



**TERMINATION OF RESTRICTIVE COVENANT**  
**FOR**  
**ZONING CASE: C14-81-239**

Owner: Earthgrains Baking Companies, Inc., a Delaware corporation  
Address: 8400 Maryland Avenue, St. Louis, Missouri 63105  
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, D. Edward Moore, as owner of all that certain property described in Zoning File No. C14-81-239, consisting of approximately 0.2469 acres of land out of Lots 23 and 24 of Buckingham Ridge Subdivision, Section 6, in Travis County (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 7753, Page 38, (the "Restrictive Covenant"), imposed certain restrictions and covenants on the Original Property by the Restrictive Covenant of record; and,

WHEREAS, the Original Property was subsequently resubdivided into Lot 1, D. Edward Moore Subdivision, of record in Volume 82, Page 348, Plat Records of Travis County, Texas. (the "Property")

WHEREAS, the Restrictive Covenant 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 Owner of the Property at the time of such modification, amendment or termination; and,

WHEREAS, Earthgrains Baking Companies, Inc., a Delaware corporation, is the sole and current owner (the "Owner") of the Property on the date of this termination and desires to terminate the Restrictive Covenant; and,

WHEREAS, the City Council and the Owner, as the sole and current owner of the Property, 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 by this termination. Each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall have no force or effect on and after the effective date of this termination.
2. The City Manager, or his designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning File No. C14-81-239 (the "Termination of Restrictive Covenant") 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 7753, Page 38.

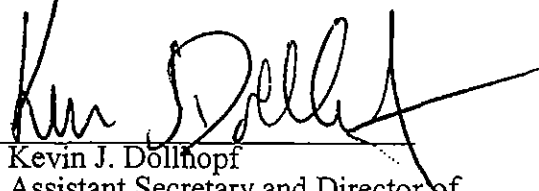
2-17-05  
# Z-4

EXECUTED to be effective the 14<sup>th</sup> day of February, 2005.

OWNER:

Earthgrains Baking Companies, Inc.,  
a Delaware corporation

BY:

  
Kevin J. Dollhopf  
Assistant Secretary and Director of  
Corporate Real Estate

CITY OF AUSTIN:

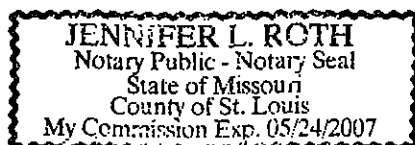
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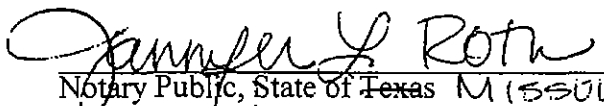
  
LAURA J. HUFFMAN,  
ASSISTANT CITY MANAGER  
CITY OF AUSTIN

THE STATE OF Missouri  
COUNTY OF ST. LOUIS

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§

This instrument was acknowledged before me on this the 14<sup>th</sup> day of February, 2005, by Kevin J. Dollhopf, as Assistant Secretary and Director of Corporate Real Estate of Earthgrains Baking Companies, Inc., a Delaware corporation, on behalf of the corporation.



  
Notary Public, State of ~~Texas~~ MISSOURI

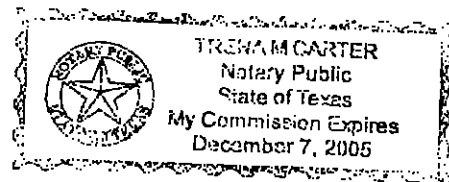
THE STATE OF TEXAS  
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 18<sup>th</sup> day of February 2005, by **LAURA J. HUFFMAN**, as **ASSISTANT CITY MANAGER OF THE CITY OF AUSTIN**, a municipal corporation, on behalf of said municipal corporation.

*Trena M. Carter*  
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*

2005 Feb 24 01:34 PM 2005030645

BENAVIDESV \$18.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS