

**SECOND AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-72-204(RCA3)**

Owner: Kenmare Partners, Ltd, a Texas limited partnership

Owner Address: 1403 Club Ridge Cove, Austin, Texas 78735

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, the property consisting of approximately 2.111 acres of land, more particularly described in Exhibit "A" attached to this Second Amended Restrictive Covenant (the "Released Property") is a portion of that certain property described in Zoning File No. C14-72-204, consisting of approximately 497 acres of land (the "Property"), as more particularly described in the restrictive covenant of record in Volume 5234, Page 2079, of the Real Property Records of Travis County, Texas, said restrictive covenant having been amended in the restrictive covenant of record in Document No. 2008069653, of the Real Property Records of Travis County, Texas (cumulatively referred to as the "Restrictive Covenant").

WHEREAS, the Restrictive Covenant imposed certain restrictions and covenants on the Property.

WHEREAS, the Restrictive Covenant provided that the Restrictive 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, the Owner desires to amend the Restrictive Covenant as to the Released Property.

WHEREAS, the City Council and the Owner agrees the Restrictive Covenant should be amended as to the Released Property.

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 agrees as follows:

1. The Restrictive Covenant is amended to release the Released Property from the terms and provisions of the Restrictive Covenant.

2. 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 the Property on and after the effective date of this Amendment.

3. The City Manager or designee, shall execute, on behalf of the City, this Second Amended Restrictive Covenant for Zoning File No. C14-72-204(RCA3), as authorized by the City Council of the City of Austin. This Second Amended Restrictive Covenant shall be filed in the Real Property Records of Travis County, Texas.

EXECUTED to be effective the _____ day of _____, 2015.

OWNER:

KENMARE PARTNERS, LTD, a Texas limited partnership

Killarney, LLC, a Texas limited liability company, its general partner

By: _____
Charlyn C. Daugherty
Manager

CITY OF AUSTIN:

By: _____
SUE EDWARDS,
Assistant City Manager,
City of Austin

APPROVED AS TO FORM:

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 _____ day of _____, 2015, by Charlyn C. Daugherty, manager of Killarney, LLC, a Texas limited liability company, general partner of Kenmare Partners, LTD, a Texas limited partnership, on behalf of the partnership.

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 _____ day of _____, 2015, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

Exhibit "A"

Lot 1-B, Block A, Resubdivision of Daugherty Subdivision, a subdivision in the City of Austin, Travis County, Texas, in Document No. 200900136 of the Official Public Records of Travis County, Texas, and;

Lot 1-D, Block A, Austin (Pleasant Valley) DTP IV, LLC Addition Subdivision, a subdivision in the City of Austin, Travis County, Texas, in Document No. 201200097 of the Official Public Records of Travis County, Texas.

AFTER RECORDING RETURN TO:

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