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**MODIFICATION OF RESTRICTIVE COVENANTS  
IN SPECIAL WARRANTY DEED**

Date: \_\_\_\_\_, 2017

Grantor: NUECES COUNTY, TEXAS

Grantor's Mailing Address: 901 Leopard, Room 303  
Corpus Christi, Nueces County, Texas 78401

Grantee: LOCKARD OUTLETS CORPUS CHRISTI BAY, LLC

Grantee's Mailing Address: 4501 Prairie Parkway  
Cedar Falls, Iowa 50613

Consideration: Ten Dollars and other valuable consideration.

Property (including any improvements): See Exhibit A

The Restrictions in that Special Warranty Deed dated February 20, 2013, by Grantor in favor of Grantee filed of record as Document No. 2013006911 of the Official Public Records of Nueces County, Texas, specifically provided that they may be modified or terminated by the mutual agreement of the Commissioners Court of Grantor and Grantee, or its successors and assigns as the owners of the Property, and are hereby modified by mutual agreement of the parties as follows:

**Restrictions:**

The provision in subsection (a) limiting the height of buildings to fifty (50) feet shall be changed to seventy-five (75) feet and hereafter read as follows:

- (a) No building on the Property shall have a height in excess of seventy-five (75) feet above the building's ground floor grade.

The provision in subsection (b) limiting the number of occupied stories of any building to two shall be changed to five and hereafter read as follows:

- (b) No building on the Property shall have more than five occupied stories.

Except as modified hereby, all terms and conditions of the Restrictions of said Special Warranty Deed shall remain in full force and effect and are hereby ratified and confirmed.

NUECES COUNTY, TEXAS

By: \_\_\_\_\_  
Samuel L. Neal Jr.  
County Judge

THE STATE OF TEXAS     §  
  §  
COUNTY OF NUECES     §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2017, by Samuel L. Neal, Jr., County Judge of the Nueces County, Texas, on behalf of such county.

\_\_\_\_\_  
Notary Public, State of Texas



## EXHIBIT A

### PROPERTY DESCRIPTION

BEING a tract or parcel of land situated in Lot 15, of The Geo. H. Paul Subdivision, of The Driscoll Ranch, an addition to the City of Robstown, Texas, as recorded in Map "D", Volume 2, Page 34, Map Records of Nueces County, Texas, and being part of a 79.557 acre tract and part of a 82.63 acre tract as recorded in Document No. 2002043558 of the Official Public Records, Nueces County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for the northwest corner of a 28.01 acre tract of land as recorded in Document Number 2007028191, Official Public Records, Nueces County, Texas, same being the southwesterly right-of-way line of U. S. Highway 77 and the most north corner of this herein described 49.396 acre tract of land;

THENCE South 00°10'53" West, departing said right-of-way line and along the west line of said 28.01 acre tract and the east line of said 79.557 acre tract, a distance of 300.16 feet to a 1" iron pipe found on the southwest corner of said 28.01 acre tract and being an inner corner of the herein described tract;

THENCE South 89°40'29" East, along the south line of said 28.01 acre tract and the north line of this tract, a distance of 1045.12 feet to a 5/8" iron rod set with red cap stamped "Naismith Eng. C.C., Tx." for corner;

THENCE South 40°11'02" West, departing said common line and across said 82.63 acre tract and also across said 79.557 acre tract, a distance of 1988.93 feet to a 5/8" iron rod set on the proposed north right-of-way line of Terry Shamsie Boulevard (145' Access Easement), same being the southeast corner of this tract;

THENCE North 89°48'20" West along said proposed north right-of-way line, a distance of 898.92 feet to a 5/8" iron rod set for corner;

THENCE North 68°52'06" West, continuing along said proposed north right-of-way line, a distance of 315.55 feet to a 5/8" iron rod set for corner;

THENCE North 22°54'57" West, continuing along said proposed north right-of-way line, a distance of 69.66 feet to a 5/8" iron rod set on the southeasterly right-of-way line of U.S. Highway 77 and the beginning of a non-tangent curve to the right, having a central angle of 20°23'09", a radius of 1692.98 feet and a chord bearing and distance of N 34°09'35" E, 599.19 feet;

THENCE in a northeasterly direction with said curve to the right, a distance of 602.36 feet, to a 5/8" iron rod set for the point of tangency on said southeasterly right-of-way line of said U.S. Highway 77 for corner;

THENCE North 44°21'09" East, along said right-of-way and the west line of this tract line, a distance of 1606.58 feet to the POINT OF BEGINNING and containing 2,151,696 square feet or 49.396 acres of land, more or less.