



**FIRST AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-85-149.100(RCA)**

Owner:	James E. McCarn
Address:	8608 Camelia Lane, Austin, Texas 78759
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 Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, James E. McCann, as owner of a portion of the original property described in Zoning File No. C14-85-149.100, said portion consisting of approximately 10.09 acres of land and described on the attached Exhibit "A" and referred to as Area 11 (the "Area 11").

WHEREAS the Original Property, as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 09647, Page 0011, (the "Restrictive Covenant") imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the Property at the time of such modification, amendment or termination.

WHEREAS, James E. McCarn is the current owner (the "Owner") of approximately 10.09 acres of the property (the "Property") on the date of this Amendment of Restrictive Covenant ("Amendment") and desires to amend the Restrictive Covenant as to the Property.

WHEREAS, the City Council and the Owner agree the 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 of Austin and the Owner agree as follows:

1. Area II highlighted in yellow and described on Exhibit A, Land Use Plan is modified to allow for a total of 46 single-family Residential units.

2013 SEP 26 PM 9 45

AUSTIN CITY CLERK
RECEIVED

2. 29. 13 Agosto 14. 98

2. Paragraph No. 5(e) of the Restricted Covenant is deleted in its entirety and the following provision is substituted in its place.
 - (e) All lots in Areas 15, 16 and 17 shall have a lot width at the front building setback line of not less than sixty-five feet (65').
3. Except as expressly provided for in this 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 Amendment.
4. 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 to be effective the 24th day of August, 2013.

OWNER:

By: James E. McCarn
James E. McCarn

CITY OF AUSTIN:

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

APPROVED AS TO FORM:

Maria Sanchez
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

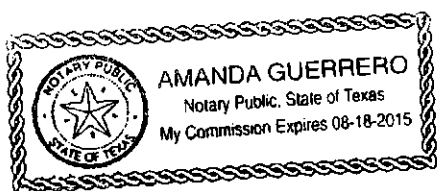
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 29th day of August, 2013, by James E. McCarn.



A. Guerrero

Notary Public, State of Texas

THE STATE OF TEXAS

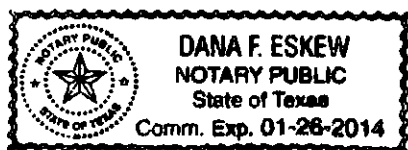
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 10th day of September, 2013, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



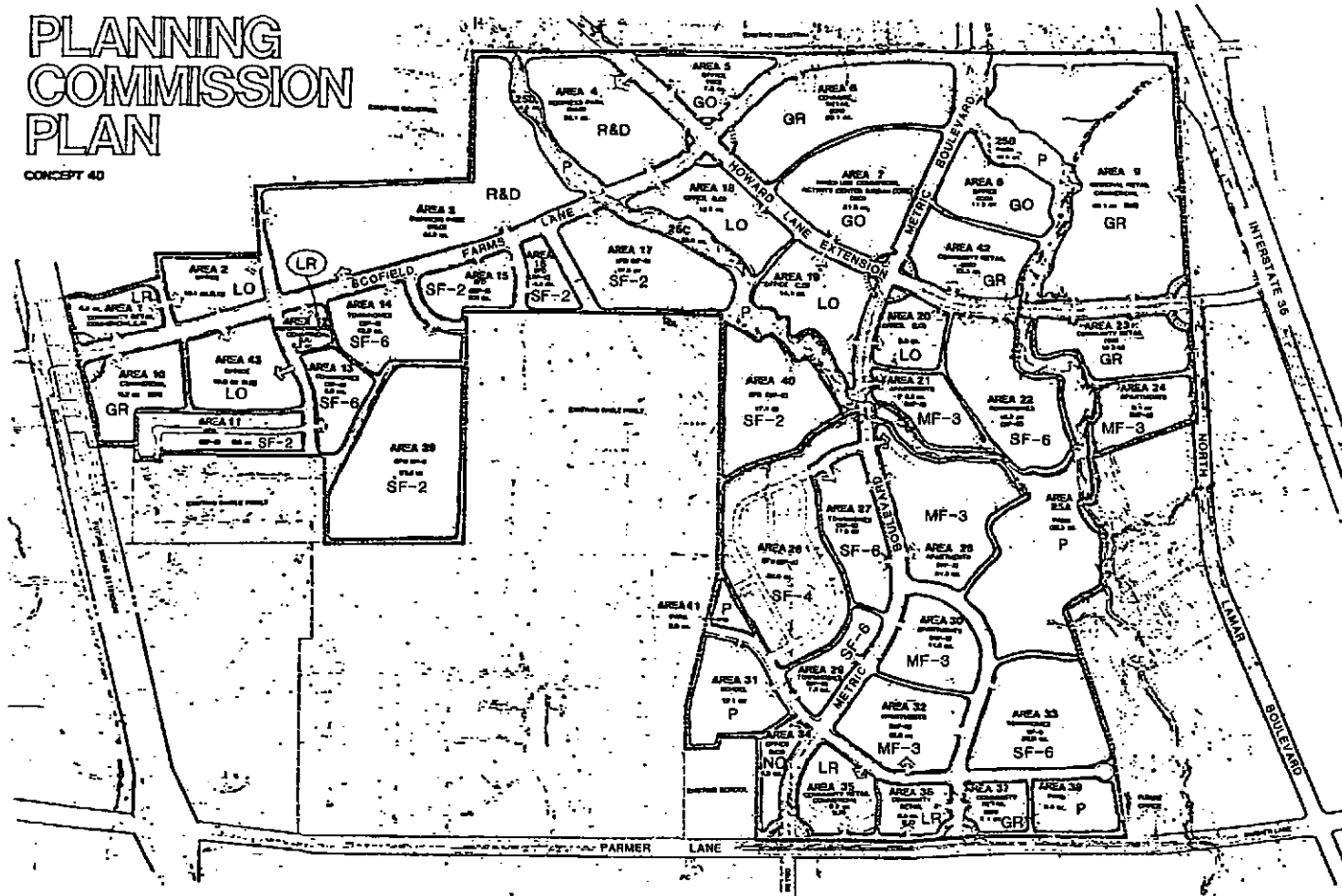
Dana F. Eskew

Notary Public, State of Texas

CITY COUNCIL
APPROVED ZONING
January 9, 1986

PLANNING COMMISSION PLAN

CONCEPT 40



LAND USE PLAN

* RESIDENTIAL					
PLANNING AREAS	NET ACRES	PRODUCT PROPOSED	ZONING PROPOSED	DENSITY/FAR PROPOSED	UNITS/100 FT. PROPOSED
11	0.3	SFD	SP-2	6	44
13	0.3	TOWNHOMES	SP-4	12	39
14	12.8	TOWNHOMES	SP-4	12	153
15	4.4	SFD	SP-2	5	34
16	4.4	SFD	SP-2	5	32
17	77.8	SFD	SP-2	5	86
21	0.2	APARTMENTS	SP-3	20	286
22	10.2	TOWNHOMES	SP-4	12	127
24	8.1	APARTMENTS	SP-4	20	170
26	32.8	SFD	SP-4	5	182
27	11.3	TOWNHOMES	SP-4	12	189
28	21.8	APARTMENTS	SP-4	20	472
29	7.3	TOWNHOMES	SP-4	12	115
30	15.8	APARTMENTS	SP-4	22	362
32	13.8	APARTMENTS	SP-4	22	345
33	30.0	TOWNHOMES	SP-4	12	346
34	21.2	TOWNHOMES	SP-4	12	288
40	77.1	SFD	SP-4	4	68
TOTAL					3,032 UNITS

* PUBLIC/QUASI-PUBLIC					
25A-D	0.4	PARK			
31	12.1	SCHOOL			
38	0.4	PARK			
41	0.4	PARK			
	19.22	ROADWAY			
	19.22	OTHER OPEN SPACE			
	19.22				
					1.9 NET DWELLING UNITS PER ACRE

* COMMERCIAL					
1	0.3	TYPE I	LR	.30	13,000
6	36.1	TYPE B	GR	.25	284,000
9	48.1	TYPE B	GR	.20	1,070,000
10	0.2	TYPE B	GR	.25	100,000
12	1.8	TYPE I	LR	.20	20,000
23	12.3	TYPE B	GR	.25	100,000
25	0.2	TYPE I	LR	.20	17,000
30	0.3	TYPE I	LR	.20	20,000
37	0.1	TYPE I	LR	.20	20,000
42	10.3	TYPE B	GR	.25	300,000
	140.5				2,410,000

* OFFICE/PROFESSIONAL					
2	10.1	TYPE B	LR	.25	194,000
5	7.9	TYPE B	LR	.25	143,000
7	81.8	TYPE B	LR	.20	622,000
8	11.2	TYPE B	LR	.25	225,000
18	12.7	TYPE B	LR	.25	271,000
19	14.1	TYPE B	LR	.25	313,000
20	0.2	TYPE B	LR	.25	27,000
34	0.2	TYPE I	LR	.25	27,000
43	10.0	TYPE B	LR	.20	200,000
	166.3				1,820,000

* INDUSTRIAL					
3	44.3	TYPE W	NRD	.30	374,000
4	35.1	TYPE W	NRD	.30	304,000
	44.3				678,000
TOTAL 769.0 ACRES					4,785,000 UNITS PER ACRE

SCOFIELD FARMS
NASH PHILLIPS/COPUS • AUSTIN, TEXAS

1" = 650'



FIELD NOTES

FIELD NOTES OF 10.0922 ACRES OUT OF THE FRANCISCO GARCIA NO. 60, IN TRAVIS COUNTY, TEXAS. BEING THE SAME TRACT OF LAND DESCRIBED IN SUBSTITUTE TRUSTEES DEED RECORDED IN VOL. 11063, PAGE 1190, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. SAID 10.0922 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found for the Northwest corner of Lot 1, Block A, of North Shields Section One, a subdivision recorded in Book 66, Page 89, Plat Records of Travis County, Texas; same being in the East line of that 7.471 acre tract conveyed to Neans Investment, and recorded in Vol. 10288, Page 178, Real Property Records of Travis County, Texas; same being the Southwest corner of said tract recorded in Vol. 11063, Page 1190, Real Property Records of Travis County, Texas, for the Southwest corner of this tract and the POINT OF BEGINNING.

THENCE N 30° 27' 00" E, with the East line of the said 7.471 acre tract, 122.54 feet to an iron pin found for the Northeast corner of the said 7.471 acre tract; same being the South corner of a 23.89 acre tract described in a deed to Nash Phillips/Copus, and recorded in Vol. 8503, Page 87, Deed Records of Travis County, Texas.

THENCE with the South line of said 23.89 acre tract; same being the North line of this tract, the following six (6) courses and distances:

- 1) N 70° 32' 06" E, 274.53 feet to an iron pin found.
- 2) S 77° 51' 43" E, 100.16 feet to an iron pin found.
- 3) S 54° 05' 36" E, 436.95 feet to an iron pin found.
- 4) S 59° 36' 14" E, 208.92 feet to an iron pin found.
- 5) S 59° 37' 04" E, 432.84 feet to an iron pin set.
- 6) S 30° 53' 02" W, 316.63 feet to an iron pin found,
being in the North terminus of the R.O.W. for Winnick Way.

THENCE N 59° 45' 29" W, with the North terminus line of said Winnick Way, 26.98 feet to an iron pin found for the Northeast corner of Lot 14, Block E, of the said North Shields Section One.

THENCE with the North line of said North Shields Section One the following three (3) courses and distances:

- 1) N 59° 36' 54" W, 680.08 feet to an iron pin found.
- 2) N 53° 36' 04" W, 158.06 feet to an iron pin found.
- 3) N 59° 37' 33" W, 347.93 feet to an iron pin found, for the Northwest corner of Lot 1, Block E, said North Shields Section One.

Exhibit "A"

Page 2 of 2

THENCE S 30° 27' 59" W, with the West Line of Lot 1, Block E, 47.63 feet to an iron pin found, same being the North terminus of the East R.O.W. of Wingate Way.

THENCE N 59° 37' 48" W, with the North terminus of said Wingate Way, 49.95 feet to an iron pin found for the North terminus of the East R.O.W. of Wingate Way, same being the Northeast corner of the said Lot 1, Block A, of the North Shields Section One.

THENCE N 59° 35' 35" W, with the North line of Lot 1, Block A, 150.03 feet to the POINT OF BEGINNING and containing 10.0922 acres of land more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this the 13th Day of November 1991.

Herman Crichton
Herman Crichton, R.L.S. 4046



AFTER RECORDING RETURN TO:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: J. Collins, Paralegal

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Sep 13, 2013 03:15 PM

2013170614

SCOTTR: \$46.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS