



Case No C2A-84-002

RESTRICTIVE COVENANT

OWNER USL Austin Reserve L P a Delaware limited partnership

ADDRESS 5 Greenway Plaza Suite 1300, Houston Texas 77046

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

PROPERTY Lots 1 2, 3, and 4 Schlumberger Subdivision a Subdivision in the City of Austin, Travis County Texas, according to the map or plat of record under Document No 200000066, of the Official Public Records of Travis County Texas

WHEREAS the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions

NOW THEREFORE it is declared that the Owner of the Property for the consideration, shall hold sell and convey the Property subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant These covenants and restrictions shall run with the land and shall be binding on the Owner of the Property its heirs successors, and assigns

- 1 Roadway drainage and utility infrastructure shall be designed to minimize impacts to Spring S 5 (Latitude 30° 24 46 08 N Longitude 97° 50 30 84 W) a Critical Environmental Feature located on Lot 4 This may include a span bridge for the future roadway crossing and boring of utilities within the vicinity of the spring If groundwater is encountered mitigation measures shall be provided to prevent disruption of groundwater flow to the spring
- 2 A hydrogeologic study of the source water area for Spring S 5 shall be conducted and appropriate proactive measures shall be provided to protect the quantity and quality of spring flow
- 3 At the site plan stage state-of-the art erosion and sedimentation control measures shall be employed during construction in order to prevent the release of any sediment from disturbed areas
- 4 An individual knowledgeable in erosion controls and tree protection to conduct daily inspections of the site during site development shall be required on site (the Environmental Manager) The Environmental Manager shall be responsible for maintaining a weekly log to be kept on site and accessible to the City environmental inspector

2-15-07
#42

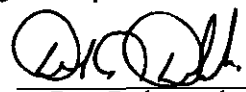
- 5 Owner shall provide educational materials to students, residents and the general public on the Critical Environmental Features located on the Property through means of kiosk signage or other appropriate methods
- 6 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant to prevent the person or entity from such actions and to collect damages for such actions
- 7 If any part of this agreement or covenant is declared invalid by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect
- 8 If at any time the City of Austin fails to enforce this agreement whether or not any violations of it are known such failure shall not constitute a waiver or estoppel of the right to enforce it
- 9 This agreement may 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 and (b) by the owner(s) of the Property subject to the modification amendment or termination at the time of such modification amendment or termination

EXECUTED this the 15th day of February 2007

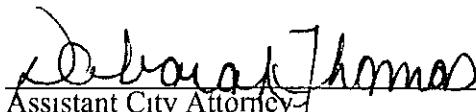
OWNER

**USL Austin Reserve, L P ,
a Delaware limited partnership**

By USL Austin Reserve GP, LLC,
a Delaware limited liability company,
its general partner

JD By 
Dan Dubrowski
Manager,

APPROVED AS TO FORM


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF Harris §

This instrument was acknowledged before me on this the 15 day of February 2007, by Dan Dubrowski Manager of USL Austin Reserve LLC a Delaware limited liability company the sole general partner of USL Austin Reserve L P a Delaware limited partnership on behalf of the company and the limited partnership



Fanchon L. Goode
Notary Public State of Texas

After Recording Please Return to
City of Austin
Department of Law
P O Box 1088
Austin Texas 78767
Attention Diana Minter Paralegal

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Mar 30 03 31 PM 2007057257

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DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS