

SECOND AMENDMENT OF RESTRICTIVE COVENANT
FOR ZONING CASE: C14-85-149.70.02(RCA2)

OWNER: 1603 W PARMER LLC, a Texas limited liability company
2207 West Parmer Lane, Austin, Texas, 78727

OWNER: MMK VENTURES LLC, a Texas limited liability company
2207 West Parmer Lane, Austin, Texas, 78727

OWNER: Saeed A. Minhas
2207 West Parmer Lane, Austin, Texas, 78727

OWNER: PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT, a
political subdivision and public school of the State of Texas
1401 West Pecan Street, Pflugerville, Texas, 78660

OWNER: 12429 SCOFIELD FARMS DRIVE, LLC., a Delaware limited
liability company
4500 Dorr Street, Toledo, Ohio, 43615

OWNER: WELLS FARGO BANK, NATIONAL ASSOCIATION, a
national banking association
Address: _____

OWNER: ARCHLAND PROPERTY II, L.P., a Delaware limited partnership
1370 Avenue of the Americas, 21st Floor, New York, New York,
10019

OWNER: IBEX LEASING COMPANY, a Texas corporation
1906 Holly Hill Drive, Austin, Texas, 78746

OWNER: MLTT LLC, a Texas series limited liability company
1907 Camino Viejo, Austin, Texas, 78758

OWNER: SON THAI
PO Box 80181, Austin, Texas, 78708

OWNER: TM EVENT CENTER PARMER LLC, a Texas limited liability
company
1623 West Parmer Lane, Austin, Texas, 78727

OWNER: BRAKE SPECIALISTS REAL PROPERTIES, LP, a Texas
limited partnership
1303 South Lamar Boulevard, Austin, Texas, 78704

OWNER: SES 057, LLC, a Utah limited liability company
111 East Broadway, Salt Lake City, Utah, 84111

CITY: City of Austin, Texas, a Texas 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, NASH PHILLIPS/COPUS, INC., as owner of all that certain property described in Zoning File No. C14-85-149.70, consisting of approximately 40.693 acres of land (the "Property"), more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 9922, Page 591 (the "Restrictive Covenant"), and amended under Document No. 2004028267 of the Official Public Records of Travis County, Texas, (the "First Amendment"), imposed certain restrictions and covenants on the Property by the Restrictive Covenant and First Amendment of record.

WHEREAS, the Restrictive Covenant restricts a portion of the Property more particularly described as LOTS 3 AND 4, BLOCK B, RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 102, Page 384, of the Plat Records of Travis County, Texas, and LOT 2B, BLOCK B, AMENDED PLAT OF LOTS 1 & 2, RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200400037 of the Official Public Records of Travis County, Texas, (collectively, "Tract 1"), generally identified in the map attached as **Exhibit "A"**,

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) the Owner(s) of the Property at the time of such modification, amendment, or termination.

WHEREAS, 1603 W PARMER LLC, a Texas limited liability company, MMK VENTURES LLC, a Texas limited liability company, Saeed A. Minhas, Pflugerville Independent School District, a political subdivision and public school of the State of Texas, 12429 Scofield Farms, LLC, a Delaware limited liability company, Wells Fargo Bank, National Association, a national banking association, Archland Property II, L.P., a Delaware limited partnership, IBEX Leasing Company, a Texas corporation, MLTT LLC, a Texas series limited liability company, Son Thai, TM Event Center Parmer, LLC, a Texas limited liability company, Brake Specialists Real Properties, LP, a Texas limited partnership, and SES 057, LLC, a Utah limited liability company, are the current owners (the "Owner") of the Property on the date of this Amendment of Restrictive Covenant (the "Amendment") and desire to amend the Restrictive Covenant as it applies only to Tract 1 on the Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

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

1. Paragraph 6 of the Restrictive Covenant is amended to read:

6. Any multiple family development constructed upon the "PROPERTY", shall not exceed a density of fifteen (15) units per acre except on that portion of the Property more particularly described as follows:

LOTS 3 AND 4, BLOCK B, RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 102, Page 384, of the Plat Records of Travis County, Texas, and

LOT 2B, BLOCK B, AMENDED PLAT OF LOTS 1 & 2, RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in in Document No. 200400037 of the Official Public Records of Travis County, Texas.

2. Except as expressly provided for in this Amendment, each and every one of the remaining terms, conditions, and provisions of the Restrictive Covenant, as amended, 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:

1603 W PARMER LLC,
a Texas limited liability company

By: _____

Name: Saeed A. Minhas

Title: Managing Member

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Saeed A. Minhas, Managing Member of 1603 W PARMER LLC, a Texas limited liability company, 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 _____

OWNER:

MMK VENTURES LLC,
a Texas limited liability company

By: _____

Name: Saeed A. Minhas

Title: Managing Member

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Saeed A. Minhas, Managing Member of MMK VENTURES LLC, a Texas limited liability company, 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 _____

OWNER:

Saeed Minhas

By: _____

Name: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Saeed Minhas, 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 _____

OWNER:

Pflugerville Independent School District,
a political subdivision and school of the State of Texas

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of Pflugerville Independent School District, a political subdivision and public school of the State of Texas, 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 _____

OWNER:

12429 Scofield Farms Drive, LLC,
a Delaware limited liability company

By: Health Care REIT, Inc.,
a Delaware corporation, its Sole Member

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of Health Care REIT, Inc., a Delaware corporation, the Sole Member of 12429 Scofield Farms Drive, LLC, a Delaware limited liability company, 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 _____

OWNER:

Wells Fargo Bank, National Association,
a national banking association

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of Wells Fargo Bank, National Association, a national banking association, 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 _____

OWNER:

Archland Property II, L.P.,
a Delaware limited partnership

By: Golden W Investors Corp.,
its General Partner

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of Golden W Investors Corp., General Partner of Archland Property II, L.P., a Delaware limited partnership, 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 _____

OWNER:

IBEX Leasing Company,
a Texas corporation

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of IBEX Leasing Company, a Texas corporation, 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 _____

OWNER:

MLTT, LLC,
a Texas series limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of MLTT, LLC, a Texas series limited liability company, 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 _____

OWNER:

Son Thai

By: _____

Name: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Son Thai, 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 _____

OWNER:

TM Event Center Parmer, LLC,
a Texas limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of TM Event Center Parmer, LLC, a Texas limited liability company, 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 _____

OWNER:

Brake Specialists Real Properties, LP,
a Texas limited partnership

By: The Brake Specialists, INC.,
a Texas corporation, its General Partner

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of The Brake Specialists, INC., a Texas corporation, and General Partner of Brake Specialists Real Properties, LP, a Texas limited partnership, 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 _____

OWNER:

SES 057, LLC,
a Utah limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared _____, _____ of SES 057, LLC, a Utah limited liability company, 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 _____

CITY OF AUSTIN:

By: _____
Veronica Briseño
Assistant City Manager
City of Austin

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Veronica Briseño, 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 _____

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: H. Bonds, Paralegal



Created: 7/8/2024

$$1'' = 400'$$