

**FIRST AMENDMENT TO RESTRICTIVE COVENANT
FOR ZONING CASE: C14-85-288.56 (RCA)**

OWNER: THT Holdings, LLC., a Texas limited liability company

OWNER ADDRESS: 301 West William Cannon Drive, Suite B-150-503
Austin, TX 78745

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.

PROPERTY: Lot 1, Cedar Oaks Subdivision, an addition in Travis County, Texas, according to the map or plat thereof recorded in Volume 60, Page 17, Plat Records of Travis County, Texas, and

4.5334 acres (197,475 square feet), being partially out of the A.F. Bell Survey No. 75, Abstract No. 86, and being partially out of the Evan Williams Survey No. 294, Abstract No. 829, both in Travis County, Texas, said 4.5334 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this restrictive covenant amendment (collectively referred to as the "Restricted Property"),

WHEREAS, LHC Joint Venture, a joint venture, entered into that certain Restrictive Covenant, dated as of August 10, 1987, and recorded in the Real Property Records of Travis County, Texas, in Volume 10433, Page 0175, (the "Original Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-85-288.56; and

WHEREAS, the Original Restrictive Covenant encumbers real property, consisting of approximately 5.596 acres, more particularly described in the Original Restrictive Covenant as Tract 1 and Tract 2; 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, THT Holdings, LLC., a Texas limited liability company is the current owner (the "Owner") of the Property on the date of this First Amendment to Restrictive

10

Covenant ("Amendment") and desires to amend the Original Restrictive Covenant as to the Restricted Property; and

WHEREAS, the City Council and the Owner agree the Original 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 and the Owner agree as follows:

1. The covenants contained in paragraph 1.b – 1.f. of the Original Restrictive Covenant pertaining to Tract 1, are deleted in their entirety and no longer apply.
2. The covenant contained in paragraph 2.b is deleted in its entirety and no longer applies.
3. The covenant contained in paragraph 2.c of the Original Restrictive Covenant are amended to read as follows and is renumbered as 2 b:

"1.25 acres of Tract 2, as generally shown on **Exhibit "B"**, shall comply with the Code of 1985 (Rivers, Lakes, and Watercourses) section 9-10-192 (g) for construction on slopes as established by the Original Restrictive Covenant. The remainder of Tract 2 shall comply with current City Code for construction on slopes."

4. The covenants contained in paragraph 2.d of the Original Restrictive Covenant is deleted in its entirety and no longer applies.
5. A new paragraph 2.c is added to read as follows:

"Cut and fill shall not exceed 8 feet for a 1.25 acre of Tract 2, as generally shown on Exhibit "B". The remainder of Tract 2 shall comply with current City Code for cut and fill.

6. The Original Restrictive Covenant is amended to add new paragraphs 3-6, applicable to the Restricted Property, and renumber the remaining paragraphs as follows:

3. All impervious cover shall be treated for water quality under the non-degradation standards of the Save Our Springs Initiative, City Code 25-8, Article 13 (*Save Our Springs Initiative*) including sizing water quality treatment volumes to account for future extension of Mountain Shadows Road.
4. The impervious cover within the Mountain Shadows Road right-of-way shall be included to the calculation of allowable impervious cover.
5. A water quality control for the treatment of development on Tracts 1 and 2 shall be allowed to be located on Tract 1.
6. Upon completion of the construction of any multifamily development on Tracts 1 and 2, commercial development on Tract 1, and any associated infrastructure referenced

in this Amendment on the Restricted Property, all further development or redevelopment, exclusive of site plan corrections or revisions as established under current Code, shall be subject to current regulations at the time of site development permit application, and this Restrictive Covenant shall not be construed to establish any vested rights

7. The following language in the Original Restrictive Covenant is deleted in its entirety:

"All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified."

8. Except as expressly provided for in this Amendment, the terms, conditions, and provisions of the Original Restrictive Covenant, as amended, remain in full force and effect on and after the effective date of this Amendment.
9. 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 14 day of AUGUST, 2020.

Owner:

THT Holdings LLC., a Texas limited liability company

By: R. Ranga

Name: SENTHIL RANGASWAMY

Title: Manager

THE STATE OF TEXAS

§

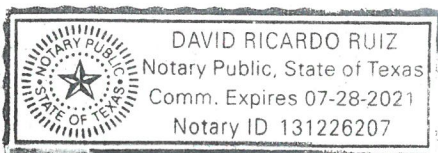
§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the 14 day of AUGUST, 2020, by SENTHIL RANGASWAMY, as manager of THT Holdings, L.L.C., a Texas limited liability company, on behalf of said company.

[Signature]
Notary Public, State of Texas



CITY OF AUSTIN:

By: _____
J. Rodney Gonzales
Assistant City Manager
City of Austin

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2020, 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

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin



EXHIBIT " _____ "

THT Tract Zoning Exhibit
A.F. Bell Survey No. 75, Abstract No. 86
Evan Williams Survey No. 294, Abstract No. 829

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 4.5334 ACRES, (197,475 SQUARE FEET), BEING PARTIALLY OUT OF THE A.F. BELL SURVEY NO. 75, ABSTRACT NO. 86, AND BEING PARTIALLY OUT OF THE EVAN WILLIAMS SURVEY NO. 294, ABSTRACT NO. 829, BOTH IN TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 2, CEDAR OAKS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 60, PAGE 17 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), SAID LOT 2 HAVING BEEN CONVEYED TO THT HOLDINGS RECORDED IN DOCUMENT NO. 2018137655 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), ALSO BEING ALL OF A CALLED 2.92 ACRE TRACT ("TRACT 3"), CONVEYED TO THT HOLDINGS IN DOCUMENT NO. 2018137655 (O.P.R.T.C.T.), SAID 4.5334 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wardls.com
www.4wardls.com

BEGINNING at a 3/4-inch iron pipe found in the south line of Lot 1, Block A, Mountain Shadows Village, A Resubdivision of Lot D, Mountain Shadows, recorded in Document No. 200100288 (O.P.R.T.C.T.), being an exterior ell-corner of a called 53.357 acre tract, conveyed to Donald Marx in Volume 3792, Page 65 of the Deed Records of Travis County, Texas (D.R.T.C.T.), being in the south line of Lot D, Mountain Shadows, a subdivision in Travis County, Texas recorded in Volume 25, Page 2 (P.R.T.C.T.), also being the northwest corner of said 2.92 acre THT tract, for the northwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron pipe found for the southwest corner of Lot 7 of said Block A, Mountain Shadows Village, being an interior ell-corner in said 53.357 acre Marx tract, bears, N61°51'04"W, a distance of 477.35 feet;

THENCE, in part with the south line of said Lot 1, Block A, Mountain Shadows Village, in part with the southern terminus of Mountain Shadows Drive (50' right-of-way), in part with the south line of Lot 5, A Subdivision of Block 1, Mountain Shadows, a subdivision in Travis County, Texas recorded in Volume 26, Page 43 (P.R.T.C.T.), in part with the south line of said Lot D of said Mountain Shadows, in part with the south line of Lot 1, of said Mountain Shadows, in part with the south line of Lot M of said Mountain Shadows, with the north line of said 2.92 acre THT tract, S61°58'28"E, at a distance of 7.57 feet passing a 1/2-inch iron rod found at the southwest terminus of Mountain Shadows Drive (50' right-of-way), being the southeast corner of said Lot 1, Block A, Mountain Shadows Village, being the southeast corner of said Lot D, Mountain Shadows, at a distance of 197.35 feet passing a 1/2-inch iron rod found for the southeast corner of said Lot 5, A Subdivision of Block 1, Mountain Shadows, being the common south corner of said Block 1 and said Block M, Mountain Shadows, continuing for an overall distance of 305.90 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for the northeast corner hereof, said point being in the south line of said Lot M, Mountain Shadows, being the northeast corner of said 2.92 acre THT tract, being the northwest corner of a called 5.829 acre tract conveyed to Travis County in Document No. 2002248524 (O.P.R.T.C.T.), also being the northwest corner of Lot 1, Wesco Acres, a subdivision in Travis County, Texas recorded in Volume 81, Page 89 (P.R.T.C.T.);

THENCE, in part with said 5.829 acre Travis County tract, in part with a called 5.00 acre tract conveyed to the City of Austin (per Travis County Appraisal District) described and recorded in Volume 12846, Page 1731 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), with the west line of said Lot 1, Wesco Acres, and with the east line of said 2.92 acre THT tract, S29°40'31"W, at a distance of 253.20 feet passing a 1/2-inch iron rod found for the most westerly southwest corner of said 5.829 acre Travis County tract, being the northwest corner of said 5.00 acre City of Austin tract, continuing for an overall distance of 842.90 feet to a 1/2-inch iron rod with "Douce" cap found for the southeast corner hereof, said point being in the north right-of-way line of Highway 71 West (150' right-of-way), being the southwest corner of said 5.00 acre City of Austin tract, being the southwest corner of said Lot 1, Wesco Acres, and being the southeast corner of said 2.92 acre THT tract;



THENCE, with the north right-of-way line of said Highway 71 West, in part with the south line of said 2.92 acre THT tract, in part with the south line of said Lot 2, Cedar Oaks Subdivision, **N61°55'54"W**, at a distance of 50.29 feet passing a 1/2-inch iron rod with "Doucet" cap found for the common south corner of said 2.92 acre THT tract and said Lot 2, Cedar Oaks, continuing for an overall distance of **100.30** feet to a 1/2-inch iron rod with "Doucet" cap found for southwest corner hererof, said point being the common south corner of said Lot 1 and said Lot 2 of Cedar Oaks Subdivision, and being in the north right-of-way line of said Highway 71 West;

THENCE, leaving the north right-of-way line of said Highway 71 West, with the common line of said Lot 1 and said Lot 2, Cedar Oaks Subdivision, the following two (2) courses and distances:

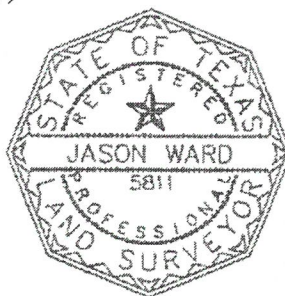
- 1) **N28°35'15"E**, a distance of **282.47** feet to a 1/2-inch iron rod found for an interior ell-corner hereof, and
- 2) **N61°54'08"W**, a distance of **189.84** feet to a 1/2-inch iron pipe found for an exterior ell-corner hereof, said point being in the east line of said 53.357 acre Marx tract, being the common west corner of said Lot 1 and said Lot 2, Cedar Oaks Subdivision, from which a 3/4-inch iron pipe found for the most westerly southwest corner of said Lot 1, Cedar Oaks Subdivision, also being the northwest corner of a called 0.23 acre tract conveyed to the City of Austin, described and recorded in Volume 1942, Page 212 (R.P.R.T.C.T), bears, **S28°36'35"W** a distance of 182.90 feet;

THENCE, with the east line of said 53.357 acre Marx tract and the west line of said Lot 2, Cedar Oaks **N28°37'31"E** a distance of **229.18** feet to a 1/2-inch iron rod with "Doucet" cap found for point on line hereof, said point being in the east line of said 53.357 acre Marx tract, also being the common west corner of said Lot 2, Cedar Oaks and said 2.92 acre THT tract;

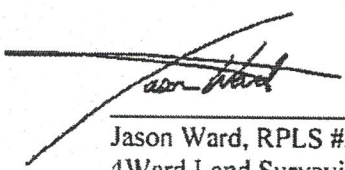
THENCE, continuing with the east line of said 53.357 acre Marx tract, and with the west line of said 2.92 acre THT tract, **N28°37'05"E**, a distance of **330.63** feet to the **POINT OF BEGINNING** and containing 4.5334 Acres, (197,475 Sq. Ft.) of land more or less.

Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000081372178. See attached sketch (reference drawing: 00930_THT Tract Zoning Exhibit.dwg.)



TCAD # 304775 & #304776
COA GRIDS #A21 & #B21


Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

11/22/2019

[A]
CEDAR OAKS SUBDIVISION
VOL. 60, PG. 17
P.R.T.C.T.

[B]
CALLED 2.92 ACRES
(TRACT "3")
THT HOLDINGS, LLC
DOC. NO. 2018137655
O.P.R.T.C.T.

[C]
CALLED 0.23 ACRE
CITY OF AUSTIN
(PER T.C.A.D.)
DESCRIBED IN
METES & BOUNDS IN
VOL. 1942, PG. 212
R.P.R.T.C.T.

[D]
MOUNTAIN SHADOWS
VOL. 25, PG. 2
P.R.T.C.T.

[E]
A SUBDIVISION OF
BLOCK I
MOUNTAIN SHADOWS
VOL. 26, PG. 43
P.R.T.C.T.

[F]
BLOCK A
MOUNTAIN SHADOWS VILLAGE
A RESUBDIVISION OF LOT D
MOUNTAIN SHADOWS
DOC. NO. 200100288
O.P.R.T.C.T.

[I]
MOUNTAIN SHADOWS DRIVE
(50' R.O.W.)

[G]
A.F. BELL SURVEY NO. 75
ABSTRACT NO. 86

[H]
EVAN WILLIAMS
SURVEY NO. 294
ABSTRACT NO. 829

4.5334 ACRE
THT HOLDINGS TRACT
ZONING EXHIBIT
City, County, Texas



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	11/22/2019
Project:	00930
Scale:	N/A
Reviewer:	JSW
Tech:	DV
Field Crew:	JZ/MW
Survey Date:	NOV. 2019
Sheet:	2 OF 3

LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINES
	1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
	1/2" IRON ROD FOUND (UNLESS NOTED)
	1/2" IRON PIPE FOUND (UNLESS NOTED)
	IRON ROD WITH "DOUCET" CAP FOUND
DOC. NO.	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER PLAT VOL. 60 PG. 17
[.....]	RECORD INFORMATION PER DOC. NO. 2018137655
{.....}	RECORD INFORMATION PER PLAT VOL. 81 PG. 89
<.....>	RECORD INFORMATION PER DOC. NO. 2002248524
.....	RECORD INFORMATION PER VOL. 12842, PG. 1479
((.....))	RECORD INFORMATION PER VOL. 3792, PAGE 65

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N61°55'54"W	50.29'
L2	N61°55'54"W	50.01'
L3	S61°55'54"E	100.30'
L4	N61°54'08"W	189.84'
L6	N61°51'04"W	477.35'
L7	S28°36'35"W	182.90'

LINE TABLE (RECORD)

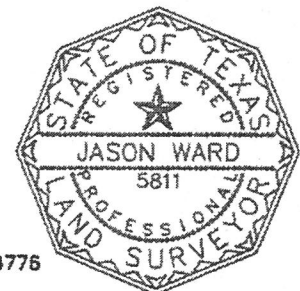
LINE #	DIRECTION	LENGTH
[L1]	N59°29'00"W	50.00'
(L2)	N59°29'00"W	50.00'
(L4)	N59°29'00"W	190.00'
((L5))	N59°29'07"W	70.00'
((L6))	N59°19'00"W	477.58'
(L7)	S31°05'00"W	182.00'

NOTES:

- 1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS). ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000081372178.
- 2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

11/22/2019

TCAD PARCELS 304775 & #304776
COA GRIDS #A21 & #B21



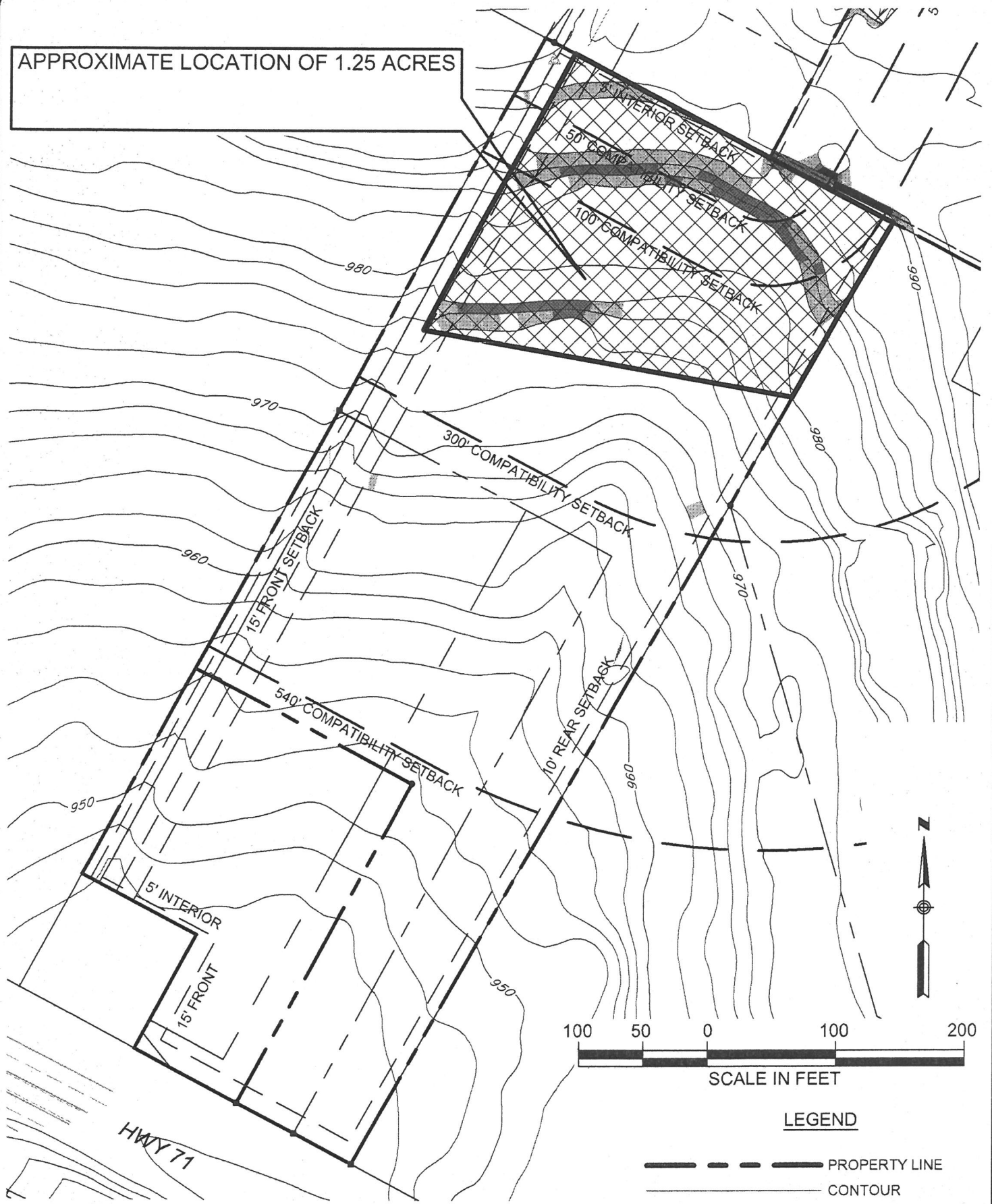
4.5334 ACRE
THT HOLDINGS TRACT
ZONING EXHIBIT
City, County, Texas



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	11/22/2019
Project:	00930
Scale:	N/A
Reviewer:	JSW
Tech:	DV
Field Crew:	JZ/MW
Survey Date:	NOV. 2019
Sheet:	3 OF 3

APPROXIMATE LOCATION OF 1.25 ACRES



LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735



Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

SKY MOUNTAIN, TRACT 2
CUT AND FILL ALLOWANCES

EXHIBIT #
B

1 OF 1