



RESTRICT 2007071321

10 PGS

12
Zoning Case No C14-06-0191

RESTRICTIVE COVENANT

OWNER Onion Associates, Ltd , a Texas limited partnership

ADDRESS 4131 Spicewood Springs Road, Suite H1, Austin Texas 78759

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 Being 87.884 acres of land, more or less, comprised of a 39.371 tract and a 48.513 tract of land out of the Santiago del Valle Grant in the City of Austin, Travis County the tracts of land being more particularly described by metes and bounds in Exhibits 'A' and "B" 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 August 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 January 25, 2007. 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 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.
- 3 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.

4-19-07
#45

- 4 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
- 5 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 11th day of APRIL, 2007

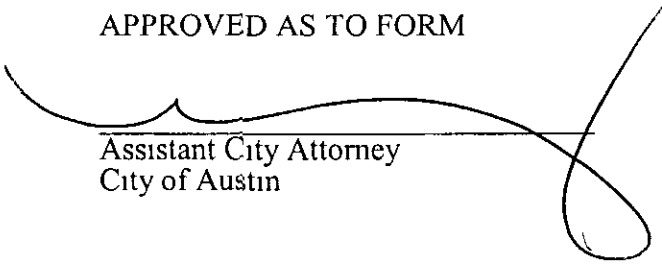
OWNER

**Onion Associates, Ltd ,
a Texas limited partnership**

By Onion ASGP Inc
a Texas corporation

By Bruce T Morrison
Bruce T Morrison,
President

APPROVED AS TO FORM



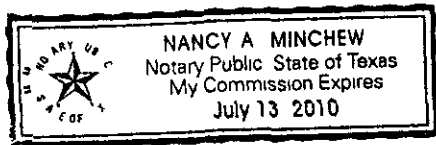
Assistant City Attorney
City of Austin

7

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 11th day of APRIL, 2007, by Bruce T Morrison, President of Onion ASGP Inc, a Texas corporation, General Partner of Onion Associates, Ltd a Texas limited partnership on behalf of the limited partnership



Nancy A Minchew
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

C14-06-0191
TRACT 1

FIELD NOTES
FOR

39 371 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 87 884 ACRE TRACT OF LAND CONVEYED TO UNION ASSOCIATES, LTD BY INSTRUMENT RECORDED IN DOCUMENT NO 2006139690 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at an "X" found cut in rock at the Northwest corner of said 87 884 acre tract, being in the East r o w line of Interstate Hwy 35 South, being in the approximate centerline of Onion Creek for the Northwest corner and PLACE OF BEGINNING hereof,

THENCE along the North line of said 87 884 acre tract, being along the approximate centerline of Onion Creek for the following courses

S 73°04'00" E for a distance of 450 65 feet to an angle point

S 74°19'00" E for a distance of 334 57 feet to an angle point

S 57°11'00" E for a distance of 216 95 feet to an angle point

S 72°26'00" E for a distance of 402 24 feet to an angle point

S 76°51'00" E for a distance of 357 17 feet to an angle point

S 39°52'00" E for a distance of 114 70 feet to an angle point

S 57°41'30" E for a distance of 308 12 feet to an angle point

S 00°49'00" E for a distance of 131 00 feet to an angle point

S 25°09'00" E for a distance of 206 00 feet to an angle point

S 53°57'45" E for a distance of 249 20 feet to the Northeast corner of said 87 884 acre tract

THENCE along the East line of said 87 884 acre tract, S 42°25'57" E for a distance of 55 37 feet to a ½ inch iron pin found and S 29°42'53" W for a distance of 512 91 feet to a point for the Southeast corner hereof

THENCE along the South line of the herein described tract for the following courses

N 65°57'30" W for a distance of 176 48 feet to an angle point

N 59°48'03" W for a distance of 374 42 feet to an angle point

N 55°10'17" W for a distance of 161 58 feet to an angle point

FIELD NOTES
FOR

39 371 ACRES OF LAND – Page Two

N 51°20'01' W for a distance of 153 69 feet to an angle point

N 47°29'45" W for a distance of 323 25 feet to an angle point

N 50°46'54' W for a distance of 87 23 feet to an angle point

N 53°25'02" W for a distance of 88 35 feet to an angle point

N 59°09'32" W for a distance of 82 01 feet to an angle point

N 63°51'28" W for a distance of 148 01 feet to an angle point

N 65°23'52" W for a distance of 171 53 feet to an angle point

N 69°14'32" W for a distance of 285 94 feet to an angle point

N 68°04'23" W for a distance of 178 86 feet to an angle point

N 66°36'08" W for a distance of 311 95 feet to a point in the West line of said 87 884 acre tract, being in the East r o w line of Interstate Hwy 35 South, for the Southwest corner hereof

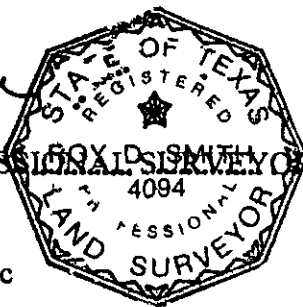
THENCE along the West line of said 87 884 acre tract, being along the East r o w line of Interstate Hwy 35 South, N 20°25'54" E for a distance of 537 71 feet to the PLACE OF BEGINNING and containing 39 371 acres of land, more or less

SURVEYED BY

Roy D Smith Surveyors, P C

Roy D Smith
ROY D SMITH

REGISTERED PROFESSIONAL SURVEYOR NO 4094
October 18, 2006



39 371ac – Onion Assoc

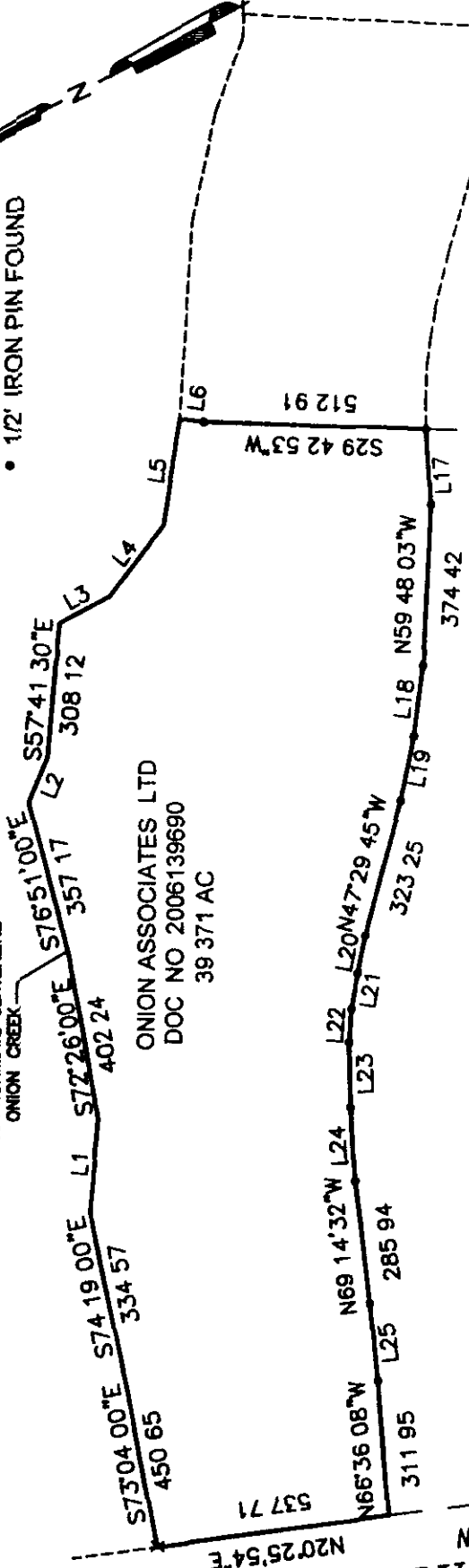
EXHIBIT TO ACCOMPANY FIELD NOTES FOR 39 371 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY TEXAS

SCALE 1" = 400

LEGEND

- angle point
- x X IN ROCK
- 1/2' IRON PIN FOUND

APPROXIMATE CENTERLINE
UNION CREEK



LINE TABLE		
LINE	LENGTH	BEARING
L1	216.95	S57°11'00"E
L2	114.70	S39°52'00"E
L3	131.00	S00°49'00"E
L4	206.00	S25°09'00"E
L5	249.20	S53°57'45"E
L6	55.37	S42°25'57"E
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
NOT	USED	
L17	176.48	N65°57'30"W
L18	161.58	N55°10'17"W
L19	153.69	N51°20'01"W
L20	87.23	N50°46'54"W
L21	88.35	N53°25'02"W
L22	82.01	N59°09'32"W
L23	148.01	N63°51'28"W
L24	171.53	N65°23'52"W
L25	178.86	N68°04'23"W

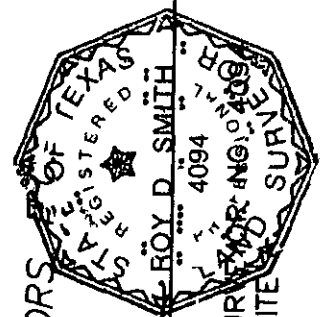
UNION ASSOCIATES LTD
DOC NO 2006139690
(87 884 ACRES)

UNION ASSOCIATES LTD
DOC NO 2006139690
117 188 AC
(117 20 AC)

RICHARD D SPILLMAN
VOL 6287 PG 218

SURVEYED BY
ROY D SMITH SURVEYORS

Roy D Smith
ROY D SMITH
REGISTERED PROFESSIONAL SURVEYOR
1214 WEST 5th STREET - SUITE
AUSTIN TEXAS 78703
PHONE (512) 478 - 9821
OCTOBER 18 2006



INTERSTATE
HIGHWAY
NO. 35 SOUTH
400' PUBLIC ROW

FIELD NOTES
FOR

C14-06-0191
TRACT 2

48 513 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 87 884 ACRE TRACT OF LAND CONVEYED TO UNION ASSOCIATES, LTD BY INSTRUMENT RECORDED IN DOCUMENT NO 2006139690 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a ½ inch capped iron pin set at the Southwest corner of said 87 844 acre tract, being in the East r o w line of Interstate Hwy 35 South for the PLACE OF BEGINNING hereof

THENCE along the West line of said 87 884 acre tract, being along the East r o w line of Interstate Hwy 35 South, N 20°25'54" E for a distance of 962 06 feet to a point for the Northwest corner hereof

THENCE along the North line of the herein described tract for the following courses

S 66°36'08" E for a distance of 311 95 feet to an angle point

S 68°04'23" E for a distance of 178 86 feet to an angle point

S 69°14'32" E for a distance of 285 94 feet to an angle point

S 65°23'52" E for a distance of 171 53 feet to an angle point

S 63°51'28" E for a distance of 148 01 feet to an angle point

S 59°09'32" E for a distance of 82 01 feet to an angle point

S 53°25'02" E for a distance of 88 35 feet to an angle point

S 50°46'54" E for a distance of 87 23 feet to an angle point

S 47°29'45" E for a distance of 323 25 feet to an angle point

S 51°20'01" E for a distance of 153 69 feet to an angle point

S 55°10'17" E for a distance of 161 58 feet to an angle point

S 59°48'03" E for a distance of 374 42 feet to an angle point

S 65°57'30" E for a distance of 176 48 feet to a point in the East line of said 87 884 acre tract for the Northeast corner hereof,

THENCE along the East line of said 87 884 acre tract, S 29°42'53" W for a distance of 361 49 feet to a ½ inch iron pin found and S 30°58'12" E for a distance of 281 26 feet to a ½ inch iron pin found at the Southeast corner of said 87 884 acre tract,

7
FIELD NOTES
FOR

48 513 ACRES OF LAND – Page Two

THENCE along the South line of said 87 884 acre tract for the following courses

N 71°11'45" W for a distance of 712 31 feet to a ½ inch iron pin found

N 71°03'33" W for a distance of 173 66 feet to a ½ inch iron pin found

N 67°01'32" W for a distance of 678 95 feet to a ½ inch iron pin found

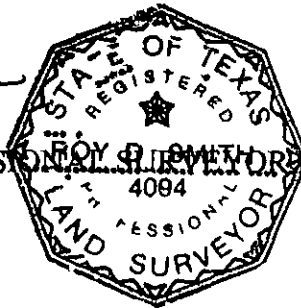
N 33°32'38" W for a distance of 145 29 feet to a ½ inch iron pin found

N 71°03'16" W for a distance of 698 93 feet to the PLACE OF BEGINNING and
containing 48 513 acres of land, more or less

SURVEYED BY
Roy D Smith Surveyors, P C

Roy D Smith
ROY D SMITH

REGISTERED PROFESSIONAL SURVEYOR NO 4094
October 18, 2006

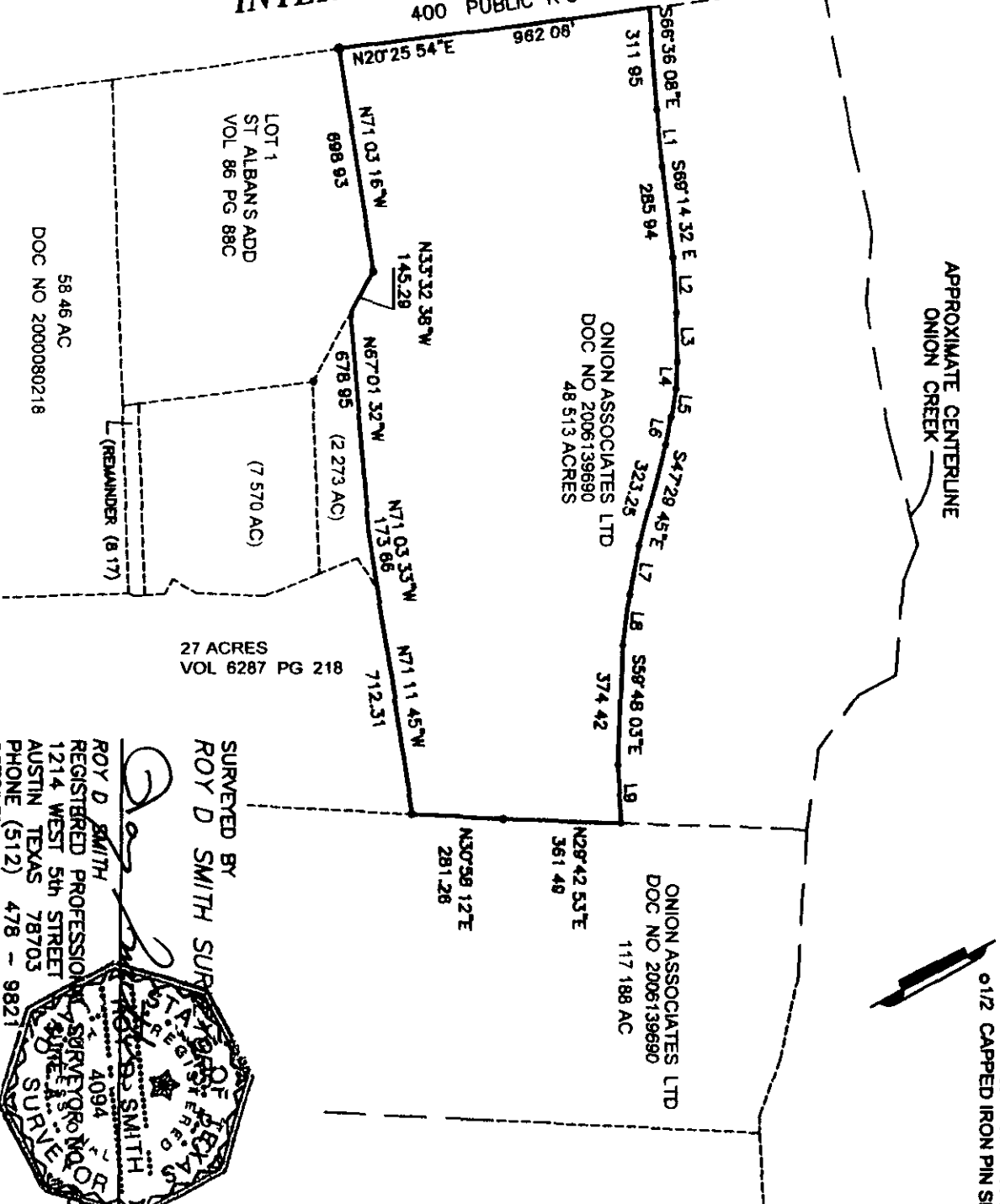


48 513 ac – Onion Assoc

EXHIBIT TO ACCOMPANY FIELD NOTES
FOR 48 513 ACRES OF LAND OUT OF THE
SANTIAGO DEL VALLE GRANT IN
TRAVIS COUNTY, TEXAS

LINE TABLE	
LINE	BEARING
L1	178.86 S88°04'25"E
L2	171.53 S85°23'52"E
L3	148.01 S85°51'28"E
L4	82.01 S58°09'32"E
L5	88.35 S55°25'02"E
L6	87.23 S50°46'54"E
L7	153.68 S51°20'01"E
L8	161.58 S55°10'17"E
L9	176.48 S85°57'30"E

INTERSTATE HIGHWAY NO 35 SOUTH
400 PUBLIC ROW



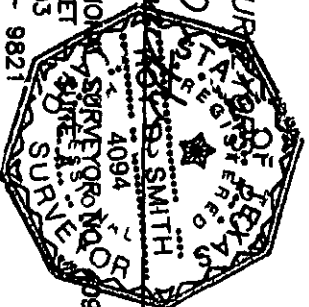
APPROXIMATE CENTERLINE
UNION CREEK

SCALE 1" = 500'

- LEGEND
- angle point
 - 1/2" IRON PIN FOUND
 - 1/2" CAPPED IRON PIN FOUND
 - 1/2" CAPPED IRON PIN SET

SURVEYED BY
ROY D SMITH SURVEYOR

ROY D SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
1214 WEST 5th STREET
AUSTIN TEXAS 78703
PHONE (512) 478 - 9821
OCTOBER 18, 2006



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Apr 20 02 25 PM 2007071321

BENAVIDESV \$52 00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Recorders Memorandum At the time of recordation this instrument was found to be inadequate for the best reproduction because of illegibility carbon or photocopy discolored paper etc All blockouts additions and changes were present at the time the instrument was filed and recorded