

FIRST AMENDMENT TO RESTRICTIVE COVENANT
FOR ZONING CASE: C14-03-0053 (RCA)

OWNER: Riddell Family Limited Partnership, a Texas limited partnership

OWNER ADDRESS: 2028 East Ben White Boulevard, Suite 508,
Austin, TX 78741

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, Riddell Family Limited Partnership, a Texas limited partnership, as owner of all that certain property described in Zoning Case No. C14-03-0053, consisting of approximately 69.59 acres of land (the "Property"), as more particularly described in the Restrictive Covenant, dated as of December 5, 2003, and recorded in the Real Property Records of Travis County, Texas, on December 16, 2003, as Document No. 2003288731, (the "Restrictive Covenant") imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record; and

WHEREAS, Riddell Family Limited Partnership, a Texas limited partnership is the current owner (the "Owner") of approximately 35.032 acres of land ("Parcel A") more particularly described in **Exhibit A** and 12.52 acres of land ("Parcel B"), more particularly described in **Exhibit B**, on the date of this First Amended Restrictive Covenant (the "Amendment") and desires to amend the Restrictive Covenant as to Parcel A and Parcel B; and

WHEREAS, the remainder of the 65.59 acres of land described in the Restrictive Covenant will remain subject to the Restrictive Covenant; 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, 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 and the Owner agree as follows:

1. The definition of Property is amended to mean: 35.032 acres of land ("Parcel A") more particularly described in **Exhibit A**; 12.52 acres of land ("Parcel B") more particularly described in **Exhibit B**; and the 69.59 acres of land described in the Restrictive Covenant SAVE AND EXCEPT Parcel A and Parcel B ("Parcel C").

2. Paragraph No. 1 of the Restrictive Covenant is deleted and replaced with the following:

A site plan or building permit for Parcel C may not be approved, released, or issued, if the completed development or uses of Parcel C, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for Parcel C as specified in that certain Traffic Impact Analysis ("TIA 1") prepared by Wilbur Smith Associates, dated May of 2003, or as amended and approved by the Director of the Development Services Department. All development on Parcel C is subject to the Development Services Department, Transportation Review Section's staff memorandum ("Memorandum 1") dated November 19, 2003, and any amendments to the memorandum that address subsequent TIA 1 updates for Parcel C. The TIA 1 and Memorandum 1 shall be kept on file at the Development Services Department.

3. A site plan or building permit for Parcel A or Parcel B may not be approved, released, or issued, if the completed development or uses of Parcel A or Parcel B, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for Parcel A or Parcel B as specified in that certain Traffic Impact Analysis prepared by Jones Carter, dated October 4, 2016, and the Addendum, dated February 3, 2017 (collectively, "TIA 2"), or as amended and approved by the Director of the Development Services Department. All development on Parcel A and Parcel B is subject to the Development Services Department, Transportation Review Section's staff memorandum ("Memorandum 2") dated February 28, 2018, and any amendments to the memorandum that address subsequent TIA 2 updates for Parcel A or Parcel B. The TIA 2 and Memorandum 2 shall be kept on file at the Development Services Department.
4. 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.
5. 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 11th day of June, 2018.

Owner:

The Riddell Family Limited Partnership, a Texas limited partnership

By: WJR GP, LLC, a Texas limited liability company, its General Partner

By:


Jim Henry, Manager

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 TEXAS

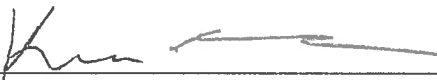
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 11th day of June 2018, by Jim Henry, as Manager of WJR GP, LLC, a Texas limited liability company, general partner of The Riddell Family Limited Partnership, a Texas limited partnership, on behalf of said partnership.



Notary Public, State of Texas

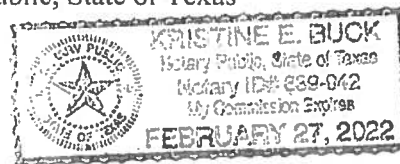
THE STATE OF TEXAS

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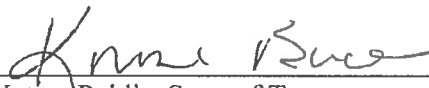
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COUNTY OF TRAVIS

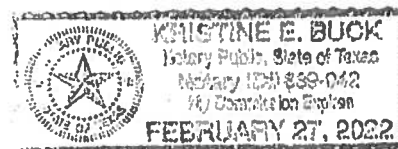
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This instrument was acknowledged before me on this the 11th day of June, 2018, by Joe Pantaloni, as Interim Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



Notary Public, State of Texas



LEGAL DESCRIPTION

Being 35.032 acres of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and being a portion of a 125.714-acre tract (Tract Three) as described in Warranty Deed to the Riddell Family Limited Partnership, a Texas limited partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, a portion of an 18.029-acre tract as described in Correction Deed to the Riddell Family Limited Partnership recorded in Document No. 2012026879 of the Official Public Records of Travis County, Texas, and all of a 2.775-acre tract of land as described to Riddell Family Limited Partnership in Deed Without Warranty recorded in Document Number 2015046420 of the Official Public Records of Travis County, Texas; said 35.032 acres of land being more particularly described by metes and bounds as follows with bearings referenced to the Texas Coordinate System of 1983, Central Zone:

COMMENCING at a ½" iron rod found with cap stamped LENZ & ASSOCIATES at the intersection of the west right-of-way line of Interstate Highway No. 35 and the north right-of-way line of F.M. 1626, at the southeast corner of a 3.40 acre tract of land described in Special Warranty Deed to the Riddell Family Limited Partnership in Document No. 2009213698 of the Official Public Records of Travis County, Texas;

THENCE with the north right-of-way line of said F.M. 1626, N62°19'35"W a distance of 364.59 feet to a ½" iron rod found capped LENZ & ASSOCIATES at the southwest corner of said 3.40-acre tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, N62°24'24"W, pass a ½" iron rod found with cap stamped "CA INC." at the southeast corner of said 18.029-acre tract at a distance of 322.92 feet, and continuing for a total distance of 749.10 feet to 5/8" iron rod set with cap stamped "JONES | CARTER" for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, North 62°24'24" West a distance of 57.39 feet to a 1" iron pipe found at the southwest corner of said 18.029-acre tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, North 62°24'18" West a distance of 423.72 feet to a concrete monument found for an angle point;

THENCE continuing with the north right-of-way line of said F.M. 1626, N61°45'20"W a distance of 46.85 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southeast corner of a 0.045-acre tract of land (Tract 2) as described in Street Deed to the City of Austin recorded in Document No. 2015046419 of the Official Public Records of Travis County, Texas, for the most southerly southwest corner of this tract, from which a concrete monument found bears N61°45'20"W a distance of 73.09 feet;

THENCE North 20°06'45" West, pass a ½" iron rod found with cap stamped TERRA FIRMA at the north corner of said City of Austin 0.045-acre tract at a distance of 85.83 feet and continuing for a total distance of 176.96 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southwest corner of said Riddell Family 2.775-acre tract, for the most northerly southwest corner of this tract;

THENCE North 27°12'18" East a distance of 67.92 feet to a ½" iron rod found with cap stamped TERRA FIRMA on the east line of a 2.730-acre tract (Tract 1) described in Street Deed to City of Austin in Document Number 2015046419 of the Official Public Records of Travis County, Texas;

THENCE continuing with the east line of said City of Austin 2.730-acre tract (Tract 1), the following four (4) courses:

- 1) North 27°12'18" East a distance of 565.19 feet to a ½" iron rod found with cap stamped TERRA FIRMA at a point of curvature of a curve to the right;
- 2) Northeasterly with said curve to the right having a radius of 424.50 feet and a delta angle of 30°26'26", an arc distance of 225.53 feet (the chord of said curve bears North 42°25'31" East a distance of 222.89 feet) to a ½" iron rod found with cap stamped TERRA FIRMA;
- 3) North 57°38'44" East a distance of 49.53 feet to a ½" iron rod found with cap stamped TERRA FIRMA at a point of curvature of a curve to the left;
- 4) Northeasterly with said curve to the left having a radius of 493.50 feet and a delta angle of 08°48'59", an arc distance of 75.94 feet (the chord of said curve bears North 53°14'15" East a distance of 75.86 feet) to a ½" iron rod found with cap stamped TERRA FIRMA on the west line of said Riddell Family 2.775-acre tract;

THENCE with the west line of said Riddell Family 2.775-acre tract, along a curve to the left having a radius of 493.50 feet and a delta angle of 21°58'12", an arc distance of 189.23 feet (the chord of said curve bears North 37°50'39" East a distance of 188.08 feet) to a ½" iron rod found with cap stamped TERRA FIRMA;

THENCE continuing with the west line of said Riddell Family 2.775-acre tract, N26°51'33"E a distance of 840.91 feet to a ½" iron rod found with cap stamped TERRA FIRMA on the east line of the 7.122-acre tract described in Street Deed to the City of Austin in Document Number 2010172930 of the Official Public Records of Travis County, Texas;

THENCE with the east line of said City of Austin 7.122-acre tract, N23°37'58"E a distance of 23.98 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southwest corner of a 24.532-acre tract described in Special Warranty Deed to Sterling/Babcock & Brown Double Creek, LP in Document No. 2008006671 of the Official Public Records of Travis County, Texas, for the northwest corner of this tract;

THENCE with the south line of said Sterling/Babcock 24.532-acre tract, S73°51'23"E a distance of 664.20 feet to a 5/8" iron rod found at the northwest corner of Lot A, RICHARD MARSHAL ADDITION, a subdivision as recorded in Book 78, Page 131 of the Plat Records of Travis County, Texas, for the northeast corner of the herein described tract;

THENCE with the west line of said Lot A, S16°08'43"W a distance of 649.24 feet to a 5/8" iron rod found at the southwest corner of said Lot A, on a north line of Lot 1, BARNETT SUBDIVISION, a subdivision as recorded in Document No. 201200162 of the Official Public Records of Travis County, Texas;

THENCE with the north line of Lot 1, BARNETT SUBDIVISION, N73°50'05"W a distance of 139.37 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA at the northwest corner of said Lot 1, BARNETT SUBDIVISION, for an inside corner of this tract;

THENCE with the west line of said Lot 1, BARNETT SUBDIVISION, S16°09'55"W a distance of 403.71 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA for the southwest corner of said Lot 1, BARNETT SUBDIVISION;

THENCE with the south line of said Lot 1, BARNETT SUBDIVISION, South 73°50'05" East a distance of 662.00 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA on the west right-of-way line of Interstate Highway No. 35 for the southeast corner of said Lot 1;

THENCE with said west right-of-way of Interstate Highway No. 35, South 16°09'55" West a distance of 88.50 feet to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE with a non-tangent curve to the left having a radius of 25.00 feet and a delta angle of 22°10'57", an arc distance of 9.68 feet (the chord of said curve bears North 62°44'36" West a distance of 9.62 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE North 73°50'05" West a distance of 877.14 feet to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of curvature of a curve to the left;

THENCE with said curve to the left having a radius of 25.00 feet and a delta angle of 84°25'57", an arc distance of 36.84 feet (the chord of said curve bears South 63°56'56" West a distance of 33.60 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of reverse curvature to the right;

THENCE with said reverse curve to the right having a radius of 5020.00 feet and a delta angle of 05°55'15", an arc distance of 518.75 feet (the chord of said curve bears South 24°41'35" West a distance of 518.52 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE South 27°39'12" West a distance of 519.30 feet to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE South 27°39'12" West a distance of 519.30 feet to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of curvature of a curve to the left;

THENCE with said curve to the left having a radius of 23.00 feet and a delta angle of 19°56'02", an arc distance of 8.00 feet (the chord of said curve bears South 17°41'11" West a distance of 7.96 feet) to the POINT OF BEGINNING and CONTAINING an area of 35.032 acres of land.

This description has been prepared as the result of an on the ground survey completed on November 30, 2015.



Gary C. Bowes
Registered Professional Land Surveyor No. 4053

12/16/2015
Date



SKETCH TO ACCOMPANY ZONING DESCRIPTION

SCALE 1" = 300'



JONES CARTER

Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.8493

LEGAL DESCRIPTION

BEING a 12.52 acre tract of land out of the Santiago Del Valle Survey, Abstract Number 24, City of Austin, Travis County, Texas; and being a portion of a called 18.029 acre tract of land described in a Correction Deed to The Riddell Family Limited Partnership recorded under Document Number 2012026879 of the Official Public Records of Travis County, Texas, and being a portion of a called 125.714 acre tract of land (Tract Three) described in a Warranty Deed to The Riddell Family Limited Partnership recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas; said 12.52 acres tract of land being more particularly described by metes and bounds as follows, with bearings based on the Texas Coordinate System of 1983, Central Zone:

COMMENCING at a 1/2" iron rod found at the intersection of the westerly right-of-way line of the South Bound Frontage of Interstate Highway No. 35 (a variable width public right-of-way) with the northerly right-of-way line of F.M. 1626 (a variable width public right-of-way line) for the southerly corner of a called 3.40 acre tract of land described in a Special Warranty Deed to The Riddell Family Limited Partnership recorded under Document Number 2011122718 of the Official Public Records of Travis County, Texas;

THENCE with the said northerly right-of-way line of F.M. 1626, North 62°19'35" West a distance of 364.59 feet to a 1/2" iron rod with cap stamped "LENZ & ASSOCIATES" found for the southerly corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing with said northerly right-of-way line of F.M. 1626, North 62°24'24" West passing a 1/2" iron rod with cap stamped "CA INC" found at a distance of 322.92 feet for the common southwest corner of said 125.714 acre tract and the southeast corner of said 18.029 acre tract, continuing in all a total distance of 749.10 feet to a 5/8" iron rod with cap stamped "JONES|CARTER" found for the beginning of a non-tangent curve to the right and being the southwest corner of the herein described tract;

THENCE departing said northerly right-of-way line F.M. 1626 over and across said 18.029 acre tract of land and said 125.714 acre tract of land the following courses and distances:

Northeasterly with said non-tangent curve to the right having a radius of 23.00 feet and a delta angle of 19°56'02", an arc distance of 8.00 feet (the chord of said curve bears North 17°41'11" East a distance of 7.96 feet) to a 5/8" iron rod with cap stamped "JONES|CARTER" set;

North 27°39'12" East a distance of 519.30 feet to a 1/2" iron rod found for the point of curvature of a curve to the left;

Northeasterly with said curve to the left having a radius of 5020.00 feet and a delta angle of 00°24'42", an arc distance of 36.06 feet (the chord of said curve bears North 27°26'51" East a distance of 36.06 feet) to a 5/8" iron rod with cap stamped "JONES|CARTER" found for the southwest corner of Lot 1, DOUBLE CREEK PARK SUBDIVISION, a subdivision as recorded in Document No. 201700263 of the Official

Public Records of Travis County, Texas, and being the northwest corner of the herein described tract;

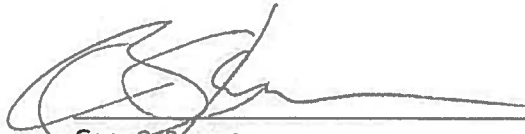
THENCE with the south line of said Lot 1, DOUBLE CREEK PARK SUBDIVISION, South 73°50'05" East a distance of 981.29 feet to a 5/8" iron rod with cap stamped "JONES|CARTER" set in said westerly right-of-way line of the South Bound Frontage of Interstate Highway No. 35 for the southeast corner of said Lot 1 and the northeast corner of the herein described tract;

THENCE with said westerly right-of-way line of the South Bound Frontage of Interstate Highway No. 35, South 16°09'55" West a distance of 352.69 feet to a 1/2" iron rod with cap stamped "CA INC" found for the northeasterly corner of said 3.40 acre tract;

THENCE departing said westerly right-of-way line of the South Bound Frontage of Interstate Highway No. 35 with the northerly line of said 3.40 acre tract, North 62°23'10" West a distance of 353.49 feet to a 1" iron pipe found for the northwesterly corner of said 3.40 acre tract;

THENCE with the westerly line of said 3.40 acre tract, South 17°42'39" West a distance of 418.27 feet to the POINT OF BEGINNING and CONTAINING an area of 12.52 acres.

This description has been prepared as a result of an on the ground survey completed on September 5, 2017 and is submitted in connection with a survey drawing prepared by Jones|Carter titled A620-0007-00 Boundary Survey, dated May 31, 2018, Project No. A620-0007-00z.



Gary C. Bowes

Registered Professional Land Surveyor No. 4053

5/31/2018
Date

Austin Grid: F-11
TCAD ID: 820393



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