

**TERMINATION OF RESTRICTIVE COVENANT**  
**FOR ZONING CASE: C14-97-0010(RCT)**

OWNER: BP Riverside West, LLC, a Delaware limited liability company

OWNER ADDRESS: 3100 McKinnon Street, Suite 250, Dallas, Texas 75201

CITY: The City of Austin, a home-rule municipal corporation and political subdivision of the State of Texas, situated in the counties of Hays, Travis and Williamson.

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, SK Properties, L.P., a Kansas limited partnership entered into that certain Restrictive Covenant, consisting of Lots 5, 6, 7, 8, and 9, Block A, Parke Green, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 85, Pages 161A, Plat Records of Travis County, Texas ("Original Property"); and,

WHEREAS, the Original Property is more particularly described in the Restrictive Covenant dated as of June 3, 1997, and recorded in the Real Property Records of Travis County, Texas, on June 20, 1997, in Volume 12960, Page 0328 (the "Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-97-0010; 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 Original Property at the time of such modification, amendment or termination; and,

WHEREAS, BP Riverside West, LLC, a Delaware limited liability company, as current owner (the "Owner") of the Original Property, generally identified in the map attached hereto as **Exhibit "A"**, 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. C14-97-0010(RCT) 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 document of record in Volume 12960, Page 0328, Real Property Records, Travis County, Texas.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**OWNER:**

BP Riverside West, LLC, a Delaware limited liability company

By: BP Student Holdings, LLC, a Delaware limited liability company

By: 

Name: Cross Maceri

Title: Manager

**CITY OF AUSTIN:**

By: \_\_\_\_\_

J. Rodney Gonzales

Assistant City Manager

City of Austin

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Name: \_\_\_\_\_

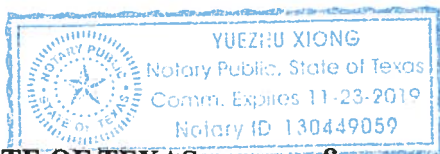
Assistant City Attorney

City of Austin

THE STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on this the 6<sup>th</sup> day of August, 2019, by Cross Mocerri (Name), as manager (Title) of BP Student Holdings, LLC, a Delaware limited liability company, as sole member of BP Riverside West, LLC, a Delaware limited liability company, on behalf of said company.



Yuezhong Xiong  
Notary Public, State of Texas

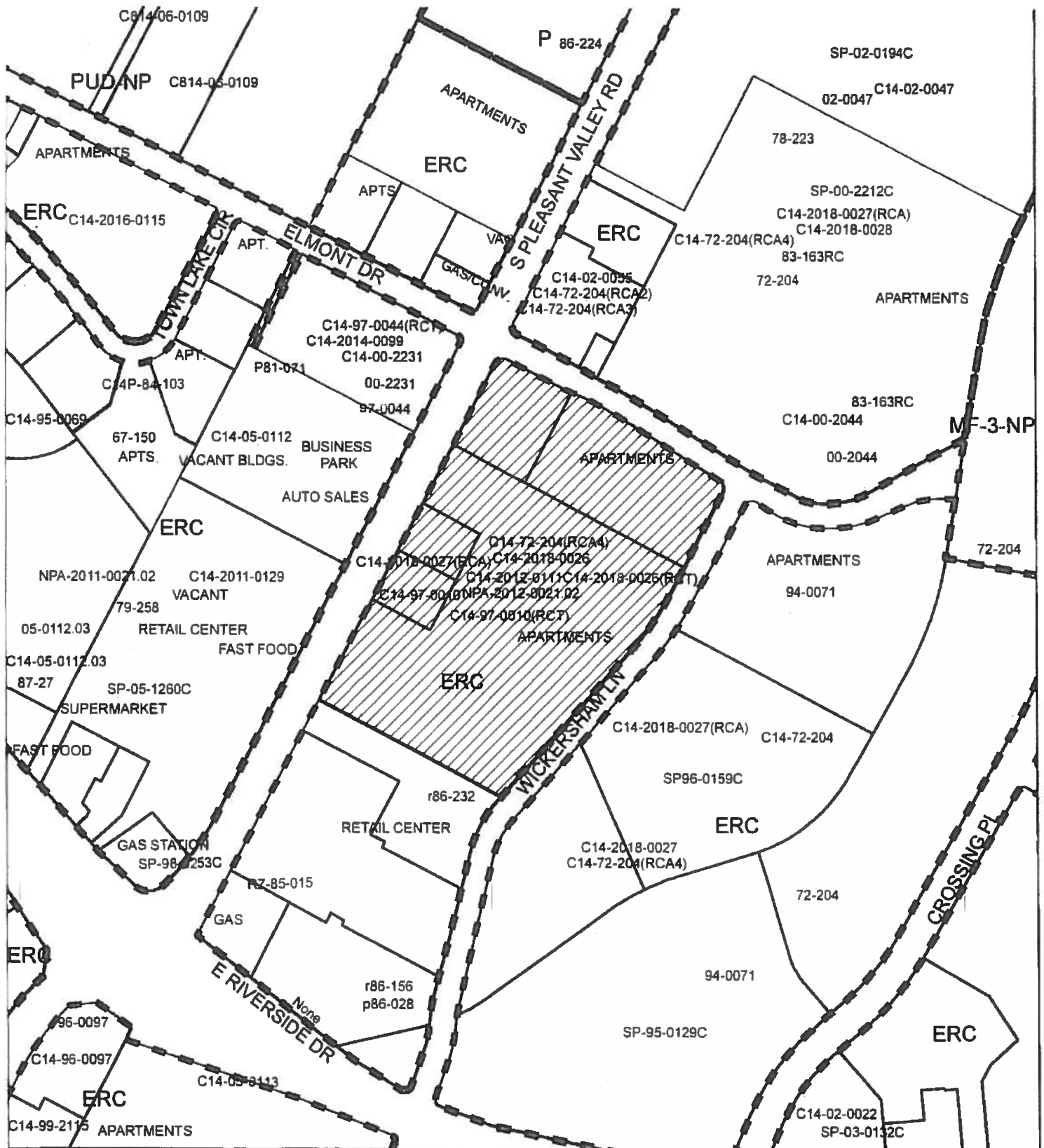
THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by J. Rodney Gonzales, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas



## Restrictive Covenant Termination

Zoning Case: C14-97-0010(RCT)

## Exhibit A



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 375'

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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