



**AMENDMENT OF RESTRICTIVE COVENANT**  
**FOR**  
**ZONING CASE: C14-86-068**

6 APR 26 PM 9:03

Owner: Cedar Elm Partners, Ltd., a Texas limited partnership  
Address: 205 Providence Road, Chapel Hill, NC 27514  
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, Cedar Elm Partners, Ltd., a Texas limited partnership, is the sole and current owner (the "Owner") of real property consisting of 0.722 acres of land in Travis County, more particularly described in Exhibit "A" attached to this restrictive covenant (the "Released Property") on the date of this amendment.

WHEREAS, the Released Property is a portion of all that certain property described in Zoning File No. C14-86-068, consisting of approximately 3.233 acres of land in Travis County, (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 9899, Page 80, (the "Restrictive Covenant").

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

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both a majority of the members of the City Council and the Owner of the applicable portion 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 agree 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, agree as follows:

1. The Restrictive Covenant is amended to release the Released Property from the terms and provisions under the Restrictive Covenant which is no longer applicable to or binding on the Released Property.
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 of Restrictive Covenant for Zoning File No. C14-86-068 as authorized by the City Council of the City of Austin. This Amendment of Restrictive Covenant shall be filed in the Official Property Records of Travis County, Texas.

3-4-04

# 2-8

EXECUTED this the 1<sup>st</sup> day of MARCH, 2004.

OWNER:

**CEDAR ELM PARTNERS, LTD.,**  
a Texas limited partnership

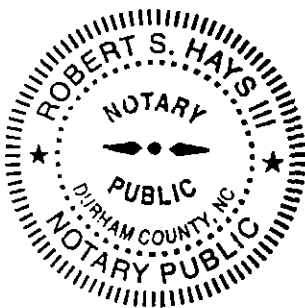
By: **Austin Bay Inc.,**  
a Texas corporation,  
its General Partner

By: [Signature]  
**Henry W. Branson, III,**  
President

~~THE STATE OF TEXAS~~ <sup>NORTH CAROLINA</sup>  
~~COUNTY OF TRAVIS~~ <sup>DURHAM</sup>

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This instrument was acknowledged before me on this the 1<sup>st</sup> day of MARCH, 2004 by Henry W. Branson III, President, on behalf of Austin Bay Inc., a Texas corporation, and the corporation acknowledged this instrument as General Partner on behalf of CEDAR ELM PARTNERS, LTD., a Texas limited partnership.



[Signature]  
Notary Public, State of ~~Texas~~ NORTH CAROLINA  
MY COMMISSION EXPIRES 8/28/08

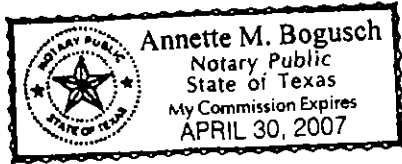
CITY OF AUSTIN:

By: [Signature]  
**LISA Y. GORDON,**  
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 9<sup>th</sup> day of March, 2004  
by **Lisa Y. Gordon**, as Assistant City Manager, City of Austin, a municipal corporation, on behalf of the  
municipal corporation.



Annette M. Bogusch  
Notary Public, State of Texas

*Ret.*

After Recording Please Return To:  
City of Austin Law Department  
P.O. Box 1088  
Austin, Texas 78767  
Attn: Diana Minter, Paralegal



**EXHIBIT A**  
**FIELD NOTE DESCRIPTION**  
**"GR" Zoned tract out of Cedar Elm Subdivision**

BEING A 0.722 ACRE TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY NUMBER 60, ABSTRACT NUMBER 312, SITUATED IN TRAVIS COUNTY, TEXAS AND BEING THE REMAINDER OF A 3.233 ACRE TRACT DESCRIBED IN VOLUME 9899, PAGE 0080 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AFTER THE LOOP 1 RIGHT-OF-WAY ACQUISITION AND LOCATED WITHIN LOT 1, CEDAR ELM SUBDIVISION AS RECORDED IN BOOK 86, PAGE 187C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.722 ACRE "GR" ZONED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

**BEGINNING** at a 1/2 inch iron pipe found for the Southeast corner of a 0.616 Acre remainder tract owned by Texas Alloy, Inc. as recorded in Volume 11878, Page 265, same being an angle point in the North line of aforementioned Lot 1, Cedar Elm Subdivision;

**THENCE** along the East leg of a jog in said North line of Cedar Elm Subdivision, South 30d 22' 05" West, a distance of 30.09 feet to a 1/2 inch iron rod found for angle point;

**THENCE** departing the North line of said Cedar Elm Subdivision and crossing same, South 30d 36' 30" West, a distance of 274.84 feet to a 1/2 inch iron rod found for angle point in the South line of said Cedar Elm Subdivision for the Southeast corner hereof;

**THENCE** along the South line of said Cedar Elm Subdivision, North 68d 24' 46" West, a distance of 82.47 feet to a TXDOT aluminum monument found for corner in the curving East line of Loop 1 Right-of-Way having a radius of 3,231.54 feet for the Southwest corner hereof;

**THENCE** along the said East Right-of-Way line of Loop 1, the following Two (2) courses:

along a circular curve to the right, with a delta angle of 00d 58' 46" , an arc length of 55.24 feet, a chord bearing North 23d 02' 58" East, a chord distance of 55.24 feet to a TXDOT aluminum monument found for the point of tangency to said curve;

North 23d 36' 43" East, a distance of 260.32 feet to a TXDOT aluminum monument found in the North line of said Cedar Elm Subdivision, same being the Southwest corner of aforementioned Texas Alloy, Inc.'s 0.616 acre tract for the Northwest corner hereof;

**THENCE** departing the said East Right-of-way line of Loop 1 and along the North line of said Cedar Elm Subdivision, same being the South line of said 0.616 acre Texas Alloy, Inc. tract, South 61d 38' 10" East, a distance of 120.40 feet to the **POINT OF BEGINNING** and containing a calculated area of **0.722 Acres** of land subject to easements, condition or restrictions of record, if any.

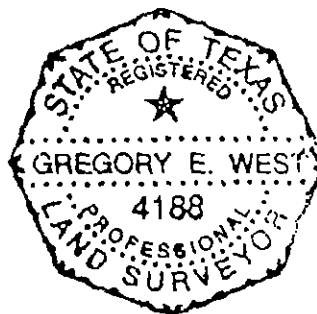
I hereby certify that the foregoing Field Notes were prepared from a survey on-the-ground, under my

supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this the 25th day of October 2003.

  
Gregory E. West, R.P.L.S. # 4188

**West Surveyors, Inc.**  
12401 Hymeadow Dr. 1-C  
Austin, Texas 78750  
Project No. V002-05D



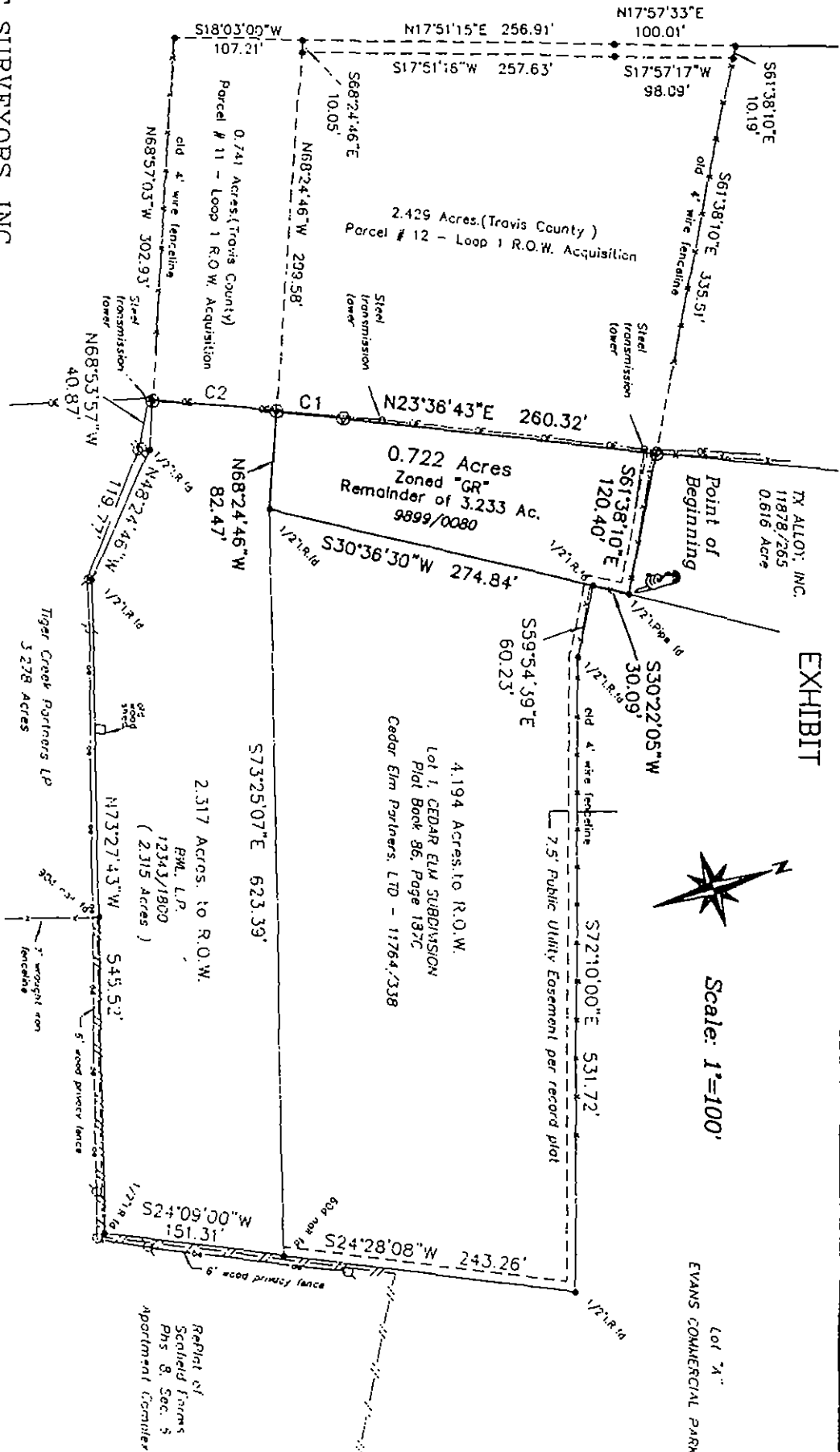
# F.M. 1325 ( Burnet Road )

**WEST SURVEYORS, INC.**  
 12401 Hymeadow Dr  
 Suite 1-C  
 Austin, Texas 78750  
 Project No. Y002-05D

Ph. (512) 250-8042  
 Fax. (512) 331-3864

**LEGEND**  
 • = 1/2 inch iron rod found  
 ⊙ = TPO1 Aluminum Monument Found  
 --- = Overhead Electric Lines

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	0°58'46"	55.24'	3231.54'	N23°02'58"E	55.24'
C2	1°50'48"	104.17'	3231.54'	N21°38'10"E	104.16'



**EXHIBIT**



Scale: 1"=100'

Lot "A"  
 EVANS COMMERCIAL PARK

# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2004 Mar 23 11:40 AM 2004053509

GONZALES \$26.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

**Recorders Memorandum-**At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.