



*Dana DeBeauvoir*

Dana DeBeauvoir, County Clerk  
Travis County, Texas

Aug 21, 2019 08:32 AM Fee: \$50.00

**2019127087**

\*Electronically Recorded\*

AFTER RECORDING RETURN TO:

ROBERT D. BURTON  
WINSTEAD PC  
401 CONGRESS AVE., SUITE 2100  
AUSTIN, TEXAS 78701  
EMAIL: RBURTON@WINSTEAD.COM



## FIRST AMENDMENT TO MCC ANNEXATION NOTICE

[LOT 3, BLOCK 27, MUELLER SECTION IIB SUBDIVISION]

### MUELLER MASTER COMMUNITY AND MUELLER EC/TC COMMUNITY

*Travis County, Texas*

**Master Declarant:** CATELLUS AUSTIN, LLC, a Delaware limited liability company

**Pertaining to:** Lot 3, Block 27, Mueller Section IIB Subdivision, a subdivision located in Travis County, Texas, according to the map or plat recorded as Document No. 201200063 in the Official Public Records of Travis County, Texas

**Establishing:** Neighborhood 6

**Parcel:** TC-7B

Cross Reference to Mueller Master Community Covenant, recorded as Document No. 2004238007, Official Public Records of Travis County, Texas, as amended, Mueller EC/TC Community Covenant, recorded as Document No. 2004238008, Official Public Records of Travis County, Texas, as amended, Mueller Design Book, recorded as Document No. 2005193821 in the Official Public Records of Travis County, Texas, as amended, and MCC Annexation Notice – Lot 3, Block 27, Mueller Section IIB Subdivision, recorded as Document No. 2014130082 in the Official Public Records of Travis County, Texas.

**FIRST AMENDMENT TO MCC ANNEXATION NOTICE  
MUELLER MASTER COMMUNITY COVENANT AND  
MUELLER EC/TC COMMUNITY COVENANT  
[LOT 3, BLOCK 27, SECTION IIB]**

This First Amendment to MCC Annexation Notice [Lot 3, Block 27, Section IIB] ("Notice"), is made and executed by CATELLUS AUSTIN, LLC, a Delaware limited liability company ("Master Declarant"), and is as follows:

A. Master Declarant previously recorded that certain MCC Annexation Notice – Lot 3, Block 27, Mueller Section IIB Subdivision, recorded as Document No. 2014130082 in the Official Public Records of Travis County, Texas (the "MCC Annexation Notice"), which subjected Lot 3, Block 27, Mueller Section IIB, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded as Document No. 201200063 in the Official Public Records of Travis County, Texas (the "Property") to the terms and provisions of (i) the Mueller Master Community Covenant, recorded as Document No. 2004238007, Official Public Records of Travis County, Texas, as amended, (ii) the Mueller EC/TC Community Covenant, recorded as Document No. 2004238008, Official Public Records of Travis County, Texas, as amended, (iii) the Mueller Design Book, recorded as Document No. 2005193821 in the Official Public Records of Travis County, Texas, as amended, and (iv) the Mueller EC/TC Community Supplemental Covenant [Lot 3, Block 27, Section IIB], recorded as Document No. 2014130193, Official Public Records of Travis County, Texas.

B. Pursuant to *Section 12.2(c)(ii)* of the Master Covenant, Master Declarant reserved the right to modify or amend the number of Assessment Units allocated to the Property if the Improvements actually constructed on the Property differ substantially from the Improvements contemplated to be constructed thereon at the time the MCC Annexation Notice was filed. Additionally, pursuant to Section 5 of the MCC Annexation Notice, the Master Declarant reserved the right to reallocate Assessment Units to the Property in accordance with *Section 12.2(c)(ii)* of the Master Covenant.

C. Pursuant to *Section 4.2(b)* of the Master Covenant, Master Declarant reserved the right to modify or amend the number of votes allocated to the Property if the Improvements actually constructed on the Property differ substantially from the Improvements contemplated to be constructed thereon at the time the MCC Annexation Notice was originally filed. Additionally, pursuant to Section 4 of the MCC Annexation Notice, the Master Declarant reserved the right to reallocate votes to the Property in accordance with *Section 4.2(b)* of the Master Covenant.

D. The Improvements constructed on the Property differ substantially from the Improvements contemplated to be constructed thereon at the time the MCC Annexation Notice was originally filed. Therefore, Declarant desires to amend the MCC Annexation Notice. The City of Austin does hereby consent to this Notice by its execution of this instrument in the space provided below.

NOW, THEREFORE, Declarant hereby amends and modifies the MCC Annexation Notice as follows:

1. Assignment of Assessment Units to the Property. The MCC Annexation Notice assigned one (1) Assessment Unit to the Property. Pursuant to Section 4 of the MCC Annexation Notice and *Section 12.2(c)(ii)* of the Master Covenant, the Master Declarant reserved the right to reallocate

Assessment Units to the Property. Accordingly, the Master Declarant hereby reallocates the Assessment Units to the Property as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

In accordance with *Section 12.2(c)(ii)* of the Master Covenant, Master Declarant hereby expressly reserves the right to modify or amend the number of Assessment Units allocated to the Property if the Improvements actually constructed on the Property differ substantially from the Improvements contemplated to be constructed thereon at the time this Notice was originally filed. For the purposes of *Section 12.2(c)(ii)* of the Master Covenant, the Improvements contemplated to be constructed on the Property on the date this Notice is filed is expressed as the total square footage of retail/restaurant improvements and/or the number of hotel rooms that may be constructed on the Property and is set forth on Exhibit "A" attached hereto. The square footage of Improvements and the number of hotel rooms assigned to the Property is used for the basis of allocating Assessment Units. If the actual square footage of Improvements or the number of hotel rooms constructed on the Property differs from the square footage or number of hotel rooms that forms the basis of the allocation of Assessment Units hereunder, Master Declarant is expressly permitted to modify the number of Assessment Units allocated to the Property. In the event of a modification to the Assessment Units allocated to the Property (or any portion thereof in the event of an approved re-subdivision), Master Declarant will file of record an amended MCC Annexation Notice setting forth the revised Assessment Units attributable to the Property (or any portion thereof in the event of an approved re-subdivision).

It is anticipated that the Property will be submitted to the condominium form of ownership by filing a condominium declaration to create two Units, a "Retail Master Unit" and a "Hotel Master Unit." In the event a condominium declaration is recorded in the Official Public Records of Travis County, Texas, the Retail Master Unit will automatically be assigned 2 of the Assessment Units assigned to the Property and the Hotel Master Unit will automatically be assigned 60 of the Assessment Units assigned to the Property.

2. **Assignment of Votes to the Property.** The MCC Annexation Notice assigned one (1) vote to the Property. Pursuant to *Section 5* of the MCC Annexation Notice and *Section 4.2(b)* of the Master Covenant, the Master Declarant reserved the right to reallocate votes to the Property. Accordingly, the Master Declarant hereby reallocates the votes to the Property as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

In accordance with *Section 4.2(b)* of the Master Covenant, Master Declarant hereby expressly reserves the right to modify or amend the number of votes allocated to the Property if the Improvements actually constructed on the Property differ substantially from the Improvements contemplated to be constructed thereon at the time this Notice was originally filed. For the purposes of *Section 4.2(b)* of the Master Covenant, the Improvements contemplated to be constructed on the Property on the date this Notice is filed is expressed as the total square footage of retail/restaurant improvements and/or the number of hotel rooms that may be constructed on the Property and is set forth on Exhibit "A" attached hereto. The square footage of Improvements and the number of hotel rooms assigned to the Property is used for the basis of allocating votes. If the actual square footage of Improvements or the number of hotel rooms constructed on the Property differs from the square footage or number of hotel rooms that forms the basis of the allocation of votes hereunder, Master Declarant is expressly permitted to modify the number of votes allocated to the Property. In the event of a modification to the votes allocated to the Property (or any portion thereof in the event of an approved re-subdivision), Master Declarant will file of record an amended MCC Annexation Notice setting forth the revised votes attributable to the Property (or any portion thereof in the event of an approved re-subdivision).

It is anticipated that the Property will be submitted to the condominium form of ownership by filing a condominium declaration to create two Units, a "Retail Master Unit" and a "Hotel Master Unit." In the event a condominium declaration is recorded in the Official Public Records of Travis County, Texas, the Retail Master Unit will automatically be assigned 2 of the votes assigned to the Property and the Hotel Master Unit will automatically be assigned 60 of the votes assigned to the Property.

3. **Interpretation.** Any capitalized terms used and not otherwise defined in this Notice shall have the meaning set forth in the MCC Annexation Notice. This Notice shall be considered an amendment to the MCC Annexation Notice and a Notice of Allocation under the MCC Annexation Notice.

EXECUTED to be effective the 20 day of August, 2019.

**MASTER DECLARANT:**

CATELLUS AUSTIN, LLC, a Delaware limited liability company

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

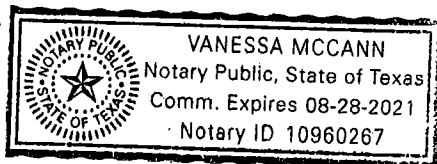
Printed Name: Gregory J. Weaver

Title: Executive Vice President

THE STATE OF TEXAS       §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me on the 19 day of August, 2019 by Gregory J. Weaver, Executive Vice President of Catellus Austin, LLC, a Delaware limited liability company, on behalf of said limited liability company.

[SEAL]



Vanessa McCann  
Notary Public Signature

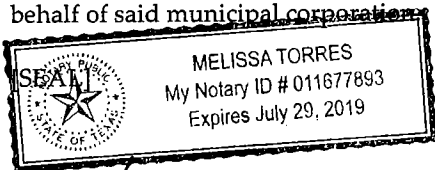
THE CITY OF AUSTIN, a Texas home rule city  
and municipal corporation

By: Alex Gale  
Alex Gale, Interim Officer, Office of Real Estate Services

Date: August 15, 2019

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 15 day of August, 2019 by  
Alex Gale, Interim Officer, Office of Real Estate Services of the City of Austin, a municipal corporation, on  
behalf of said municipal corporation.



Melissa Torres  
Notary Public Signature

Approved as to content:

By: Sylvia Holt-Rabb  
Sylvia Holt-Rabb  
Interim Deputy Director, Economic  
Development Department

Approved as to form:

By: Kent Smith  
Kent Smith  
Assistant City Attorney

EXHIBIT "A"

| Assessment Units | Votes | Projected Square Footage of<br>Retail/Restaurant<br>Improvements | Projected Number of Hotel<br>Rooms |
|------------------|-------|--|------------------------------------|
| 62               | 62    | 5,000  | 120                                |

11-GF# 201801533 ALF  
RETURN TO: HERITAGE TITLE  
401 CONGRESS AVE., STE.1500  
AUSTIN, TEXAS 78701