

TERMINATION OF RESTRICTIVE COVENANT
FOR ZONING CASE: C14-76-083(RCT)

OWNER: Hassan Rahimi and 726 LLC, a Texas limited liability company

OWNER ADDRESS: Hassan Rahimi,
P.O. Box 82186, Austin, Texas 78708

726 LLC, a Texas limited liability company,
P.O. Box 16401, Austin, Texas 78761

CITY: The City of Austin, a home-rule municipal corporation, situated in the counties of Hays, Travis and Williamson.

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, consisting of approximately 24.34 acres of land, (“Original Property”), dated 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 to release 10.49 acres on February 10, 2015, and recorded on February 20, 2015 as Document No. 2015024718; and,

WHEREAS, that certain Restrictive Covenant was amended for a second time to release 3.79 acres on April 19, 2018, and recorded on May 9, 2018, as Document No. 2018070958; and,

WHEREAS, the Restrictive Covenant encumbers real property, a portion of which is more particularly described in **Exhibit “A”** (“Released Property”) incorporated into this Termination of 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, Hassan Rahimi and 726 LLC, a Texas limited liability company, as current owners (the “Owner”) of the remaining portion of the Original Property now desire to terminate the Restrictive Covenant; and,

WHEREAS, the City Council and the Owner agree the Restrictive Covenant 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 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. The City Manager, or his designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No. C14-76-083(RCT) as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas, which will terminate the document of record in Volume 5764, Page 1156, Real Property Records, Travis County, Texas.

EXECUTED this the 7th day of June, 2021.

OWNER:

Hassan Rahimi

By: _____
Hassan Rahimi

726 LLC, a Texas limited liability company

By: 
David Hemmasi, Managing Member

By: 
Renee Hemmasi, Managing Member

CITY OF AUSTIN:

By: _____
J. Rodney Gonzales
Assistant City Manager
City of Austin

WHEREAS, the City Council and the Owner agree the Restrictive Covenant 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 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. The City Manager, or his designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No. C14-76-083(RCT) as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas, which will terminate the document of record in Volume 5764, Page 1156, Real Property Records, Travis County, Texas.

EXECUTED this the 7th day of June, 2021.

OWNER:

Hassan Rahimi

By: 
Hassan Rahimi

726 LLC, a Texas limited liability company

By: _____
David Hemmasi, Managing Member

By: _____
Renee Hemmasi, Managing Member

CITY OF AUSTIN:

By: _____
J. Rodney Gonzales
Assistant City Manager
City of Austin

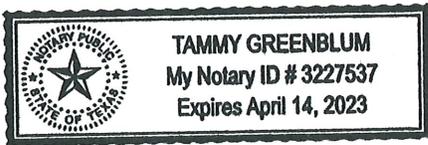
THE STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2021, by Hassan Rahimi.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF Travis §

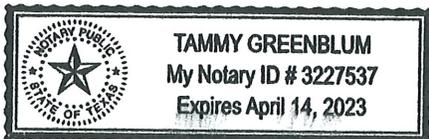
This instrument was acknowledged before me on this the 7th day of June 2021, by David Hemmasi, as Managing Member of 726 LLC, a Texas limited liability company, on behalf of said company.



[Signature]
Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF Travis §

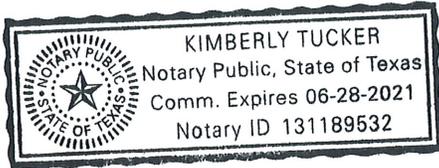
This instrument was acknowledged before me on this the 7th day of June 2021, by Renee Hemmasi, as Managing Member of 726 LLC, a Texas limited liability company, on behalf of said company.



[Signature]
Notary Public, State of Texas

THE STATE OF Texas §
COUNTY OF Travis §

This instrument was acknowledged before me on this the 7 day of June, 2021, by Hassan Rahimi.



Kimberly Tucker
Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this the ___ day of _____ 2021, by David Hammasi, as Managing Member of 726 LLC, a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this the ___ day of _____ 2021, by Renee Hammasi, as Managing Member of 726 LLC, a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas



FIELD NOTE DESCRIPTION

9.26 ACRE TRACT ±

Being out of the J.C. Tannehill survey no. 29, abstract no. 22 in Travis county, Texas, being a called 9.745 acre tract of land, as recorded in volume 12514, page 2928, real property records of Travis county, Texas, conveyed to Hassan Rahimi, and a fifty (50) percent interest in said 9.745 acre tract of land, as recorded in document number 2019101178, official public records of Travis county Texas, conveyed to 726 LLC, save and except a called 0.450 acre tract of land, as recorded in document no. 2005189336, official public records of Travis county, Texas, conveyed to state of Texas, being more particularly described by metes and bounds as follows:

Beginning at a 7-inch diameter concrete monument with iron rod found (1/2-inch diameter) for the south corner of said 9.745 acre tract, being the southwest corner of a called 14.294 acre tract, as recorded in document no. 2018119780, official public records of Travis county, Texas, and being a point in the north line of the remainder of a called 62.101 acres, as recorded in volume 12603, page 243, real property records of Travis county, Texas, for the southeast corner of herein described tract;

Thence, along the south line of said 9.745 acre tract common with the north line of said 62.101 acre tract, the following two (2) bearings and distances:

1. N 62°20'03" W a distance of 42.11 feet to an iron pipe found (1-inch diameter), for an angle point, and
2. N 61°58'24" W a distance of 572.96 feet to an iron rod set (1/2-inch diameter) with pink cap stamped "survey works 6356", at the southeast corner of said 0.450 acre tract, being a point in the east right of way line of us highway 183 (ed bluestein boulevard), for the southwest corner of herein described tract, from which a txdot type ii concrete monument found, bears s 19°29'54" e a distance of 433.22 feet;

Thence, over and across said 9.745 acre tract along the east right of way line of us highway 183, common with the east line of said 0.450 acre tract, the following three (3) bearings and distances:

1. N 19°30'42" W a distance of 3.00 feet to an iron rod set (1/2-inch diameter) with pink cap stamped "survey works 6356", for an angle point
2. N 15°44'33" W a distance of 619.37 feet, to a txdot type ii concrete monument found, for an angle point, and
3. With a curve turning to the right with an arc length of 18.05 feet, with a radius of 4489.00 feet, with a chord bearing of N 15°31'06" W, with a chord length of 18.05 feet to an iron rod set (1/2-inch diameter) with pink cap stamped "survey works 6356", being the northeast corner of said 0.450 acre tract, being the southeast corner of a called 0.056 acre tract of land, as recorded in document no. 2005114100, official public records of Travis county, Texas, being the southwest corner of a called 1.602 acre tract, as recorded in document no. 2000016775, official public records of Travis county, Texas for the northwest corner of herein described tract;

Thence, S 62°10'39" E a distance of 260.67 feet, departing the east right of way line of us highway 183, along the north line of said 9.745 acre tract, common with south line of said 1.602 acre tract, to an iron rod found (1/2-inch diameter), being the southeast corner of said 1.602 acre tract and the southwest corner of lot 13, block 8, of Las Cimas section one, as recorded in volume 65, page 88, plat records of Travis county, Texas, for an angle point of herein described tract;

Exhibit A

Thence, S 62°01'38" E a distance of 864.07 feet along the north line of said 9.745 acre tract common with the south line of said Las Cimas section one, to a 7-inch diameter concrete monument found with an iron rod found (1/2-inch diameter), being a point in the south line of lot 2 of said Las Cimas section one, and the north west corner of said 14.294 acre tract, for the northeast corner of herein described tract;

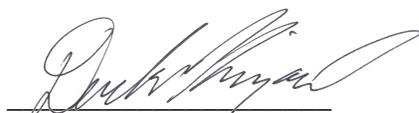
Thence, along the east line of said 9.745 acre tract common with the west line of said 14.294 acre tract, the following four (4) bearings and distances:

1. S 32°28'08" W a distance of 120.76 feet
2. S 40°29'57" W a distance of 123.13 feet
3. S 38°38'32" W a distance of 148.68 feet
4. S 30°26'00" W a distance of 77.15 feet to the point of beginning, in all containing 9.26 acres of land, more or less.

All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

This description to accompany a plat of like date representing an on the ground survey supervised by me Derek Kinsaul, Registered Professional Land Surveyor.

January 4th, 2021



Derek Kinsaul
RPLS No. 6356
Job #20-0378.01



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

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2021, by J. Rodney Gonzales, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin