

FIRST AMENDMENT TO RESTRICTIVE COVENANT
FOR ZONING CASE: C14-03-0053 (RCA)

OWNER: The Riddell Family Limited Partnership, a Texas limited partnership

OWNER ADDRESS: 2028 East Ben White Boulevard, Suite 508,
Austin, TX 78741

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, The Riddell Family Limited Partnership, a Texas limited partnership, entered into that certain Restrictive Covenant, dated as of December 5, 2003, and recorded in the Real Property Records of Travis County, Texas, on December 16, 2003, as Document No. 2003288731, (the "Original Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-03-0053; and,

WHEREAS, the Original Restrictive Covenant encumbers real property, consisting of approximately 69.59 acres, more particularly described in the Original Restrictive Covenant; and,

WHEREAS, the Original 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, the Owner of a portion of the Property on the date of this First Amendment to Restrictive Covenant ("Amendment") desires to amend the Original Restrictive Covenant to release a portion of the Property more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Released Property"); and,

WHEREAS, the City Council agrees the Original Restrictive Covenant should be amended to release the Released Property.

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

1. The Original Restrictive Covenant is amended as of the date hereof to release the Released Property from the terms and provisions of the Original Restrictive Covenant.

*need field notes for
2016 case + add 12 acres*

2. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Original Restrictive Covenant, as set forth in the Original Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.
3. 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 this the _____ day of _____, 2018.

Owner:

The Riddell Family Limited Partnership, a Texas limited partnership

By: WJR GP, LLC, a Texas limited liability company, its General Partner

By: _____
Jim Henry, Manager

CITY OF AUSTIN:

By: _____
Joe Pantalione
Interim 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

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This instrument was acknowledged before me on this the ____ day of _____ 2018, by Jim Henry, as Manager of WJR GP, LLC, a Texas limited liability company, general partner of The Riddell Family Limited Partnership, a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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

Notary Public, State of Texas

C14-2016-0021

LEGAL DESCRIPTION

Being 35.032 acres of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and being a portion of a 125.714-acre tract (Tract Three) as described in Warranty Deed to the Riddell Family Limited Partnership, a Texas limited partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, a portion of an 18.029-acre tract as described in Correction Deed to the Riddell Family Limited Partnership recorded in Document No. 2012026879 of the Official Public Records of Travis County, Texas, and all of a 2.775-acre tract of land as described to Riddell Family Limited Partnership in Deed Without Warranty recorded in Document Number 2015046420 of the Official Public Records of Travis County, Texas; said 35.032 acres of land being more particularly described by metes and bounds as follows with bearings referenced to the Texas Coordinate System of 1983, Central Zone:

COMMENCING at a ½" iron rod found with cap stamped LENZ & ASSOCIATES at the intersection of the west right-of-way line of Interstate Highway No. 35 and the north right-of-way line of F.M. 1626, at the southeast corner of a 3.40 acre tract of land described in Special Warranty Deed to the Riddell Family Limited Partnership in Document No. 2009213698 of the Official Public Records of Travis County, Texas;

THENCE with the north right-of-way line of said F.M. 1626, N62°19'35"W a distance of 364.59 feet to a ½" iron rod found capped LENZ & ASSOCIATES at the southwest corner of said 3.40-acre tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, N62°24'24"W, pass a ½" iron rod found with cap stamped "CA INC." at the southeast corner of said 18.029-acre tract at a distance of 322.92 feet, and continuing for a total distance of 749.10 feet to 5/8" iron rod set with cap stamped "JONES | CARTER" for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, North 62°24'24" West a distance of 57.39 feet to a 1" iron pipe found at the southwest corner of said 18.029-acre tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, North 62°24'18" West a distance of 423.72 feet to a concrete monument found for an angle point;

THENCE continuing with the north right-of-way line of said F.M. 1626, N61°45'20"W a distance of 46.85 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southeast corner of a 0.045-acre tract of land (Tract 2) as described in Street Deed to the City of Austin recorded in Document No. 2015046419 of the Official Public Records of Travis County, Texas, for the most southerly southwest corner of this tract, from which a concrete monument found bears N61°45'20"W a distance of 73.09 feet;

THENCE North 20°06'45" West, pass a ½" iron rod found with cap stamped TERRA FIRMA at the north corner of said City of Austin 0.045-acre tract at a distance of 85.83 feet and continuing for a total distance of 176.96 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southwest corner of said Riddell Family 2.775-acre tract, for the most northerly southwest corner of this tract;

THENCE North 27°12'18" East a distance of 67.92 feet to a ½" iron rod found with cap stamped TERRA FIRMA on the east line of a 2.730-acre tract (Tract 1) described in Street Deed to City of Austin in Document Number 2015046419 of the Official Public Records of Travis County, Texas;

THENCE continuing with the east line of said City of Austin 2.730-acre tract (Tract 1), the following four (4) courses:

- 1) North 27°12'18" East a distance of 565.19 feet to a ½" iron rod found with cap stamped TERRA FIRMA at a point of curvature of a curve to the right;
- 2) Northeasterly with said curve to the right having a radius of 424.50 feet and a delta angle of 30°26'26", an arc distance of 225.53 feet (the chord of said curve bears North 42°25'31" East a distance of 222.89 feet) to a ½" iron rod found with cap stamped TERRA FIRMA;
- 3) North 57°38'44" East a distance of 49.53 feet to a ½" iron rod found with cap stamped TERRA FIRMA at a point of curvature of a curve to the left;
- 4) Northeasterly with said curve to the left having a radius of 493.50 feet and a delta angle of 08°48'59", an arc distance of 75.94 feet (the chord of said curve bears North 53°14'15" East a distance of 75.86 feet) to a ½" iron rod found with cap stamped TERRA FIRMA on the west line of said Riddell Family 2.775-acre tract;

THENCE with the west line of said Riddell Family 2.775-acre tract, along a curve to the left having a radius of 493.50 feet and a delta angle of 21°58'12", an arc distance of 189.23 feet (the chord of said curve bears North 37°50'39" East a distance of 188.08 feet) to a ½" iron rod found with cap stamped TERRA FIRMA;

THENCE continuing with the west line of said Riddell Family 2.775-acre tract, N26°51'33"E a distance of 840.91 feet to a ½" iron rod found with cap stamped TERRA FIRMA on the east line of the 7.122-acre tract described in Street Deed to the City of Austin in Document Number 2010172930 of the Official Public Records of Travis County, Texas;

THENCE with the east line of said City of Austin 7.122-acre tract, N23°37'58"E a distance of 23.98 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southwest corner of a 24.532-acre tract described in Special Warranty Deed to Sterling/Babcock & Brown Double Creek, LP in Document No. 2008006671 of the Official Public Records of Travis County, Texas, for the northwest corner of this tract;

THENCE with the south line of said Sterling/Babcock 24.532-acre tract, S73°51'23"E a distance of 664.20 feet to a 5/8" iron rod found at the northwest corner of Lot A, RICHARD MARSHAL ADDITION, a subdivision as recorded in Book 78, Page 131 of the Plat Records of Travis County, Texas, for the northeast corner of the herein described tract;

THENCE with the west line of said Lot A, S16°08'43"W a distance of 649.24 feet to a 5/8" iron rod found at the southwest corner of said Lot A, on a north line of Lot 1, BARNETT SUBDIVISION, a subdivision as recorded in Document No. 201200162 of the Official Public Records of Travis County, Texas;

THENCE with the north line of Lot 1, BARNETT SUBDIVISION, N73°50'05"W a distance of 139.37 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA at the northwest corner of said Lot 1, BARNETT SUBDIVISION, for an inside corner of this tract;

THENCE with the west line of said Lot 1, BARNETT SUBDIVISION, S16°09'55"W a distance of 403.71 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA for the southwest corner of said Lot 1, BARNETT SUBDIVISION;

THENCE with the south line of said Lot 1, BARNETT SUBDIVISION, South 73°50'05" East a distance of 662.00 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA on the west right-of-way line of Interstate Highway No. 35 for the southeast corner of said Lot 1;

THENCE with said west right-of-way of Interstate Highway No. 35, South 16°09'55" West a distance of 88.50 feet to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE with a non-tangent curve to the left having a radius of 25.00 feet and a delta angle of 22°10'57", an arc distance of 9.68 feet (the chord of said curve bears North 62°44'36" West a distance of 9.62 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE North 73°50'05" West a distance of 877.14 feet to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of curvature of a curve to the left;

THENCE with said curve to the left having a radius of 25.00 feet and a delta angle of 84°25'57", an arc distance of 36.84 feet (the chord of said curve bears South 63°56'56" West a distance of 33.60 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of reverse curvature to the right;

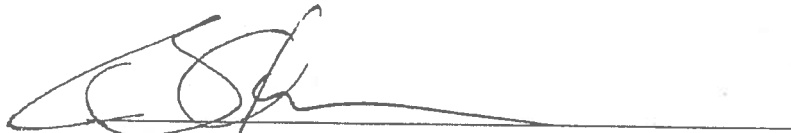
THENCE with said reverse curve to the right having a radius of 5020.00 feet and a delta angle of 05°55'15", an arc distance of 518.75 feet (the chord of said curve bears South 24°41'35" West a distance of 518.52 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE South 27°39'12" West a distance of 519.30 feet to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE South 27°39'12" West a distance of 519.30 feet to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of curvature of a curve to the left;

THENCE with said curve to the left having a radius of 23.00 feet and a delta angle of 19°56'02", an arc distance of 8.00 feet (the chord of said curve bears South 17°41'11" West a distance of 7.96 feet) to the POINT OF BEGINNING and CONTAINING an area of 35.032 acres of land.

This description has been prepared as the result of an on the ground survey completed on November 30, 2015.



Gary C. Bowes
Registered Professional Land Surveyor No. 4053

12/16/2015
Date



SKETCH TO ACCOMPANY ZONING DESCRIPTION

SCALE 1" = 300'



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493

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