



**FIRST AMENDMENT TO RESTRICTIVE COVENANTS
DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT
Section Four; City of Austin Case NO. C814-88-0001**

Owner: The Protestant Episcopal Church Council of the Diocese of Texas

Address: 2900 Bunny Run, Austin, Texas 78746

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, The Protestant Episcopal Church Council of the Diocese of Texas (the "Owner"), as owner of approximately 31.844 acres of land (the "Owner's Property"), located in the Davenport Ranch West planned unit development, (the "Davenport PUD"), wishes to amend the Restrictive Covenants being more particularly described in Volume 10909, Page 1658, recorded in the Real Property Records of Travis County, Texas, (the "Restrictive Covenants"), which impose certain restrictions and covenants on the Davenport PUD.

WHEREAS, the Owner's Property is more particularly described by metes and bounds in Exhibit "A", incorporated into this amended covenant;

WHEREAS, the Owner of the Owner's Property, on the date of this First Amendment to Restrictive Covenants (the "Amendment") desires to amend the Restrictive Covenants as to the Owner's Property only.

WHEREAS, the City Council and the Owner agree that the Restrictive Covenants should be amended as to the Owner's Property only.

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. Article 1.10 of the Restrictive Covenants is amended as follows:

Only commercial uses are permitted on Block D, Lot 1A of Owner's Property. Only detached condominium uses, limited to buildings containing not more than one residential unit, and townhouses are permitted on Block E, Lot 16 of Owner's Property. Only multifamily residential use is permitted on Block D, Lot 1 of Owner's Property.

2. Exhibit "B" to the Restrictive Covenants is amended so that (i) in the right-hand column

8/25/05
2-1


(Permitted Land Uses) the stated permitted land use for each portion of the Owner's Property is as follows: Block D, Lot 1 – "Multifamily Residential-Low Density (MF-2) *****"; Block E, Lot 16 "Townhouse and Condominium Residential (SF-6) *****"; and Block D, Lot 1A – "Community Commercial (GR) *****", and (ii) a new footnote ***** is added to Exhibit "B" to read "Notwithstanding note ** above, the uses on this Tract shall be determined under the City Zoning Ordinance (Chapter 25-2, City Code of the City of Austin), as of August 25, 2005, such that the permitted uses on this Tract shall include only those uses allowed as a permitted use under the specified zoning classification" except that no multi-family residential is permitted on Block E, Lot 16 of Owner's Property; and pawn shop services, hotel-motel, commercial off-street parking, bail bond services, exterminating services, indoor sports and recreation, theater, communication service facilities, urban farm, off-site accessory parking, funeral services, automotive rentals, automotive sales, automotive repair services, communications services, indoor entertainment, outdoor sports and recreation, congregate living, and residential treatment, group home class I limited, group home class I general, group home class II, and family home shall be prohibited on Block D, Lot 1A of Owner's Property.

3. All references in the Restrictive Covenants to the PUD, including the Concept Plans made part of the PUD, shall be deemed to be references thereto as amended by this Amendment and by Zoning File No. C814-88-0001.8.
4. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenants, as set forth in the Restrictive Covenants, shall continue in full force and effect on and after the effective date of this Amendment.
5. The City Manager, or her designee, shall execute, on behalf of the City, this First Amendment to Restrictive Covenants for Zoning File No. C814-88-0001, as authorized by the City Council of the City of Austin. This First Amendment to Restrictive Covenants shall be filed in the Official Public Records of Travis County, Texas.

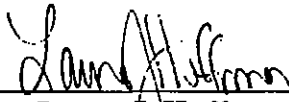
EXECUTED this 25th day of August, 2005.

OWNER:

**The Protestant Episcopal Church
Council of the Diocese of Texas**

By: 
John R. Brock, Assistant Treasurer

CITY OF AUSTIN:

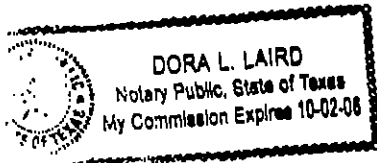
By: 
Laura J. Huffman,
Assistant City Manager,
City of Austin

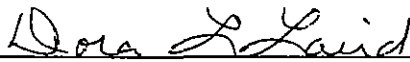
THE STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 25th day of August, 2005, by John R. Brock, Assistant Treasurer, of The Protestant Episcopal Church Council of the Diocese of Texas, on behalf of the church council.




Notary Public, State of Texas

THE STATE OF TEXAS

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§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 1st day of September, 2005, by Laura J. Huffman, as Assistant City Manager 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
P.O. Box 1088
Austin, Texas 78767
ATTN: DIANA MINTER, Paralegal

31.844 ACRES
GABLES WESTLAKE

FN.NO. 04-191(MM)
JUNE 6, 2004
BPI JOB NO. 659-15

DESCRIPTION

OF A 31.844 ACRE TRACT OR PARCEL OF LAND OUT OF THE BURKE TRAMMELL SURVEY NO. 3 AND THE ANTONIO RODRIGUEZ SURVEY NO. 4, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 62.965 ACRE TRACT OF LAND CONVEYED TO PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS BY DEED OF RECORD IN VOLUME 6177, PAGE 1858 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 31.844 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the westerly right-of-way line of Capital of Texas Highway (Loop 360) (R.O.W. varies), being the southeasterly corner of said 62.965 acre tract, same being the northeasterly corner of Lot 1, St. Stephens School, a subdivision of record in Volume 90, Pages 204-205 of the Plat Records of Travis County, Texas for the southeasterly corner hereof;

THENCE, leaving the westerly line of Capital of Texas Highway, along the southerly line of said 62.965 acre tract, being a portion of the northerly line of said Lot 1, same being the southerly line hereof, the following four (4) courses and distances:

- 1) N60°48'34"W, a distance of 354.84 feet to a 1/2 inch iron rod found for the point of curvature of a non-tangent curve to the right;
- 2) Along said non-tangent curve to the right having a radius of 479.73 feet, a central angle of 108°02'36", an arc distance of 904.63 feet and a chord which bears N06°50'24"W, a distance of 776.43 feet to a 1/2 inch iron rod found for the end of said curve;
- 3) N47°16'27"E, a distance of 3.01 feet to a 1/2 inch iron rod found for an angle point;
- 4) N61°12'32"W, a distance of 1012.87 feet to a 1/2 inch iron rod found for the southwesterly corner hereof;

THENCE, leaving the northerly line of said Lot 1, over and across said 62.965 acre tract, along the westerly line hereof, the following three (3) courses and distances:

- 1) N28°47'53"E, a distance of 49.98 feet to a 1/2 inch iron rod found for an angle point;

- 2) N65°26'28"E, a distance of 254.05 feet to a 1/2 inch iron rod found for an angle point;
- 3) N44°56'27"E, a distance of 198.70 feet to a 1/2 inch iron rod found for the northwesterly corner hereof;

THENCE, S66°01'48"E, continuing over and across said 62.965 acre tract, passing at a distance of 107.06 feet, a 1/2 inch iron rod found 0.40 feet to the right (or south of this line), being the southwesterly corner of Lot 17, Block "E", Davenport West P.U.D. Section 5, Phase 5, a subdivision of record in Document No. 200000169 of the Official Public Records of Travis County, Texas and continuing along the southerly line of said Lot 17, Block "E", same being the irregular easterly line of said 62.695 acre tract, for a total distance of 914.96 feet to a 1/2 inch iron rod found at the southeasterly corner of said Lot 17, Block "E", being the southwesterly corner of the southerly terminus of Westlake Drive (90' R.O.W.) for an angle point hereof;

THENCE, continuing along the irregular easterly line of said 62.965 acre tract, being the southerly terminus of Westlake Drive and the southerly line of Lot 2 and Lot 3, Block "D", Davenport West P.U.D. Section 5, Phase 5, a subdivision of record in Document No. 200000171 of said Official Public Records, the following four (4) courses and distances:

- 1) S69°16'32"E, a distance of 1.84 feet to a 1/2 inch iron rod found for an angle point;
- 2) S65°59'30"E, a distance of 87.55 feet to a 1/2 inch iron rod found for an angle point;
- 3) S64°33'19"E, a distance of 0.71 feet to a 1/2 inch iron rod found for an angle point;
- 4) S68°49'27"E, a distance of 694.12 feet to a 1/2 inch iron rod with cap set in the westerly line of Capital of Texas Highway, being the southeasterly corner of said Lot 3, Block "D", for the northeasterly corner hereof;

FN. NO. 04-191(MM)

JUNE 7, 2004


PAGE 3 of 3

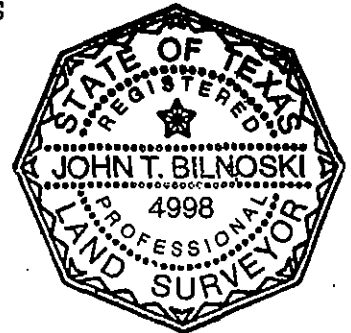
THENCE, along the westerly line of Capital of Texas Highway, being the irregular easterly line of said 62.965 acre tract, same being the easterly line hereof, the following two (2) courses and distances:

- 1) S34°08'02"W, a distance of 802.94 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S29°06'46"W, a distance of 458.10 feet to the POINT OF BEGINNING, containing an area of 31.844 acres (1,387,122 sq. ft.) of land, more or less, within these metes and bounds.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

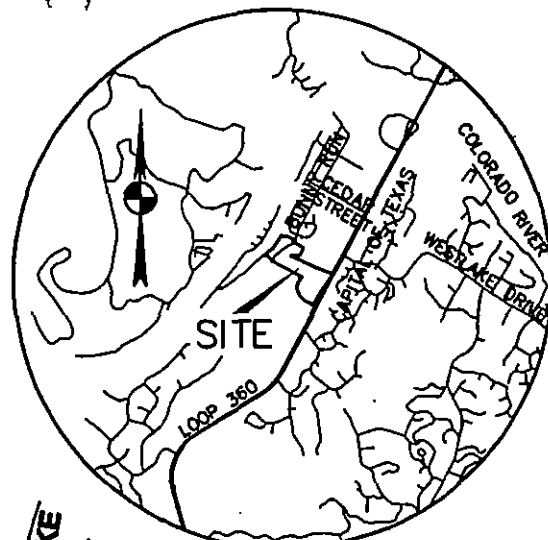
BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
AUSTIN, TEXAS 78746

 6/7/04
JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS





0 150 300 600
SCALE: 1" = 300'



VICINITY MAP
N.T.S.

BUNNY RUN (70' R.O.W.)
PORTION OF 62.965 ACRES
PROTESTANT EPISCOPAL CHURCH
COUNCIL OF THE DIOCESE OF TEXAS
VOL. 6177, PG. 1858

LOT 17, E
BLOCK "E"
DAVENPORT
WEST P.U.D.
SEC. 5, PH. 6
DOC. NO. 200000169

LOT 2 BLOCK "D"
DAVENPORT WEST P.U.D.
SEC. 5, PH. 5
DOC. NO. 200000171
LOT 3
LOT 4

LEGEND

- 1/2" IRON ROD FOUND
- 1/2 INCH IRON ROD WITH CAP SET
- P.O.B. POINT OF BEGINNING

ST. STEPHEN'S SCHOOL
VOL. 90, PGS. 204-205

31.844 ACRES
(1,387,122 SQ. FT.)

PORTION OF 62.965 ACRES
PROTESTANT EPISCOPAL CHURCH
COUNCIL OF THE DIOCESE OF TEXAS
VOL. 6177, PG. 1858

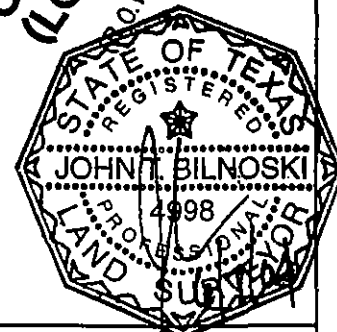
LINE TABLE

No.	Bearing	Distance
L1	N60°48'34"W	354.84'
L2	N47°16'27"E	3.01'
L3	N28°47'53"E	49.98'
L4	N65°26'28"E	254.05'
L5	N44°56'27"E	198.70'
L6	S69°16'32"E	1.84'
L7	S65°59'30"E	87.55'
L8	S64°33'19"E	0.71'
L9	S29°06'46"W	458.10'

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	108°02'36"	479.73	904.63	776.43	N06°50'24"W

CAPITAL OF TEXAS HIGHWAY
(LOOP 360)
(R.O.W. VARIES)



Bury+ Partners
Engineering Solutions

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SKETCH TO ACCOMPANY DESCRIPTION

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**GABLES
RESIDENTIAL TRUST**

WESTLAKE