

TERMINATION OF AMENDED RESTRICTIVE COVENANT
FOR
ZONING CASE: C14-77-053

Owner: SACK FAMILY HOLDINGS, LTD.,
a Texas limited partnership

Address: P.O. Box 17936, Austin, Texas 78760

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, by Restrictive Covenant (the "Original Restrictive Covenant") recorded in Volume 5871, Page 2288, Real Property Records of Travis County, certain restrictions were imposed on property described in the attached Exhibit A (the "Property"); and,

WHEREAS, under Ordinance No. 790524-I, the City of Austin authorized the removal of the restrictions in their entirety and for new restrictions to be imposed on the Property; and

WHEREAS, by Amended Restrictive Covenant (the "Amendment") dated June 8, 1979, and recorded in Volume 6626, Page 283, Real Property Records of Travis County, certain new restrictions were imposed against the Property; and,

WHEREAS, the Amendment by scrivener's error referred to the Original Restrictive Covenant as recorded in Volume 5871, Page 2283, rather than the correct volume and page, Volume 5871, page 2288, Real Property Records of Travis County, Texas; and,

WHEREAS, the error has been corrected under an Affidavit dated April 25, 2005, and recorded in Document No. 2005070569, Official Public Records of Travis County, Texas; and,

WHEREAS, the Amendment 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 owners of the Property at the time of such modification, amendment or termination; and,

WHEREAS, Sack Family Holdings, Ltd., a Texas limited partnership, is the current owner (the "Owner") of the Property on the date of this termination and desires to terminate the Amendment; and,

WHEREAS, the City Council and the Owner agree the Amendment should be terminated;

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, agree as follows:

1. The Amended Restrictive Covenant is terminated by this termination.

2. The City Manager, or her designee, shall execute, on behalf of the City, this Termination of Amended Restrictive Covenant for Zoning File No. C14-77-053 (the "Termination") as authorized by the City Council. This Termination shall be filed in the Official Public Records of Travis County, Texas, which will terminate the document of record in Volume 6626, Page 283.

EXECUTED to be effective the _____ day of _____, 2005.

OWNER:

**SACK FAMILY HOLDINGS, LTD.,
a Texas limited partnership**

By: Sack Family Management, Inc.,
a Texas corporation,
its General Partner

By: _____
Charles T. Sack, President

THE STATE OF TEXAS

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the _____ day of _____, 2005, by Charles T. Sack, President of Sack Holdings Management, Inc., a Texas corporation, and the corporation acknowledged this instrument as General Partner of Sack Family Holdings, Ltd., a Texas limited partnership.

Notary Public, State of Texas

CITY OF AUSTIN:

By: _____

**LAURA J. HUFFMAN,
ASSISTANT CITY MANAGER
CITY OF AUSTIN**

THE STATE OF TEXAS

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the ____ day of _____, 2005, by **LAURA J. HUFFMAN**, as **ASSISTANT CITY MANAGER OF THE CITY OF AUSTIN**, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

**CITY OF AUSTIN LAW DEPARTMENT
P.O. BOX 1088
AUSTIN, TX 78767-8828
ATTN: DIANA MINTER, PARALEGAL**

EXHIBIT "A"

TRACT 1:

Lot 1, RED RIVER ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 78, Page 94 of the Plat Records of Travis County, Texas; and

TRACT 2:

Easement for Ingress and Egress over and across a 2,499.96 square foot portion of that certain tract or parcel of land being THE VILLAS ON TOWN LAKE CONDOMINIUMS, a condominium project in Travis County, Texas, according to the Condominium Declaration and Amendments thereto recorded in Volume 8023, Page 935, Volume 8266, Page 660, Volume 8266, Page 673, Volume 8266, Page 686, Volume 8313, Page 539, Volume 8313, Page 547, and Volume 12032, Page 122 of the Real Property Records of Travis County, Texas. Said 2,499.96 square feet being more particularly described by metes and bounds as follows:

Beginning at an iron pipe found at the intersection of the South right of way line of Davis Street with the West right of way line of Red River Street, being the Northwest corner of the above described Printing Properties tract and the Northeast corner of that tract conveyed to Earl M. McClure, Jr. and wife, Mary McClure, by deed of record in Volume 5688, Page 1323 of the Travis County, Texas Deed Records, also being the Southeast corner of Lot 1, Block 4, of the Driskill and Rainey Subdivision, as recorded in Book 1, Page 22 of the Travis County, Texas Plat Records, said pipe found being the Northwest corner of this tract and the PLACE OF BEGINNING hereof;

THENCE with the South right of way line of Davis Street and the North property line of the Printing Properties tract S 71° 02' E for a distance of 50.00 feet to an iron stake set for the Northeast corner hereof;

THENCE S 18° 39' W for a distance of 50.00 feet to an iron stake set for the Southeast corner hereof;

THENCE N 71° 02' W for a distance of 50.00 feet to an iron stake set in the West property line of the Printing Properties tract and the East property line of the McClure tract for the Southwest corner hereof;

THENCE with the West property line of the Printing Properties tract and the East property line of the McClure tract N. 18° 39' E for a distance of 50.00 feet to the PLACE OF BEGINNING and containing 2,499.96 square feet or 0.06 acre of land more or less.