

**FIRST AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-85-288.22(RCA)**

OWNER 1: Ridglea Properties Inc., a Texas corporation

ADDRESS: 1304 Silver Hill Circle, Austin, TX 78746

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 undersigned Owners to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, the property consisting of approximately 7.65 acres of land located at 7917 West State Highway 71, more particularly described as follows:

Tract 4:

A 7.65 acre tract of land out of the A.J. Bond Survey No. 91 in Travis County, Texas, said 7.65 acre tract of land being out of and a portion of that certain tract of land conveyed to Joseph R. Westmoreland and Wife, Joyce Lee Westmoreland by deed recorded in Volume 6028, Pages 2009 through 2012, of the Travis County Deed Records, said 7.65 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant ("Tract 4"), and

is a portion of that certain property described in Zoning File No. C14-85-288.22(RCA), originally consisting of approximately 14.14 acres of land (the "Original Property"), as more particularly described in that certain Restrictive Covenant recorded in Volume 10850, Page 0056, of the Real Property Records of Travis County, Texas (the "Original Restrictive Covenant"), was impressed with certain covenants and restrictions by the Original Restrictive Covenant.

WHEREAS, the Original 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 Original Property at the time of such modification, amendment or termination.

WHEREAS, Ridglea Properties Inc., a Texas corporation, is the current owner (the "Owner") of the Original Property on the date of this First Amended Restrictive Covenant ("Amendment") and desires to amend the Original Restrictive Covenant as to Tract 4.

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 of Austin and the Owner agree as follows:

1. Paragraph 4 of the Original Restrictive Covenant is amended to read:
 4. The following conditions apply only to Tract 4:
 - a. Impervious cover on Tract 4 may not exceed twenty-four percent (24%) gross site area of the Property.
 - b. Tract 4 shall be limited to a maximum of 0.4 to 1 floor-to-area ratio as that term is defined by the City Code.
 - c. Development of Tract 4 shall be in compliance with the City Code at the time the development application is filed with the following exceptions:
 - i. Within the Critical Water Quality Zone (CWQZ), the following exceptions are allowed:

Driveway;
Detention ponds;
Construction activities;
Flood plain modifications; and
Utility lines.
 - ii. Development is allowed in the Water Quality Transition Zone.
5. Paragraph 5 of the Original Restrictive Covenant is deleted in its entirety.
6. Subsequent redevelopment is subject to the impervious cover restrictions and other site development regulations applicable under regulations in effect at the time of the development application, except for repairs, alterations, and reconstruction that is allowed by the City Code.
7. Notwithstanding the foregoing, the terms, conditions and provisions of the Original Restrictive Covenant shall continue for that portion of the Original Property that is not included in Tract 4.
8. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Original Restrictive Covenant, as set forth in the Original Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.

9. The City Manager, or her 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 _____ day of _____, 2017.

OWNER:

Ridglea Properties Inc., a Texas corporation

By: _____

Stan H. Caskey
President

STATE OF TEXAS
COUNTY OF TRAVIS

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Stan H. Caskey, who acknowledged himself to be President of Ridglea Properties Inc., a Texas corporation, sealed and delivered the above and foregoing instrument as his free act, and the free act and deed of said corporation, for the purposes therein stated, before me.

[SEAL]

Notary Public
My Commission Expires: _____

CITY OF AUSTIN:

By: _____

Bert Lumbreras
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 _____, 2017, by Bert Lumbreras, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

NOTES DESCRIBING A 7.65 ACRE TRACT OF LAND OUT OF THE A.J. BOND SURVEY NO. 91 IN TRAVIS COUNTY, TEXAS, SAID 7.65 ACRE TRACT OF LAND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO JOSEPH R. WESTMORELAND AND WIFE, JOYCE LEE WESTMORELAND BY DEED RECORDED IN VOLUME 6028, PAGES 2009 THROUGH 2012 OF THE TRAVIS COUNTY DEED RECORDS, SAID 7.65 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a pipe found on the Southwest R.O.W. line of State Highway No. 71 at the Northwest corner of said tract of land conveyed to Joseph R. Westmoreland and Joyce Lee Westmoreland, said pipe being situated at the Northeast corner of Lot 19 of Block "K" of Valley View Acres Revised, a subdivision of record in Book 59, Page 35 of the Plat and Records of Travis County, Texas.

THENCE with said Southwest R.O.W. line of State Highway 71, S41°39'12"E for 324.59 feet to an iron pin found in the Northwest corner of said Westmoreland Tract, same being the Northwest corner of that certain tract of land conveyed to M.H. Kretzschmar by deed recorded in Volume 820, Page 375 of the Travis County Deed Records.

THENCE through the fenced West boundary of said Kretzsthmar Tract the following three (3) courses:

1. S29°59'W for 661.11' to a point on the West boundary of said Kretzschmar Tract.
2. S30°01'48"W for 80.95' to a point on the West boundary of said Kretzschmar Tract.
3. S30°01'15"W for 311.64' to a point set for the Southeast corner of the herein described tract.


THENCE through the interior of said Westmoreland Tract N60°43'W for 294.12' to a point on the East boundary of Valley View Acres Revised, a subdivision of record in Book 59, Page 35 of the Travis County Plat Records.

THENCE through the East boundary of said Valley View Acres revised the following five (5) courses:

1. N29°17'E for 343.70' to a point on said East boundary.
2. N29°13'46"E for 73.03' to a point on said East boundary.
3. N29°35'E for 30.75' to a point on said East boundary.
4. N29°14'E for 120.21' to a point on said East boundary.
5. N29°19'43"E for 591.94' to a POINT OF BEGINNING of the herein described tract containing 7.65 acres of land more or less.

EXHIBIT A

I HEREBY CERTIFY that these notes were prepared from the survey field notes of Jimmy F. Johnson and from the Vigil & Associates' preliminary subdivision design according to the law and are true and correct to the best of my knowledge.


Hermann Vigil, P.E.
P.E. Certificate No. 50259

July 28, 1988



FILED
JAN 1989 -6 AM 8:38
DAN DEBEAUVOUR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions, and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me; and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

JAN 6 1989



After recording
return to
CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767-8828
Betty Lewis

EXHIBIT "D"

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
10850 0064

AFTER RECORDING RETURN TO:

City of Austin Law Department

P.O. Box 1088

Austin, Texas 78767-1088

Attn: Michele Thompson, Paralegal