

Late Backup

#61

TERMINATION OF RESTRICTIVE COVENANT
FOR
ZONING CASE: C14-79-081

OWNER: Twin Oaks Associates, Ltd., a Texas limited partnership

ADDRESS: 900-908 West Ben White Blvd., Austin, Texas 78704

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, Odas Jung, of Travis County, as owner of all that certain property described in Zoning Case No. C14-79-081, consisting of Lots 7-13, Ben White Commercial Subdivision, Travis County (the "Property"), as more particularly described in the restrictive covenant recorded in the Deed Records of Travis County, Texas, in Volume 4976, Page 2289, (the "First Restrictive Covenant"), imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record; and,

WHEREAS, the Restrictive Covenant was extended by agreement between the Owner and the City of Austin in Volume 6822, Page 101, (the "Second Restrictive Covenant") of record in the Deed Records of Travis County, Texas; (the First and Second Restrictive Covenants together now referred to as the "Restrictive Covenants"); and

WHEREAS, the Restrictive Covenants provided that the covenant could 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, Twin Oaks Associate, Ltd., a Texas limited partnership, as sole and current owner (the "Owner") of the Property, now desires to terminate the Restrictive Covenants; and,

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

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

1. The Restrictive Covenants are terminated by this termination. Each and every one of the terms, conditions, and provisions of the Restrictive Covenants, as set forth in the Restrictive Covenants, shall have no force or effect on and after the effective date of this termination.
2. The City Manager, or his designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No. C14-79-081 (the "Termination of Restrictive Covenant") 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 4976, Page 2289, and in Volume 6822, Page 101, Deed Records, Travis County, Texas.

EXECUTED this the _____ day of _____, 2009.

OWNER:

**Twin Oaks Associates, Ltd.,
a Texas limited partnership**

By: TOA Management, LLC,
a Texas limited liability company,
its General Partner


By: 
Joe Charles Jung,
Sole Manager

CITY OF AUSTIN:

By: _____
Sue Edwards,
Assistant City Manager
City of Austin

Michigan
THE STATE OF TEXAS §
Leelanau
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 16 day of June, 2009, by Joe Charles Jung, Sole Manager of TOA Management, LLC, a Texas limited liability company, General Partner of Twin Oaks Associates, Ltd., a Texas limited partnership, on behalf of the company and limited partnership.


Notary Public, State of Texas

MARY K. BUSH
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF LEEANAU
MY COMMISSION EXPIRES JUNE 5, 2014
ACTING IN LEEANAU COUNTY

Restrictive covenant termination - Twin Oaks Assoc, Ltd.

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2009, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of the municipal corporation.

Notary Public, State of Texas

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

Resolution of Corporate Authority for a Limited Liability Company

I, Joe Charles Jung, the undersigned Sole Manager of TOA Management, LLC the "Company", hereby certifies that:

The Company is a limited liability company duly organized and existing under the laws of the State of Texas. The following is a true and accurate transcript of a Resolution adopted at the May 6, 2009 meeting. The Company's Members adopted the Resolution, which is contained in Company's minute book, at a duly authorized meeting. A quorum of Company's Members was present at the entire meeting and all actions taken at the meeting complied with Company's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

Resolved, that Joe Charles Jung, Sole Manager, of TOA Management, LLC, is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Company, acting in its capacity as General Partner of Twin Oaks Associates, Ltd., a Texas limited partnership, as in his judgment may be necessary, appropriate or desirable in connection with any termination of restrictive covenant affecting the real property described as: a subdivision of Travis County, Texas, according to the map or plat of record in Book 37, Page 30, of the Plat Records of Travis County, Texas, as more particularly described on Exhibit A attached hereto, "Property."

Signed and sealed on May 6, 2009.


Sole Manager

STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me, Andrea F Andel the undersigned Notary Public of the State of Texas, on this day personally appeared Joe Charles Jung, Sole Manager of TOA Management, LLC, a Texas limited liability company, the general partner of Twin Oaks Associates, Ltd., a Texas limited partnership known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6th day of May, A.D. 2009.

[SEAL]




Notary Public, State of Texas