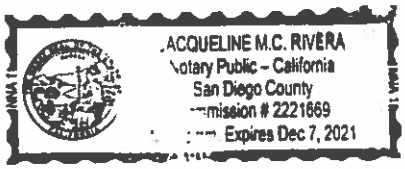
By: _____
Joe Pantalion
Interim Assistant City Manager
City of Austin

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

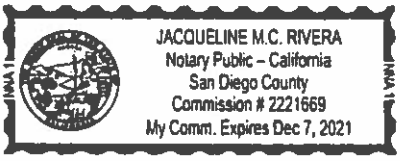
THE STATE OF California §
§
COUNTY OF San Diego §

This instrument was acknowledged before me on this the 19 day of April, 2018, by Harold K. Kaemerle, Jr.



Notary Public, State of ~~Texas~~ California

THE STATE OF _____ §
§
COUNTY OF _____ §



This instrument was acknowledged before me on this the _____ day of _____, 2018, by Patrick T. Kaemerle.

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2018, by Joe Pantalion, as Interim Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

_____
Notary Public, State of Texas

C14-84 Page 4 of 5 (RCT1)

EXHIBIT "A"

FIELD NOTES
JOB NO. 13379-00
DATE: JANUARY 2, 2018
PAGE 1 OF 3 Field Notes to accompany exhibit

3.79 ACRES

EXHIBIT A

3.79 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF A CALLED 14.294 ACRES DESCRIBED IN A SPECIAL WARRANTY DEED TO HAROLD K. KAEMERLE, JR. AND SHARIE KAEMERLE, RECORDED UNDER DOCUMENT NO. 2014175485 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

As surveyed on the ground on this, the 18th day of December, 2017, by Texas Land Surveying, Inc., and further described by metes and bounds as follows:

BEGINNING: at a disturbed1/2" iron rod, found in the south line of Las Cimas, Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 65, Page 88 of the Plat Records of Travis County, Texas, the west line of Lazy Creek Drive, the north line of said Kaemerle tract, and this parcel, for the southeast corner of Lot 1 of said Las Cimas, Section 1, and an angle point.

THENCE: S 62°02'08" E, 219.60 feet along the south line of said Las Cimas, Section 1, the north line of said Kaemerle tract, and this parcel, to a 1/2" iron rod w/ cap stamped "TLS, Inc.", set for the southeast corner of Lot 17, and the southwest corner of Lot 16 of said Las Cimas, Section 1, and the northeast corner of this parcel.

THENCE: into, over and across said Kaemerle tract, and along the centerline of a creek, as surveyed, the following 3 calls:

1) S 25°33'44" W, 146.02 feet to a calculated point, for an angle point in the east line of this parcel.

2) S 41°38'05" W, 259.94 feet to a calculated point, for an angle point in the east line of this parcel

3) S 06°22'45" W, 70.17 feet to a calculated point in the north line of a called 62.101 acres, described in a General Warranty Deed to 3 S and D Interests, recorded in Volume 12603, Page 243 of the Real Property Records of Travis County, Texas, and the south line of said Kaemerle tract, for the southeast corner of this parcel.

THENCE: N 62°23'37" W, 378.11 feet along the north line of said 3 S and D Interests tract, the south line of said Kaemerle tract, and this parcel, to a 1/2" iron rod found, for the southeast corner of a called 9.745 acres described in a Special Warranty Deed to Hassan Rahimi, recorded in Volume 12514, Page 2928 of said Real Property Records, the southwest corner of said Kaemerle tract, and this parcel.

THENCE: along the east line of said Rahimi tract, the west line of said Kaemerle tract, and this parcel the following 4 calls:

1) N 30°41'54" E, 77.57 feet to a 1/2" iron rod found, for an angle point.

2) N 38°36'15" E, 148.73 feet to a 1/2" iron rod found, for an angle point.

3) N 40°29'12" E, 122.96 feet to a 1/2" iron rod found, for an angle point.

4) N 32°26'58" E, 122.77 feet to a 1/2" iron rod found in the south line of Lot 2 of said Las Cimas, Section 1, for the northwest corner of this parcel.

THENCE: S 62°02'01" E, 120.58 feet along the south line of said Las Cimas, Section 1, the north line of said Kaemerle tract, and this parcel, to the Point of Beginning and containing a computed area of 3.79 acres, more or less.

C14-84-346(RCT1)

EXHIBIT "A"

FIELD NOTES
JOB NO. 13379-00
DATE: JANUARY 2, 2018
PAGE 2 OF 3 Field Notes to accompany exhibit

Bearings cited herein based on: Texas State Plane Coordinate System, Grid North, Central Zone, Texas NAD 83(93). This survey may be in violation of State of Texas Local Government Code, Chapter 232, County Regulations of Subdivisions. Texas land Surveying, Inc. assumes NO liability of any kind for the misuse (illegal use) of this survey.

1-3-18

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

STATE OF TEXAS
REGISTERED
KENNETH LOUIS CRIDER
5624
PROFESSIONAL
LAND SURVEYOR

Texas Land Surveying, Inc.
3613 Williams Drive, Suite 903 – Georgetown, Texas 78628
(512) 930-1600 www.texas-ls.com
TBPLS FIRM No. 10056200
GEOSCIENCE FIRM No. 50538

C14-84-3a Page 6 of 6 RCT 1)

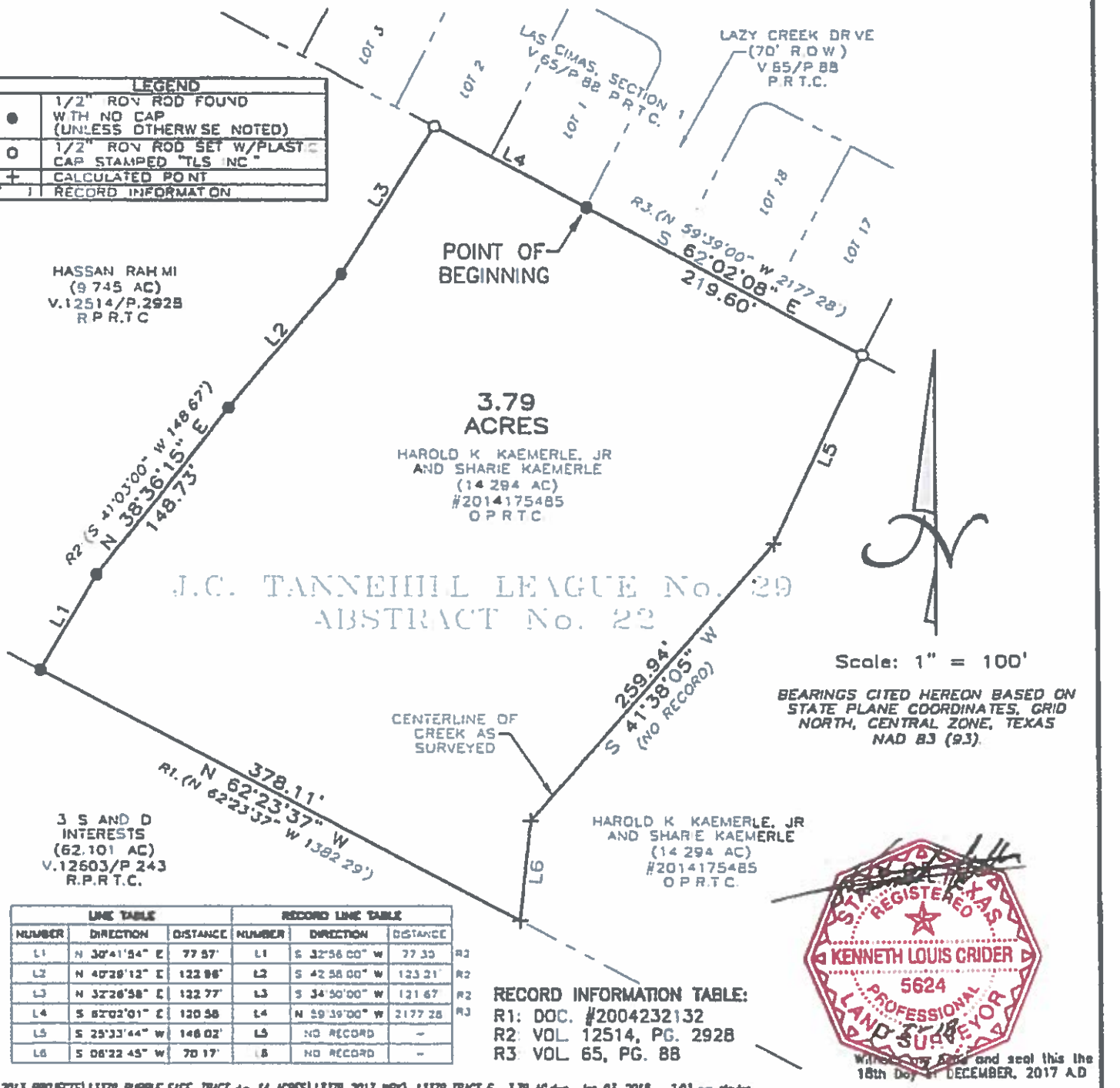
AN EXHIBIT TO ACCOMPANY FIELD NOTES FOR:

3.79 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN DOC. No. 2014175485 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

JOB NO: 13379
DRAWN: RCG
F.C.: CC

SHEET 3 OF 3

EXHIBIT_____



LINE TABLE			RECORD LINE TABLE			
NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE	
L1	N 38°41'54" E	77.57'	L1	S 32°56'00" W	77.33'	R3
L2	N 40°28'12" E	122.86'	L2	S 42°58'00" W	123.21'	R2
L3	N 32°26'58" E	132.77'	L3	S 34°50'00" W	131.67'	R2
L4	S 62°02'01" E	120.58'	L4	N 59°39'00" W	2177.28'	R3
L5	S 25°33'44" W	146.02'	L5	NO RECORD	–	
L6	S 08°22'45" W	70.17'	L6	NO RECORD	–	

RECORD INFORMATION TABLE:
R1: DOC. #2004232132
R2: VOL. 12514, PG. 2928
R3: VOL. 65, PG. 88

STATE OF TEXAS
REGISTERED
KENNETH LOUIS CRIDER
5624
PROFESSIONAL
LAND SURVEYOR

Witness my hand and seal this the 18th Day of DECEMBER, 2017 A.D.

S:\2013_PROJECTS\13379 PURPLE SAGE, TRACT +- 14 ACRES\13379_2017_WRK\ 13379 TRACT 6_ 3.79 AC.dwg Jan 03, 2018 - 2:03 pm rtaylor

Texas Land Surveying, Inc.
–A Land Surveying and Geoscience Firm–
3613 Williams Drive, Suite 903 – Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax www.texas-ls.com
TBPLS FIRM NO.10056200 GEOSCIENCE FIRM NO.50538

IF THIS DOCUMENT DOES NOT CONTAIN THE RED STAMPED SEAL OF THE UNDERSIGNED SURVEYOR, IT IS AN UNAUTHORIZED/ILLEGAL COPY. TEXAS LAND SURVEYING, INC. ASSUMES NO LIABILITY FOR THE USE OF ANY UNAUTHORIZED/ILLEGAL DOCUMENT.

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: C. Curtis, Paralegal