

**SECOND AMENDMENT TO RESTRICTIVE COVENANT**  
**FOR ZONING CASE: C14-76-083(RCA2)**

OWNER: Harold K. Kaemerle, Jr., and Patrick T. Kaemerle

OWNER ADDRESS: 2165 San Diego Avenue, Suite 205, San Diego CA, 92110-2908

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, City National Bank of Austin, Austin, Texas, entered into that certain Restrictive Covenant, dated as of March 2, 1977, and recorded in the Real Property Records of Travis County, Texas, on April 25, 1977, in Volume 5764, Page 1156 (the "Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-76-083; and,

WHEREAS, that certain Restrictive Covenant was first amended on February 10, 2015, and recorded on February 20, 2015 as Document No. 2015024718; and,

WHEREAS, the Restrictive Covenant encumbers real property, consisting of 24.34 acres, more particularly described in the Restrictive Covenant, as amended (the "Property"); 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, Harold K. Kaemerle, Jr., and Patrick T. Kaemerle, as sole and current owners (the "Owner") of a portion of the Property on the date of this Second Amendment to Restrictive Covenant ("Amendment") and desire to amend the Restrictive Covenant to release a portion of the Property more particularly described on **Exhibit "A"** attached hereto and made a part hereof (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 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 and after the effective date of this Amendment.
3. 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 this the 19<sup>TH</sup> day of APRIL, 2018.

**OWNERS:**

By: \_\_\_\_\_  
HAROLD K. KAEMERLE, JR

By:   
PATRICK T. KAEMERLE

**CITY OF AUSTIN:**

By: \_\_\_\_\_  
Joe Pantalione  
Interim Assistant City Manager  
City of Austin

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

## ACKNOWLEDGMENT

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

County of Orange

On April 19th, 2018 before me, Whitney Nora Davidson, Notary Public  
(insert name and title of the officer)

personally appeared Patrick T. Kaemerle,  
who proved to me on the basis of satisfactory evidence to be the person~~s~~ whose name~~s~~ (s) 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.

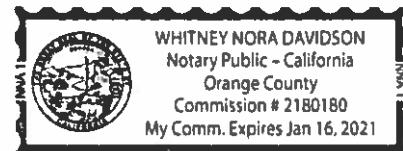
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



1. The Restrictive Covenant is amended as of the date hereof 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 and after the effective date of this Amendment.
3. 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 this the 19<sup>th</sup> day of April, 2018.

**OWNERS:**

By:   
HAROLD K. KAEMERLE, JR

By: \_\_\_\_\_  
PATRICK T. KAEMERLE

**CITY OF AUSTIN:**

By: \_\_\_\_\_  
Joe Pantalione  
Interim Assistant City Manager  
City of Austin

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF California

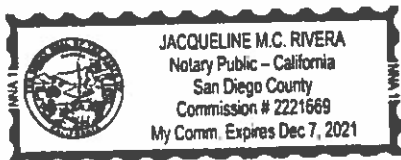
§

COUNTY OF San Diego

§

§

This instrument was acknowledged before me on this the 19 day of April, 2018, by Harold K. Kaemerle, Jr.



J Rivera  
Notary Public, State of ~~Texas~~ California

THE STATE OF \_\_\_\_\_

§

§

COUNTY OF \_\_\_\_\_

§

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Patrick T. Kaemerle.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Joe Pantalion, as Interim Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT "A"FIELD NOTES

JOB NO. 13379-00

DATE: JANUARY 2, 2018

PAGE 1 OF 3 Field Notes to accompany exhibit

3.79 ACRESEXHIBIT A

3.79 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF A CALLED 14.294 ACRES DESCRIBED IN A SPECIAL WARRANTY DEED TO HAROLD K. KAEMERLE, JR. AND SHARIE KAEMERLE, RECORDED UNDER DOCUMENT NO. 2014175485 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

As surveyed on the ground on this, the 18th day of December, 2017, by Texas Land Surveying, Inc., and further described by meles and bounds as follows:

**BEGINNING:** at a disturbed 1/2" iron rod, found in the south line of Las Cimas, Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 85, Page 88 of the Plat Records of Travis County, Texas, the west line of Lazy Creek Drive, the north line of said Kaemerle tract, and this parcel, for the southeast corner of Lot 1 of said Las Cimas, Section 1, and an angle point.

**THENCE:** S 62°02'08" E, 219.60 feet along the south line of said Las Cimas, Section 1, the north line of said Kaemerle tract, and this parcel, to a 1/2" iron rod w/ cap stamped "TLS, Inc.", set for the southeast corner of Lot 17, and the southwest corner of Lot 16 of said Las Cimas, Section 1, and the northeast corner of this parcel.

**THENCE:** into, over and across said Kaemerle tract, and along the centerline of a creek, as surveyed, the following 3 calls:

1) S 25°33'44" W, 146.02 feet to a calculated point, for an angle point in the east line of this parcel.

2) S 41°38'05" W, 259.94 feet to a calculated point, for an angle point in the east line of this parcel

3) S 06°22'45" W, 70.17 feet to a calculated point in the north line of a called 62.101 acres, described in a General Warranty Deed to 3 S and D Interests, recorded in Volume 12603, Page 243 of the Real Property Records of Travis County, Texas, and the south line of said Kaemerle tract, for the southeast corner of this parcel.

**THENCE:** N 62°23'37" W, 378.11 feet along the north line of said 3 S and D Interests tract, the south line of said Kaemerle tract, and this parcel, to a 1/2" iron rod found, for the southeast corner of a called 9.745 acres described in a Special Warranty Deed to Hassan Rahimi, recorded in Volume 12514, Page 2928 of said Real Property Records, the southwest corner of said Kaemerle tract, and this parcel.

**THENCE:** along the east line of said Rahimi tract, the west line of said Kaemerle tract, and this parcel the following 4 calls:

1) N 30°41'54" E, 77.57 feet to a 1/2" iron rod found, for an angle point.

2) N 38°36'15" E, 148.73 feet to a 1/2" iron rod found, for an angle point.

3) N 40°29'12" E, 122.96 feet to a 1/2" iron rod found, for an angle point.

4) N 32°26'58" E, 122.77 feet to a 1/2" iron rod found in the south line of Lot 2 of said Las Cimas, Section 1, for the northwest corner of this parcel.

**THENCE:** S 62°02'01" E, 120.58 feet along the south line of said Las Cimas, Section 1, the north line of said Kaemerle tract, and this parcel, to the Point of Beginning and containing a computed area of 3.79 acres, more or less.

C 14-76-083 (R042)

EXHIBIT "A"

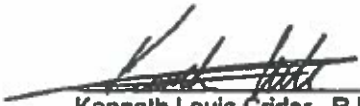
FIELD NOTES

JOB NO. 13379-00

DATE: JANUARY 2, 2018

PAGE 2 OF 3 Field Notes to accompany exhibit

Bearings cited herein based on: Texas State Plane Coordinate System, Grid North, Central Zone, Texas NAD 83(93). This survey may be in violation of State of Texas Local Government Code, Chapter 232, County Regulations of Subdivisions. Texas Land Surveying, Inc. assumes NO liability of any kind for the misuse (illegal use) of this survey.

  
1-5-18  
Kenneth Louis Crider, R.P.L.S. No. 5624  
Texas Land Surveying, Inc.  
3613 Williams Drive, Suite 903  
Georgetown, Texas 78628



*Texas Land Surveying, Inc.*

3613 Williams Drive, Suite 903 - Georgetown, Texas 78628  
(512) 930-1600 [www.texas-ls.com](http://www.texas-ls.com)  
TBPLS FIRM No. 10056200  
GEOSCIENCE FIRM No. 50538

C14-76-083C(2A-2)

AN EXHIBIT TO ACCOMPANY FIELD NOTES FOR:  
3.79 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS  
COUNTY TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN DOC. No. 2014175485 OF  
THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

JOB NO: 13379

DRAWN: RCG

F.C.: CC

SHEET 3 OF 3

EXHIBIT \_\_\_\_\_

LEGEND	
●	1/2" IRON ROD FOUND WITH NO CAP (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET W/PLASTIC CAP STAMPED "T.L.S. INC."
+	CALCULATED POINT
( )	RECORD INFORMATION

HASSAN RAHIMI  
(9.745 AC)  
V.12514/P.2928  
R.P.R.T.C.

POINT OF  
BEGINNING

3.79  
ACRES

HAROLD K. KAEMERLE, JR.  
AND SHARIE KAEMERLE  
(14.294 AC)  
#2014175485  
O.P.R.T.C.

J.C. TANNEHILL LEAGUE No. 29  
ABSTRACT No. 22

3 S AND D  
INTERESTS  
(62.101 AC)  
V.12503/P.243  
R.P.R.T.C.

CENTERLINE OF  
CREEK AS  
SURVEYED

HAROLD K. KAEMERLE, JR.  
AND SHARIE KAEMERLE  
(14.294 AC)  
#2014175485  
O.P.R.T.C.

Scale: 1" = 100'

BEARINGS CITED HEREON BASED ON  
STATE PLANE COORDINATES, GRID  
NORTH, CENTRAL ZONE, TEXAS  
NAD 83 (93).

LINE TABLE			RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L1	N 30°41'54" E	77.97'	L1	S 32°58'00" W	77.30'
L2	N 40°29'12" E	122.86'	L2	S 42°58'00" W	123.21'
L3	N 32°28'58" E	122.77'	L3	S 34°30'00" W	121.87'
L4	S 62°02'01" E	120.58'	L4	N 58°39'00" W	217.28'
L5	S 23°33'44" W	148.02'	L5	NO RECORD	-
L6	S 08°22'45" W	70.17'	L6	NO RECORD	-

RECORD INFORMATION TABLE:  
R1: DOC. #2004232132  
R2: VOL. 12514, PG. 2928  
R3: VOL. 65, PG. 88



Witness my hand and seal this the  
18th Day of DECEMBER, 2017 A.D.

S:\2017\PROJECTS\13379 PURPLE SAGE TRACT +- 14 ACRES\13379\_2017\_WOR\13379 TRACT & 179 ACRES.dwg Jan 01, 2018 - 2:03 pm raylor

*Texas Land Surveying, Inc.*

-A Land Surveying and Geoscience Firm-  
3613 Williams Drive, Suite 903 - Georgetown, Texas 78628  
(512) 930-1600/(512) 930-9389 fax www.texas-ls.com  
T8PLS FIRM NO.10056200 GEOSCIENCE FIRM NO.50538

IF THIS DOCUMENT DOES NOT CONTAIN THE RED STAMPED SEAL OF THE UNDERSIGNED SURVEYOR, IT IS AN UNAUTHORIZED/ILLEGAL COPY.  
TEXAS LAND SURVEYING, INC. ASSUMES NO LIABILITY FROM THE USE OF ANY UNAUTHORIZED/ILLEGAL DOCUMENT.



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