



## Zoning Case No C814-06-0068

RESTRICTIVE COVENANT

OWNER St David s Healthcare Partnership L P LLP a Texas limited liability partnership

ADDRESS P O Box 1788 Austin Texas 78767 1788

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 A 14 37 acre tract of land more or less comprised of certain parcels of land in the City of Austin Travis County the tract of land being more particularly described in Exhibit 'A' attached and incorporated into this covenant

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 A site plan or building permit for the Property may not be approved released or issued if the completed development or uses of the Property considered cumulatively with all existing or previously authorized development and uses generate traffic that exceeds the total traffic generation for the Property specified in that certain Traffic Impact Analysis (the TIA ) prepared by John F Hickman and Associates, dated February 2006 or as amended and approved by the Director of the Watershed Protection and Development Review Department or its successor department of the City of Austin All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated August 22 2006 and shall not exceed 1 242 042 gross square feet unless an undated TIA is prepared and submitted and any necessary mitigation is addressed The TIA shall be kept on file at the Watershed Protection and Development Review Department or its successor department of the City of Austin
- 2 All new development shall comply with Austin Energy Green Building Program in effect on March 8 2007 to achieve a minimum one star rating
- 3 At the time construction and completion of traffic improvements to 32<sup>nd</sup> Street Owner shall provide its pro rata share for the following improvements

4-5-07 # 12

- a) A westbound left turn lane and related traffic signal modification at Red River Street
  - b) A center turn lane along the portion of 32<sup>nd</sup> Street between Red River Street and the IH 35 west frontage road and
  - c) Re striping of 32<sup>nd</sup> Street at the west frontage road for a dual lane approach across the 32<sup>nd</sup> Street bridge
- 4 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
  - 5 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
  - 6 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
  - 7 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 4<sup>th</sup> day of April 2007

**OWNER**

**St David's Healthcare Partnership L P , LLP,  
a Texas limited liability partnership**

By   
Jon M Foster  
President and CEO

APPROVED AS TO FORM

*Michael Thomas*  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS           §

COUNTY OF TRAVIS           §

This instrument was acknowledged before me on this the 4<sup>th</sup> day of April  
2007 by Jon M Foster President and CEO of St David s Healthcare Partnership LP LLP a  
Texas limited liability partnership on behalf of the limited liability partnership

*Sandra L Mills*  
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

## LEGAL DESCRIPTION

### Main Campus

12.65 acres of land more or less as more particularly described below

Lot 1 Saint David's Community Hospital Addition a subdivision in the City of Austin Travis County Texas according to the map or plat of record in Plat Book 81 Page 366, of the Plat Records of Travis County Texas

Greusen Resubdivision of a portion of Lot 6 Outlot 23 Division C recorded in Volume 10 Page 77 of the Official Plat Records of Travis County Texas

Joe Manor Trustee Subdivision recorded in Volume 16 Page 43 of the Official Plat Records of Travis County Texas

1.54 acres of land out of Outlot 23 Division C of the Government Tract adjoining the Original City of Austin Travis County Texas in a Deed recorded in Volume 12725 Page 1436 Travis County Deed Records

### North 32<sup>nd</sup> St

1.72 acres of land more or less as more particularly described below

9,570 s f out of Outlot 22 Division C of the Government Outlots adjoining the Original City of Austin

10,500 s f out of Outlot 22 Division C of the Government Outlots adjoining the Original City of Austin

11,551 s f out of Outlot 22 Division C of the Government Outlots adjoining the Original City of Austin

21,000 s f out of Outlot 22 Division C of the Government Outlots adjoining the Original City of Austin

Lot 2 of the C P L M A Subdivision II recorded in Volume 100 Page 93 of the Official Plat Records of Travis County Texas

## FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2007 Apr 20 02:23 PM 2007071320

BENAVIDESV \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

EXHIBIT A