

FIRST AMENDMENT OF RESTRICTIVE COVENANT
FOR ZONING CASE: C14-2016-0124 (RCA)

OWNER: Karlin McCallen Pass, LLC, a Delaware limited liability company

OWNER ADDRESS: 11755 Wilshire Boulevard, Suite 1400
Los Angeles, CA 90025

CITY: City of Austin, Texas, a Texas home-rule municipal corporation
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, Karlin McCallen Pass, LLC, a Delaware limited liability company, entered into that certain Restrictive Covenant, consisting of approximately 52.986 acres of land, ("Original Property"), dated May 16, 2017, and recorded in the Real Property Records of Travis County, Texas, on May 19, 2017, in Document No. 2017080535 (the "Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-2016-0124; and,

WHEREAS, the Restrictive Covenant encumbers real property, a portion of which is more particularly described in Exhibit "A" ("Released Property") incorporated into this First Amendment of Restrictive Covenant ("First Amendment"), 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, Karlin McCallen Pass, LLC, a Delaware limited liability company, as sole and current owners (the "Owner") of a portion of the Property on the date of this First Amendment and desire to amend the Restrictive Covenant to release approximately 7.724 acres of the Property more particularly described as the Released Property;

WHEREAS, the City Council agrees the 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 Restrictive Covenant is amended as of the date hereof to release the Released Property from any and all obligations and restrictions contained in the Restrictive Covenant.

2. This document is intended to release the Released Property only and in no way modifies or replaces the Restrictive Covenant, amendments, and restatements as they relate to the remainder of the Original Property.
3. Except as expressly provided for in this First 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 First Amendment.
4. The City Manager, or his designee, shall execute on behalf of the City, this First Amendment as authorized by the City Council of the City of Austin. The First Amendment shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED this the 21st day of March, 2022.

OWNER:

Karlin McCallen Pass, LLC, a Delaware limited liability company

By: 

Matthew Schwab, Authorized Agent

CITY OF AUSTIN:

By: _____

J. Rodney Gonzales
Assistant City Manager
City of Austin

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)SS
COUNTY OF LOS ANGELES)

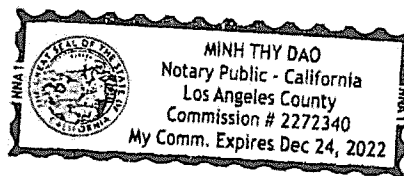
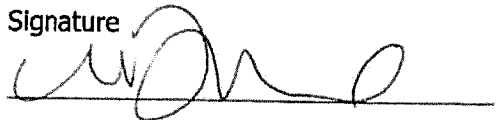
On March 21, 2022, before me, Minh Thy Dao, Notary Public, personally appeared Matthew Schwab

, 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.

Signature



My Commission Expires: December 24, 2022

This area for official notarial seal

Notary Name: Minh Thy Dao

Notary Registration Number: 2272340

Notary Phone: 310-806-9700

County of Principal Place of Business: Los Angeles

THE STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____ 2022,
by Matthew Schwab, authorized agent of Karlin McCallen Pass, LLC, a Delaware limited liability
company, on behalf of said company.

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of
_____, 2022, 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

FIELD NOTES DESCRIPTION

DESCRIPTION OF 7.724 ACRES OF LAND IN THE A. WALTERS SURVEY NO. 67, ABSTRACT NO. 791, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 13, PARMER BUSINESS PARK, A SUBDIVISION ACCORDING TO THE PLAT OR MAP OF RECORD IN DOCUMENT NO. 201600107, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; ALSO BEING A PORTION OF LOT 14B, PARMER BUSINESS PARK AMENDED PLAT OF LOTS 5, 6, 8A AND 14A, A SUBDIVISION ACCORDING TO THE PLAT OR MAP OF RECORD IN DOCUMENT NO. 202000035, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 7.724 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, AND SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod with a plastic cap stamped "BURY" found at a point-of-curvature in the northwest right-of-way line of Harris Ridge Boulevard, a 90-foot right-of-way, and the southeast corner of said Lot 13, Parmer Business Park, same being an interior southwest corner of said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A;

THENCE N 03°50'33" E, leaving the northwest right-of-way line of said Harris Ridge Boulevard, and the southeast corner of said Lot 13, Parmer Business Park, crossing said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, a distance of 329.01 feet to a calculated point for the southeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE continuing across said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, with the south line of the tract described herein, the following two (2) courses and distances:

1. S 86°52'12" W, a distance of 61.92 feet to a calculated angle point, and
2. N 87°00'49" W, a distance of 42.13 feet to a calculated point for a point in the south line of the tract described herein, from which the said ½"-iron rod with a plastic cap stamped "BURY" found at a point-of-curvature in the northwest right-of-way line of said Harris Ridge Boulevard, at the southeast corner of said Lot 13, Parmer Business Park, same being an interior southwest corner of said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, bears S 14°03'01" E, a distance of 337.17 feet;

THENCE leaving the interior west line of said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, crossing said Lot 13, Parmer Business Park, with the south line of the tract described herein, the following six (6) courses and distances:

1. N 87°00'49" W, a distance of 18.28 feet to a calculated angle point,
2. N 83°38'37" W, distance of 549.13 feet to a calculated point-of-curvature,
3. with the arc of a curve to the left, having a radius of 60.00 feet, an arc distance of 75.58 feet, and a chord which bears S 60°16'16" W, a distance of 70.68 feet to a calculated point-of-tangency,
4. S 24°11'09" W, a distance of 402.08 feet to a calculated angle point,
5. S 26°54'01" E, a distance of 31.63 feet to a calculated angle point, and
6. S 63°05'59" W, a distance of 76.19 feet to a calculated point for a point in the south line of the tract described herein, from which a ½"-iron rod with a plastic cap stamped "STANTEC" found in the curving northwest right-of-way line of said Harris Ridge Boulevard, at the southwest corner of said Lot 13, Parmer Business Park, same being an interior southeast corner of said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, bears S 27°24'22" E, a distance of 287.78 feet, and from said calculated point a ½"-iron rod with a plastic cap stamped "STANTEC" found at angle point in the west line of said Lot 13, Parmer Business Park, and an interior east line of Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, bears N 27°24'22" W, a distance of 44.60 feet;

Exhibit A

THENCE leaving the west line of said Lot 13, Parmer Business Park, crossing said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, with the south, west, north, and east lines of the tract described herein, the following nine (9) courses and distances:

1. S 63°05'59" W, a distance of 28.95 feet to a calculated point for the southwest corner of the tract described herein, from which a ½"-inch iron rod with a plastic cap stamped "STANTEC" found at the westerly southwest corner of said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, at an angle point in the east line of Lot 12A, Amended Plat of Parmer Business Park, a subdivision according to the plat or map of record in Document No. 201800308, Official Public Records of Travis County, Texas, bears S 66°49'09" W, a distance of 193.64 feet,
2. N 26°54'29" W, a distance of 52.17 feet to a calculated point-of-curvature,
3. with the arc of a curve to the right, having a radius of 419.00 feet, an arc distance of 320.73 feet, and a chord which bears N 04°58'45" W, a distance of 312.96 feet to a calculated point-of-tangency,
4. N 17°36'00" E, a distance of 9.51 feet to a calculated point-of-curvature,
5. with the arc of a curve to the right, having a radius of 419.00 feet, an arc distance of 400.29 feet, and a chord which bears N 45°37'07" E, a distance of 385.24 feet to a calculated point-of-tangency,
6. N 72°59'14" E, a distance of 225.64 feet to a calculated point-of-curvature,
7. with the arc of a curve to the left, having a radius of 181.00 feet, an arc distance of 122.81 feet, and a chord which bears N 53°32'55" E, a distance of 120.47 feet to a calculated non-tangent end-of-curve,
8. N 86°42'19" E, a distance of 413.22 feet to a calculated point for the northeast corner of the tract described herein, from which a ½"-iron rod found at a point-of-tangency in the northwest right-of-way line of Harris Ridge Boulevard, same being a point-of-tangency in the south line of said Lot 14B, Parmer Business Park Amended Plat of Lots 5, 6, 8A, and 14A, bears S 82°05'28" E, a distance of 673.36 feet, and
9. S 03°07'48" E, a distance of 381.67 feet to the **POINT OF BEGINNING** and containing 7.724 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the month of October 2020.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 20th day of April 2021 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 86°52'12" W	61.92'
L2	S 87°00'49" E	60.41'
L3	S 26°54'01" E	31.63'
L4	S 63°05'59" W	105.14'
L5	S 66°49'09" W	193.64'
L6	N 26°54'29" W	52.17'
L7	N 17°36'00" E	9.51'

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	60.00'	75.58'	S 60°16'16" W	70.68'
C2	419.00'	320.73'	N 04°58'45" W	312.96'
C3	419.00'	400.29'	N 45°37'07" E	385.24'
C4	181.00'	122.81'	N 53°32'55" E	120.47'

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON ROD W/PLASTIC CAP
STAMPED FOUND (AS NOTED)
- Δ CALCULATED POINT

POINT OF BEGINNING P.O.B.

() RECORD INFORMATION

O.P.R.I.C.T.X. OFFICIAL PUBLIC RECORDS OF
TRAVIS COUNTY, TEXAS

NOTES:

1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.99990235
4. COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD83, GRID.

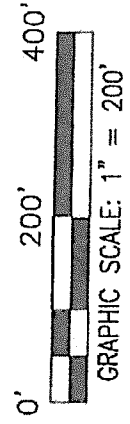
FILE No. 1430

LANDDEV

CONSU LTING, L L C
5508 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TX 78735
OFFICE: 512.872.6696
FAX: 512.872.6696

SURVEY SKETCH to Accompany Description:

7.724 ACRES
A. WALTERS SURVEY No. 67, ABSTRACT No. 791
TRAVIS COUNTY, TEXAS



Zoning Case No. C14-2019-0166

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