

SIXTH AMENDMENT TO RESTRICTIVE COVENANT
FOR ZONING CASE: C14-72-204 (RCA6)

OWNER: Fairfield Paradise Oaks LP, a Texas limited partnership

OWNER ADDRESS: 5355 Mira Sorrento Place, Suite 100
San Diego, CA 92121-3812

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 City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

WHEREAS, Fairfield Paradise Oaks LP, a Texas limited partnership, as owner of a portion of that property consisting of approximately 497 acres of land more particularly described in Zoning Case No. C14-72-204 (the "Original Property") is subject to that certain Restrictive Covenant, dated as of January 31, 1975, and recorded in the Real Property Records of Travis County, Texas, on July 24, 1975, in Volume 5234, Page 2079, said restrictive covenant has been amended as follows:

1. The Amendment of Restrictive Covenant was filed of record in Volume 8506, Page 96, of the Real Property Records of Travis County, Texas; and,
2. The Amendment of Restrictive Covenant was filed of record in Volume 12783, Page 599, of the Real Property Records of Travis County, Texas; and,
3. The Second Amendment of Restrictive Covenant was filed of record in Volume 12969, Page 2837, of the Real Property Records of Travis County, Texas; and,
4. The Third Amendment of Restrictive Covenant was filed of record in Volume 13080, Page 2185, of the Real Property Records of Travis County; and,
5. The Fourth Amendment of Restrictive Covenant was filed of record in Document No. 2002137171, of the Real Property Records of Travis County; and,
6. The Amendment to Agreement of Covenants and Restrictions was filed of record in Document No. 2008069653, of the Real Property Records of Travis County; and,
7. The Second Amended Restrictive Covenant was filed of record in Document No. 2015032881 of the Real Property Records of Travis County; and

8. The Fifth Amendment to Restrictive Covenant was filed of record in Document No. 2019173724, of the Real Property Records of Travis County,

(cumulatively referred to as the “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 owners of the described property at the time of such modification, amendment or termination; and

WHEREAS, Fairfield Paradise Oaks LP, a Texas limited partnership, as the current owner (the “Owner”) of the property described below on the date of this Sixth Amendment to the Restrictive Covenant (“Amendment”), desires to amend the Restrictive Covenant to release approximately 18.583 acres of land, a portion of the Original Property, more particularly described as follows:

LOT 1, PARADISE OAKS RESUBDIVISION, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 95, Page 111, of the Plat Records of Travis County, Texas (the “Released Property”); and

WHEREAS, the City Council agrees the Restrictive Covenant should be amended to release the Released Property.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City and the Owner agree as follows:

1. The Restrictive Covenant is amended as of the date hereof to release the Released Property from the terms and provisions of the Restrictive Covenant.
2. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.
3. The City Manager, or his designee, shall execute on behalf of the City, this Amendment as authorized by the City Council of the City of Austin. The Amendment shall be filed in the Official Public Records of Travis County, Texas.

(Remainder of page intentionally left blank)

EXECUTED this the _____ day of _____, 2024.

OWNER:

FAIRFIELD PARADISE OAKS LP,
a Texas limited partnership

By: OTM Paradise Oaks GP, Inc.,
a Texas corporation,
its General Partner

By: On Track Ministries, Inc.
a Texas nonprofit corporation,
its Sole Shareholder

Cliff McDaniel, President

STATE OF TEXAS §
COUNTY OF HARRIS §

Before me, the undersigned notary, on this day personally appeared Cliff McDaniel, President of On Track Ministries, Inc., a Texas nonprofit corporation, the Sole Shareholder of OTM Paradise Oaks GP, Inc., a Texas corporation, as General Partner of Fairfield Paradise Oaks LP, a Texas limited partnership, on behalf of said entity, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____, 2024.

[Seal]

Notary Public, State of Texas

CITY OF AUSTIN:

By: _____
Veronica Briseño
Assistant City Manager
City of Austin

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Veronica Briseño, as Assistant City Manager of City of Austin, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on ____ ____, 2024.

[Seal]

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

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