

**TERMINATION OF RESTRICTIVE COVENANT**  
**FOR**  
**ZONING CASE: C14-85-288.102**

Owner: Southwest Hilltop, L.P., a Delaware limited partnership

Address: 2001 Bryan Street, Suite 3700  
Dallas, Texas 75201

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, Owner is the sole and current owner of real property consisting of 8.49 acres of land, more or less, more particularly described in **Exhibit "A"** attached hereto (the "Terminated Property") on the date of this Termination.

WHEREAS, the Terminated Property is a portion of all that certain property described in Zoning File No. C14-85-288.102 consisting of approximately 42.72 acres of land (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas in Volume 10252, Page 111, (the "Restrictive Covenant").

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

WHEREAS, the Restrictive Covenant provided that it 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 Restrictive Covenant was duly amended to release from it 34.23 acres of land, more or less, by that certain **AMENDMENT OF RESTRICTIVE COVENANT FOR ZONING CASE C14-85-288.102** recorded in Document No. 2001043984 of the Official Public Records of Travis County (the "Amendment").

WHEREAS, the Owner desires to terminate the Restrictive Covenant as to the remaining 8.49 acres, more or less, which remained subject to the Restrictive Covenant after the Amendment.

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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set forth, the City of Austin and the Owner, agree that the Restrictive Covenant is terminated and that it is no longer applicable to the 8.49 acres, more or less, described in **Exhibit "A"** hereto.

The City Manager or the City Manager's designee shall execute on behalf of the City, this Termination of Restrictive Covenant for Zoning File No. C14-85-288.102 as authorized by the City Council and this Termination of Restrictive Covenant for Zoning File No. C14-85-288.102 shall be filed in the Official Public Records of Travis County, Texas.

Executed as indicated below.

**OWNER:**

SOUTHWEST HILLTOP, L.P,  
a Delaware limited partnership

TCR Hilltop Limited Partnership, a Texas  
limited partnership, its Managing General Partner

By: TCR South Central 1999, Inc., a  
Texas corporation, its general partner

By: \_\_\_\_\_,  
its \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF AUSTIN:**

By: \_\_\_\_\_  
Signature

Printed Name: Laura J. Huffman

Title: Assistant City Manager

Date: \_\_\_\_\_

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THE STATE OF TEXAS     §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 by \_\_\_\_\_ of \_\_\_\_\_ TCR South Central 1999, Inc., a Texas corporation, the general partner of TCR Hilltop Limited Partnership, a Texas limited partnership, the Managing General Partner of Southwest Hilltop, L.P., a Delaware limited partnership on behalf of Southwest Hilltop, L.P., a Delaware limited partnership.

\_\_\_\_\_  
Notary Public in and for the State of Texas

THE STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 by \_\_\_\_\_ 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  
PO Box 1088  
Austin, TX 78767  
Attn: Diana Minter, Paralegal

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**FOR**  
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Termination of Restrictive Covenant  
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Executed as indicated below.

**OWNER:**

**SOUTHWEST HILLTOP, L.P.,**  
a Delaware limited partnership

**TCR Hilltop Limited Partnership, a Texas**  
**limited partnership, its Managing General Partner**

By: **TCR South Central 1999, Inc., a**  
**Texas corporation, its general partner**

By: \_\_\_\_\_  
its \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF AUSTIN:**

By: \_\_\_\_\_  
Signature

Printed Name: **Laura J. Huffman**

Title: **Assistant City Manager**

Date: \_\_\_\_\_

Z-6

THE STATE OF TEXAS     §  
COUNTY OF \_\_\_\_\_ §

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\_\_\_\_\_  
Notary Public in and for the State of Texas

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\_\_\_\_\_  
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Attn: Diana Minter, Paralegal

Termination of Restrictive Covenant  
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AUS:2187069.1  
36407.41

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EH&A FN 3796 (JHG)  
EH&A Job No. 7787-30

P&W Interests  
4.39 Acres-Zoning-Tract 2  
January 19, 1987

A DESCRIPTION, PREPARED FROM PUBLIC RECORD AND NOT FROM A SURVEY ON THE GROUND, FOR ZONING PURPOSES, OF A 4.39 ACRE TRACT OF LAND OUT OF THE JOSIAH HUDSON SURVEY NO. 530 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 52.56 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED NOVEMBER 30, 1984, TO P&W INTERESTS IN VOLUME 8934, PAGE 245 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, SAID 4.39 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED, BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at the most easterly corner of said 52.56 acre tract, same being in the proposed right-of-way of Southwest Parkway, said right-of-way being of variable width;

THENCE with the northeast line of said 52.56 acre tract, and crossing said Southwest Parkway, N 50° 53' 49" W, a distance of 17.15 feet to an angle point in the northeast right-of-way line of said Southwest Parkway, same being the POINT OF BEGINNING;

THENCE, crossing said 52.56 acre tract and with said northeast right-of-way of Southwest Parkway, the following six (6) courses and distances:

1. a distance of 133.19 feet with the arc of a curve to the right, having a central angle of 06° 12' 11", a radius of 1,415.00 feet, and a chord bearing N 84° 37' 55" W, a distance of 133.12 feet to a point of non-tangency,
2. N 81° 40' 06" W, a distance of 94.46 feet to an angle point,
3. N 76° 01' 47" W, a distance of 94.52 feet to an angle point,
4. N 71° 36' 14" W, a distance of 94.49 feet to a point at the beginning of a non-tangent curve, and
5. a distance of 472.33 feet with the arc of a curve to the right, having a central angle of 19° 05' 55", a radius of 1,417.00 feet, and a chord bearing N 60° 45' 03" W, a distance of 470.15 feet to a point of non-tangency, and
6. N 48° 04' 42" W, a distance of 13.56 feet to a point where said northeast right-of-way line of Southwest Parkway intersects the proposed southeast right-of-way line of Cobblestone Drive, being a proposed 80.00 wide right-of-way, said point being a point of curvature;

EH&A FN 3796 (JHG)  
EH&A Job No. 7787-30

P&W Interests  
4.39 Acres-Zoning-Tract 2  
January 19, 1987

THENCE with said southeast right-of-way line of Cobblestone Drive, the following six (6) courses and distances:

1. a distance of 31.76 feet with the arc of a curve to the right, having a central angle of  $90^{\circ} 59' 39''$ , a radius of 20.00 feet, and a chord bearing  $N 02^{\circ} 34' 54'' W$ , a distance of 29.53 feet to a point of tangency,
2.  $N 42^{\circ} 54' 54'' E$ , a distance of 90.24 feet to a point of curvature,
3. a distance of 122.14 feet with the arc of a curve to the left, having a central angle of  $20^{\circ} 34' 55''$ , a radius of 340.00 feet, and a chord bearing  $N 32^{\circ} 37' 26'' E$ , a distance of 121.48 feet to a point of reverse curvature,
4. a distance of 12.74 feet with the arc of a curve to the right, having a central angle of  $37^{\circ} 04' 46''$ , a radius of 20.00 feet, and a chord bearing  $N 40^{\circ} 52' 22'' E$ , a distance of 12.72 feet to a point of reverse curvature,
5. a distance of 90.51 feet with the arc of a curve to the left, having a central angle of  $86^{\circ} 26' 00''$ , a radius of 60.00 feet, and a chord bearing  $N 16^{\circ} 11' 45'' E$ , a distance of 82.17 feet to a point of reverse curvature, and
6. a distance of 7.98 feet with the arc of a curve to the right, having a central angle of  $22^{\circ} 51' 57''$ , a radius of 20.00 feet, and a chord bearing  $N 15^{\circ} 35' 17'' W$ , a distance of 7.93 feet to a point in the northeast line of said 52.56 acre tract;

THENCE with said northeast line of the 52.56 acre tract, the following two (2) courses and distances:

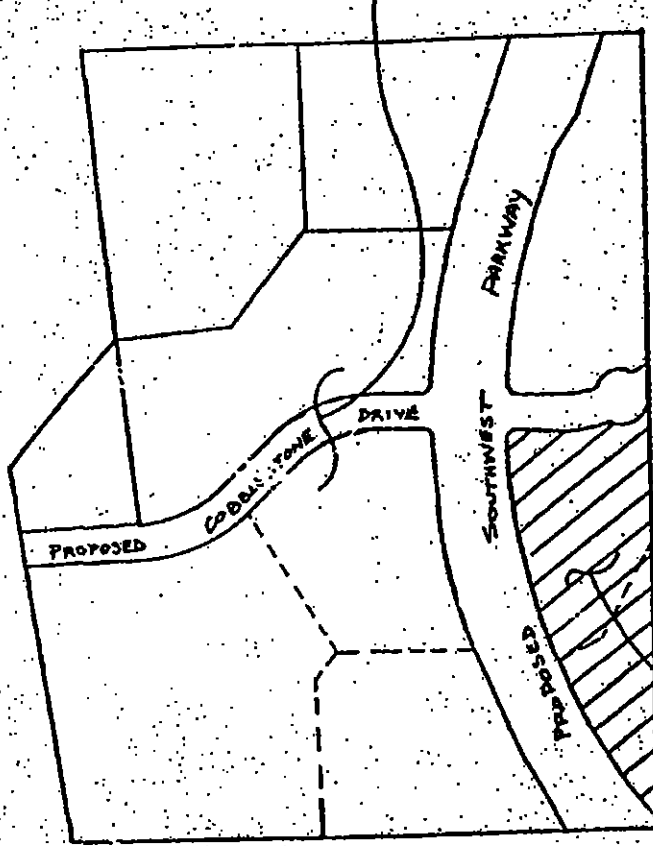
1.  $S 48^{\circ} 34' 20'' E$ , a distance of 807.53 feet to an angle point, and
2.  $S 48^{\circ} 10' 20'' E$ , a distance of 117.22 feet to the POINT OF BEGINNING, containing 4.39 acres of land.

Prepared from Public Record by Donald J. Kirby, R.P.S.



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P & W INTERESTS  
VOL. 8934, PG. 245  
52.56 ACRES



SCALE: 1" = 300'  
TRAVIS COUNTY  
JANUARY 1987

SUR. NO. 530

ZONING TRACT 2  
FN NO. 3796

4.39 AC

JOSEPH HUDSON

EXHIBIT "B"

SKETCH TO ACCOMPANY FN NO. 3796

JOB NAME: SW PARKWAY PLAZA  
CREW:  
OFFICE: J. GRANGE  
DRAFTING: J. GRANGE  
F.B.:  
F.N.: 5796  
JOB NO.: 7787-30

eh

ESPEY, HUSTON & ASSOCIATES, INC.  
P.O. BOX 870 (512) 327-6040  
AUSTIN, TEXAS 78767

10252-0122

EH&A FN 3797 (JHG)  
EH&A Job No. 7787-30

P&W Interests  
4.10 Acres-Zoning-Tract 3  
January 19, 1987

A DESCRIPTION, PREPARED FROM PUBLIC RECORD AND NOT FROM A SURVEY ON THE GROUND, FOR ZONING PURPOSES, OF A 4.10 ACRE TRACT OF LAND OUT OF THE JOSIAH HUDSON SURVEY NO. 530 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 52.56 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED NOVEMBER 30, 1984, TO P&W INTERESTS IN VOLUME 8934, PAGE 245 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, SAID 4.10 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED, BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the most northerly corner of said 52.56 acre tract;

THENCE with the northeast line of said 52.56 acre tract, the following three (3) courses and distances:

1. S 48° 43' 15" E, a distance of 488.93 feet to an angle point
2. S 48° 52' 01" E, a distance of 184.72 feet to an angle point, and
3. S 48° 34' 20" E, a distance of 57.28 feet to the point where the proposed northwest right-of-way line of Cobblestone Drive, being a proposed 80.00 foot wide right-of-way, intersects said northeast line of the 52.56 acre tract;

THENCE crossing said 52.56 acre tract, and with said northwest right-of-way line of said Cobblestone Drive, the following seven (7) courses and distances:

1. S 14° 23' 20" W, a distance of 35.00 feet to a point of curvature,
2. a distance of 14.45 feet with the arc of a curve to the right, having a central angle of 41° 24' 34", a radius of 20.00 feet, and a chord bearing S 35° 05' 37" W, a distance of 14.14 feet to a point of reverse curvature,
3. a distance of 82.42 feet with the arc of a curve to the left, having a central angle of 78° 42' 26", a radius of 60.00 feet, and a chord bearing S 16° 26' 41" W, a distance of 76.09 feet to a point of reverse curvature,
4. a distance of 16.51 feet with the arc of a curve to the right, having a central angle of 47° 17' 20", a radius of 20.00 feet, and a chord bearing S 00° 44' 02" W, a distance of 16.04 feet to a point of compound curvature,

EH&A FN 3797 (JHG)  
EH&A Job No. 7787-30

P&W Interests  
4.10 Acres-Zoning-Tract 3  
January 19, 1987

5. a distance of 84.11 feet with the arc of a curve to the right, having a central angle of  $18^{\circ}32'06''$ , a radius of 260.00 feet, and a chord bearing  $S 33^{\circ}38'51'' W$ , a distance of 83.74 feet to a point of tangency,
6.  $S 42^{\circ}54'54'' W$ , a distance of 91.28 feet to a point of curvature, and
7. a distance of 31.88 feet with the arc of a curve to the right, having a central angle of  $91^{\circ}19'19''$ , a radius of 20.00 feet, and a chord bearing  $S 88^{\circ}34'33'' W$ , a distance of 28.61 feet to the point where said northeast right-of-way line of Cobblestone Drive intersects the proposed northeast right-of-way line of Southwest Parkway, being a right-of-way of variable width;

THENCE with said northeast right-of-way line of Southwest Parkway, the following four (4) courses and distances:

1. a distance of 380.32 feet with the arc of a curve to the right, having a central angle of  $15^{\circ}23'59''$ , a radius of 1415.00 feet, and a chord bearing  $N 38^{\circ}03'47'' W$ , a distance of 379.17 feet to a point of non-tangency,
2.  $N 30^{\circ}21'48'' W$ , a distance of 154.46 feet to an angle point,
3.  $N 16^{\circ}19'38'' W$ , a distance of 103.08 feet to an angle point;
4.  $N 30^{\circ}21'48'' W$ , a distance of 178.77 feet to the point where said northeast right-of-way line of Southwest Parkway intersects the northwest line of said 52.56 acre tract;

THENCE with said northwest line of the 52.56 acre tract,  $N 39^{\circ}53'42'' E$ , a distance of 89.59 feet to the POINT OF BEGINNING, containing 4.10 acres of land.

Prepared from Public Record by Donald J. Kirby, R.P.S.

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