

City Clerk FYI

To: Laura Huffman, Assistant City Manager
From: Alison Gallaway, Assistant City Attorney *Alison Gallaway*
Re: Bouldin Meadows, Zoning case No. C14-05-0110
Date: March 31, 2006

On March 9, 2006 Zoning case No. C14-05-0110, Bouldin Meadows, was presented to City Council for a zoning change to SF-3. Concurrently, an ordinance, and a restrictive covenant for a limitation on cut and fill were prepared.

Council approved the SF-3 zoning and variance approving a fill limitation only, to be documented by a Restrictive Covenant.

The restrictive covenant used the City's standard "cut and fill" language. Although the Restrictive Covenants were provided to the Owner for review prior to execution, no one, not the Owner, his attorney, nor City staff, caught the error. The Owner executed the restrictive covenant which included provisions NOT approved by City Council.

The erroneous restrictive covenant was recorded.

In order to accurately reflect what Council did approve, a termination of the original covenant has been prepared that explains the actions taken, and a restrictive covenant with only a fill provision has also been prepared.

Once both have been executed by the owner and after the termination covenant is executed by the City Manager, or designee, both the Termination and the Corrected Restrictive Covenant will be recorded simultaneously at the County Clerk's office.

Because this is a clerical error and does not correctly reflect Council's intention, I believe that it can be terminated and a correct Restrictive Covenant filed without taking further Council action.

06 MAY 25 PM 4:26



TERMINATION OF RESTRICTIVE COVENANT
FOR
ZONING CASE: C14-05-0110

Owner: Forest Cove, Ltd., a Texas limited partnership

Address: 8800 Applaloosa Run, Austin, Texas 78737

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.

Recitals:

1. Forest Cove, Ltd., a Texas limited partnership, as owner ("Owner") of the property described in Zoning File No. C14-05-0110, consisting of approximately 14.005 acres of land out of the Isaac Decker League, in Travis County (the "Property"), as described in the restrictive covenant recorded in the Official Public Records of Travis County, Texas, in Document No. 2006043657 (the "Restrictive Covenant"), imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record; and,

2. Because the provisions of the Restrictive Covenant did not comply with the actions of the City Council on March 9, 2006, the Owner and the City desire to terminate the incorrect Restrictive Covenant and execute a new restrictive covenant (the "New Restrictive Covenant") that complies with the restrictions approved by Council;

3. The New Restrictive Covenant will be executed by the Owner and simultaneously recorded with this Termination of Restrictive Covenant in the Official Public Records of Travis County, Texas.

4. The City and the Owner, as the sole and current owner of the Property, agree the incorrect Restrictive Covenant should be terminated and a New Restrictive Covenant executed;

Agreement:

City of Austin and the Owner, agree as follows:

1. The Restrictive Covenant is terminated and each term, condition, and provision will have no effect after the effective date of this Termination of Restrictive Covenant.

2. Because the Restrictive Covenant did not correctly set out the Restrictive Covenants approved by the City Council, the City Manager, or designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning File No. C14-05-0110. This Termination of Restrictive Covenant will be filed in the Official Public Records of Travis County, Texas.

3. A correct Restrictive Covenant will be filed in the Official Public Records of Travis County, Texas, by Owner contemporaneously with the filing of this Termination of Restrictive Covenant.

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EXECUTED this the 19TH day of April, 2006.

OWNER:

Forest Cove, Ltd.,
a Texas limited partnership

By: Greenslope Partners, Inc.,
a Texas corporation,
its general partner

By: [Signature]
J. Steven Smith,
Vice President

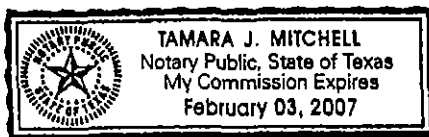
CITY OF AUSTIN:

By: [Signature]
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 April 19th, 2006, by J. Steven Smith, Vice President of Greenslope Partners, Inc., a Texas corporation, general partner of Forest Cove, Ltd., a Texas limited partnership, on behalf of the corporation and the general partner.

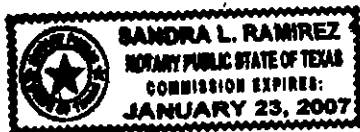


[Signature]
Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on May 9th, 2006, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of the municipal corporation.



[Signature]
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
2008 May 12 03:20 PM 2006088534
CORTEZY \$24.00
DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS