



8

Zoning Case No. C14-2007-0011

RESTRICTIVE COVENANT

OWNER: CRV LAMAR MANCHACA, L.P., a Texas limited partnership

ADDRESS: 301 Congress Avenue, Suite 500, Austin, Texas 78701

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 6.396 acre tract of land, more or less, out of the Henry P. Hill League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" 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. All residential and commercial development shall comply with Austin Energy Green Building Program (GBP) for a minimum two-star rating. In addition, as a component of complying with the two-star rating requirements, the energy model must show building performs 25% better than City of Austin Energy Code. Certification shall be met as specified by the version of the rating system current at the time of design.
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. 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.

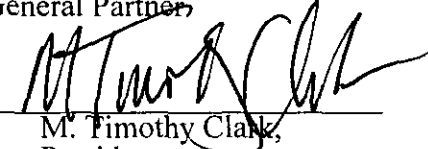
6-7-07
75

EXECUTED this the 7th day of JUNE, 2007.


OWNER:

CRV LAMAR MANCHACA, L.P.
a Texas limited partnership

By: Cypress V GPREIT LLC,
a Texas limited liability company,
its General Partner

By: 
M. Timothy Clark,
President

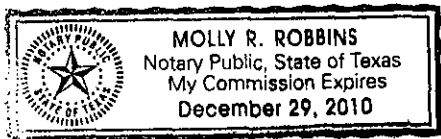
APPROVED AS TO FORM:

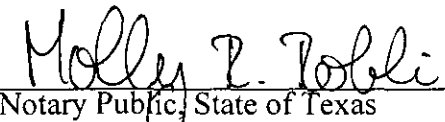

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 7th day of June, 2007, by M. Timothy Clark, President of Cypress V GPREIT, LLC, a Texas limited liability company, General Partner of CRV Lamar Manchaca, L.P., a Texas limited partnership, on behalf of the limited liability company and the limited partnership.




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

EXHIBIT A

①
0.057 ACRE
J.A. SHELBY
(1538/122)
DESCRIBED AS
ACCESS ESMT IN
(2960/2084)

SOUTH LAMAR BLVD.
(RIGHT-OF-WAY WIDTH VARIES)

N09°47'00"E
44.47'
(N11°09'00"E)
(44.45')

EASEMENT
396 S.F. TO
CITY OF AUSTIN

N59°17'29"W
8.34'
(N58°10'00"W)
(8.34')

0.322 ACRES
JBS HOLDINGS, LP
(2002251880)

L1

LOT 2
NUNZIE CAMPION SUBD.
(14/23)

S46°04'08"E
150.00'
(S45°01'00"E)
(150.00')

S49°18'48"W
60.00'
(S49°55'00"W)
(60.00')

LOT 1
NUNZIE CAMPION SUBDIVISION
(14/23)

S49°01'17"E 326.13'
(S49°01'17"E 326.13')

S28°25'38"W 12.28'
(S28°41'41"W)

2.551 ACRES
ALEXANDER-MADISON LAND
COMPANY, LTD.
(2002067392)

6.396 ACRES
(APPROX. 278,613 S.F.)

HENRY P. HILL
LEAGUE

LOT 1-A
RESUBDIVISION OF F.O. CULLEN SUBDIVISION
(21/44)

LOT 2-A
RESUBDIVISION OF
F.O. CULLEN SUBD.
(21/44)

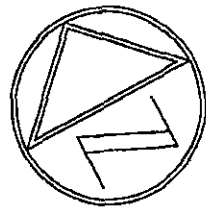
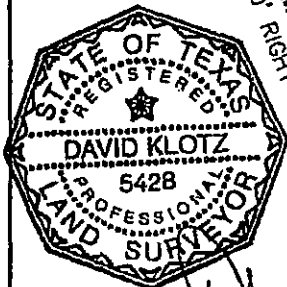
N48°55'10"W 233.35'
(N49°00'W 233.28')

LIGHTSEY ROAD
(RIGHT-OF-WAY WIDTH VARIES)

N48°58'33"W
14.15'
(N49°00'W)
(14.16')

APPROXIMATE LOCATION OF
SURVEY LINE

S29°30'18"W 330.62'



1" = 100'

PROJECT NO.: 345-001
DRAWING NO.: 345-001-ZN3
DATE OF SURVEY: 11/06 & 01/07
PLOT DATE: 03/08/07
SHEET 1 OF 2

Chaparral

SKETCH TO ACCOMPANY A DESCRIPTION OF AN 6.396 ACRE (APPROXIMATELY 278,813 S.F.) TRACT OF LAND OUT OF THE HENRY P. HILL LEAGUE, TRAVIS COUNTY, TEXAS, CONSISTING OF:

PORTION OF LOT ONE-A (1-A), RESUBDIVISION OF F.O. CULLEN SUBDIVISION, AN ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 44, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND CONVEYED TO UNITY OF AUSTIN, BY SPECIAL WARRANTY DEED DATED OCTOBER 1, 2004, RECORDED IN DOCUMENT NO. 2004191479, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF LOT TWO-A (2-A), RESUBDIVISION OF F.O. CULLEN SUBDIVISION, AN ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 44, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND CONVEYED TO 2901 MANCHACA ROAD, LTD., BY SPECIAL WARRANTY DEED DATED FEBRUARY 17, 2004, RECORDED IN DOCUMENT NO. 2004029194, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

A PORTION OF THAT 2.551 ACRE TRACT AS CONVEYED TO ALEXANDER-MADISON LAND COMPANY, LTD. BY WARRANTY DEED, DATED APRIL 10, 2002, RECORDED IN DOCUMENT NO. 2002067392, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF LOT ONE (1), LONGHORN SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 48, PAGE 98, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO ALBERT MOELLER, JAMES CASE AND DOUGLAS GUNN BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN DATED OCTOBER 20, 1987, AND RECORDED IN VOLUME 10463, PAGE 937, AND FURTHER CONVEYED BY DOUGLAS GUNN TO ALBERT MOELLER AND JAMES CASE BY WARRANTY DEED DATED NOVEMBER 25, 1998, AND RECORDED IN VOLUME 13319, PAGE 297, BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF THAT 0.322 ACRE TRACT AS CONVEYED TO JBS HOLDINGS, LP BY GENERAL WARRANTY DEED DATED DECEMBER 26, 2002, AND RECORDED IN DOCUMENT NO. 2002251880, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF THAT 0.057 ACRE TRACT AS CONVEYED TO J. A. SHELBY, BY DEED DATED JANUARY 22, 1955, AND RECORDED IN VOLUME 1538, PAGE 122, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND;

ALL OF LOT 2, NUNZIE CAMPION SUBDIVISION, AN ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 23, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND CONVEYED TO SHERI JO SHELBY, BY WARRANTY DEED, RECORDED DATE NOVEMBER 28, 1984, RECORDED IN VOLUME 8921, PAGE 989, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

CURVE TABLE							
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	Record
C1	6°01'26"	545.62'	28.71'	57.36'	57.34'	N17°16'10"E	(N17°16'00"E 57.37')
C2	6°30'51"	545.62'	31.05'	62.03'	62.00'	N11°01'29"E	(N10°58'E 62.02')

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ PUNCH MARK FOUND
- 3/4" BOLT FOUND

LINE TABLE			
No.	BEARING	LENGTH	RECORD
L1	S59°17'29"E	91.61'	(S58°10' 91.78')
L2	N48°48'31"E	24.95'	(N49°56'E 25.00')
L4	S62°35'29"W	67.78'	(S62°52'W 67.52')
L5	N07°45'27"E	74.99'	(N07°43'E 75.02')

PROJECT NO.: 345-001
DRAWING NO.: 345-001-ZN3
DATE OF SURVEY: 11/06 & 01/07
PLOT DATE: 03/08/07
SHEET 2 OF 2

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 345-001-ZN3.DOC

Chaparral



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**6.396 ACRES
HENRY P. HILL LEAGUE
TRAVIS COUNTY, TEXAS**

DESCRIPTION OF A 6.396 ACRE (APPROXIMATELY 278,613 S.F.) TRACT OF LAND OUT OF THE HENRY P. HILL LEAGUE, TRAVIS COUNTY, TEXAS, CONSISTING OF:

PORTION OF LOT ONE-A (1-A), RESUBDIVISION OF F.O. CULLEN SUBDIVISION, AN ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 44, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND CONVEYED TO UNITY OF AUSTIN, BY SPECIAL WARRANTY DEED DATED OCTOBER 1, 2004, RECORDED IN DOCUMENT NO. 2004191479, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

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DOCUMENT NO. 2002251880, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

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SAID 6.396 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found in concrete in the east right-of-way line of Manchaca Road (80' right-of-way width), being the northwest corner of the said 2.551 acre tract and the southwest corner of said Lot 1, Longhorn Subdivision;

THENCE North 08°53'39" East, along the common line of Manchaca Road and Lot 1, a distance of 118.97 feet to a 1/2" rebar found for the northwest corner of Lot 1, being also in the south line of a 0.322 acre tract recorded in Document No. 2002251880, of the Official Public Records of Travis County, Texas;

THENCE along the common line of the 0.322 acre tract and the right-of-way line of Manchaca Road and in part a called 396 square foot easement to the City of Austin, the following two (2) courses:

1. North 59°17'29" West, a distance of 8.34 feet to a 1/2" rebar with cap set;
2. North 09°47'00" East, a distance of 44.47 feet to an "X" in concrete found for a northeast corner of the 0.322 acre tract, being also the intersecting point of the east right-of-way line of Manchaca Road with the east right-of-way line of South Lamar Boulevard (right-of-way width varies);

THENCE North 49°20'20" East along the common line of the 0.322 acre tract, the 0.057 acre tract, Lot 2, Nunzie Campion and the east right-of-way line of South Lamar Boulevard, a distance of 185.99 feet to a 1/2" rebar with cap set for the north corner of Lot 2, Nunzie Campion, being also the southwest corner of Lot 1, Nunzie Campion and in the east right-of-way line of Lamar Boulevard, from which a 1/2" rebar found bears North 49°20'20" East, a distance of 87.70 feet;

THENCE leaving the east right-of-way line of South Lamar Boulevard, along the common line of Lots 1 and 2, Nunzie Campion, the following two (2) courses:

1. South 46°04'08" East, a distance of 150.00 feet to a 1/2" rebar with cap set;
2. South 49°18'48" West, a distance of 60.00 feet to a 1/2" rebar with cap set for a common corner of Lots 1 and 2, Nunzie Campion, being also in the north line of Lot 1, Longhorn Subdivision;

THENCE South 45°48'55" East, along the common line of Lot 1, and Nunzie Campion Subdivision, a distance of 74.52 feet to a 1/2" rebar with cap found for the northeast corner of Lot 1, being also a northwest corner of the 2.551 acre tract;

THENCE South 49°01'17" East, along the common line of the 2.551 acre tract and Nunzie Campion Subdivision, a distance of 326.13 feet to a 1/2" rebar found for the northeast corner of the 2.551 acre tract, being also the southeast corner of Lot 1 and in the west line of Lot B, Jimmy Brooks Addition, a subdivision of record in Volume 66, Page 15, of the Plat Records of Travis County, Texas;

THENCE South 28°25'38" West, along the common line of the 2.551 acre tract and Lot B, a distance of 12.28 feet to a 1/2" rebar with cap set in the east line of the 2.551 acre tract, being also a southwest corner of Lot B, and a northwest corner of Lot 1-A;

THENCE South 29°30'18" West, crossing in part the 2.551 acre tract and Lot 1-A, Resubdivision of F.O. Cullen, a distance of 330.62 feet to a 1/2" rebar found in a northwest line of Owen Park Subdivision, a subdivision of record in Volume 52, Page 72, of the Plat Records of Travis County, Texas;

THENCE along the common line of Lot 1-A and Owen Park Subdivision, the following two (2) courses:

1. South 65°23'03" West, a distance of 186.66 feet to a 1/2" rebar found;
2. South 62°35'29" West, a distance of 67.78 feet to a 3/4" bolt found for a southeast corner of Lot 1-A, being also the southwest corner of Lot A, Owen Park and in the north right-of-way line of Lightsey Road (right-of-way width varies);


THENCE along the common line of Lots 1-A and 2-A, and Lightsey Road the following two (2) courses:

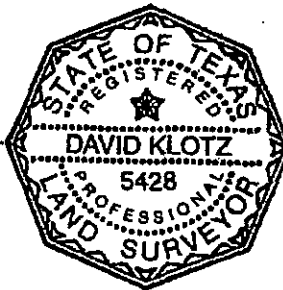
1. North 48°58'33" West, a distance of 14.15 feet to a punch mark found;
2. North 48°55'10" West, a distance of 233.35 feet to a bolt found for the southwest corner of Lot 2-A, being also the intersecting point of the north right-of-way line of Lightsey Road with the east right-of-way line of Manchaca Road and the beginning of a non-tangent curve to the left;

THENCE along the common line of Manchaca Road, Lots 1-A and 2-A and the 2.551 acre tract the following four (4) courses:

1. 57.36 feet along the arc of said curve to the left, having a radius of 545.62 feet, and through a central angle of $06^{\circ}01'26''$, the chord of which bears North $17^{\circ}16'09''$ East, a distance of 57.34 feet to a 1/2" rebar found for the common corner of Lots 1-A and 2-A and the beginning of a compound curve to the left;
2. 62.03 feet along the arc of said curve to the left, having a radius of 545.62 feet, and through a central angle of $06^{\circ}30'51''$, the chord of which bears North $11^{\circ}01'29''$ East, a distance of 62.00 feet to a 1/2" rebar found;
3. North $07^{\circ}45'27''$ East, a distance of 74.99 feet to a 1/2" rebar found for the common corner of Lot 1-A and the 2.551 acre tract;
4. North $07^{\circ}44'24''$ East, a distance of 178.77 feet to the **POINT OF BEGINNING**, containing an area of 6.396 acres of land, more or less.

Surveyed on the ground in November 2006, January 2007 and March 2007. Bearing Basis: Grid azimuth for Texas Central Zone, 1983/93 HARN values from LCRA network. Attachments: Survey Drawing 345-001-ZN3.


David Klotz
Registered Professional Land Surveyor
State of Texas, No. 5428



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.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2007 Jun 15 02:16 PM 2007109966

CLARKMM \$44.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS