



Zoning Case No. C14-06-0228

RESTRICTIVE COVENANT

OWNER: Wolfcreek Pass Limited Liability Partnership,
a Texas limited liability partnership

ADDRESS: 10007 Michael Dale, Austin, Texas 78736

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: Tract One: From neighborhood office (NO) district to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district.

A 1.00 acre tract of land, more or less, out of the Jesse Williams Survey No. 92, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant and,

Tract Two: From urban family residence (SF-5) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 1.764 acre tract of land, more or less, out of the Jesse Williams Survey No. 92, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" 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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated May 16, 2007
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.

6-21-07

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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.

EXECUTED this the 19 day of June, 2007.

OWNER:

Wolfcreek Pass Limited Liability Partnership

Jon B. Crain
Jon B. Crain, Managing Partner

APPROVED AS TO FORM:

Abigail Thomas
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 19 day of June, 2007, by Jon B. Crain, Managing Partner, on behalf of Wolfcreek Pass Limited Liability Partnership, a Texas limited liability partnership.

Dora E. Anguiano
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, Legal Assistant



FIELD NOTES

TRACT ONE

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JESSE WILLIAMS SURVEY NO. 92, SITUATED IN TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO HASKEL G. HUDSON OF RECORD IN VOLUME 2745, PAGE 41, TRAVIS COUNTY, TEXAS DEED RECORDS, SAID TRACT BEING 1.00 ACRE OF LAND, MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the south line of said Hudson tract, from which **POINT OF BEGINNING**, the southwest corner of Lot 6, Block A, Wedgewood Section One, a subdivision of record in Plat Book 52, Page 83, Travis County, Texas Plat Records, bears S 60°03'30" E, 453.57 feet for the southeast corner of the herein described tract,

THENCE, with the south line of the said Hudson tract, being the south line of the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. N 60°03'30" W, 78.59 feet to an angle point,
2. N 59°56'30" W, 238.66 feet to a point for the southwest corner of the herein described tract,

THENCE, N 56°35'17" E, 192.08 feet to a point in the curving south R.O.W. line of Wolfcreek Pass for the northwest corner of the herein described tract,

THENCE, following said south R.O.W. line, being the north line of the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. with a curve to the left, whose radius equals 206.32 feet, an arc length of 106.58 feet and whose chord bears S 48°53'04" E, 105.40 feet to a point at the end of said curve,
2. S 63°41'00" E, 128.30 feet to a point for the northeast corner of the herein described tract,

THENCE, leaving said south R.O.W. line, S 30°03'30" W, 159.83 feet to the **POINT OF BEGINNING**, containing 1.00 Acre of Land.

Prepared By: Bryson & Associates Surveying company
3401 Slaughter Lane West
Austin, Texas 78748

HR/ccs
Job #87-063 X-Ref. 1035
6/8/87

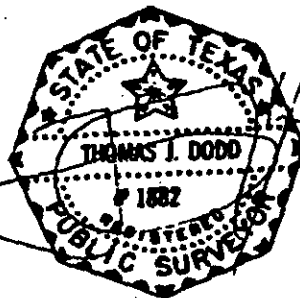


Exhibit A

Exhibit B
BRYSON & ASSOCIATES
SURVEYING COMPANY

C14-06-0228

TRACT 2

FIELD NOTES

TRACT TWO

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JESSE WILLIAMS SURVEY NO. 92, SITUATED IN TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO HASKEL G. HUDSON OF RECORD IN VOLUME 2745, PAGE 41, TRAVIS COUNTY, TEXAS DEED RECORDS, SAID TRACT BEING 1.764 ACRES OF LAND, MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the south line of said Hudson tract, same point being the southwest corner of Lot 6, Block A, Wedgewood Section One, a subdivision of record in Plat Book 52, Page 83, Travis County, Texas Plat Records, for the southeast corner of the herein described tract,

THENCE, with the south line of the said Hudson tract, being the south line of the herein described tract, N 60°03'30" W, 453.57 feet to a point for the southwest corner of the herein described tract,

THENCE, N 30°03'30" E, 159.83 feet to a point in the south R.O.W. line of Wolfcreek Pass for the northwest corner of the herein described tract,

THENCE, following said south R.O.W. line, being the north line of the herein described tract, the following three (3) courses and distances, numbered 1 through 3,

1. S 63°41'00" E, 256.03 feet to a point at the beginning of a curve,
2. with a curve to the right, whose radius equals 413.62 feet, an arc length of 64.37 feet and whose chord bears S 59°13'00" E, 64.31 feet to a point at the end of said curve,
3. S 54°45'00" E, 134.66 feet to a point, same point being the northwest corner of said Lot 6, Block A, for the northeast corner of the herein described tract,

THENCE, S 30°10'30" W, 162.62 feet to the POINT OF BEGINNING, containing 1.764 Acres of Land.

Prepared By: Bryson & Associates Surveying company
3401 Slaughter Lane West
Austin, Texas 78748

HR/ccs
Job #87-063 X-Ref. 1035
6/8/87

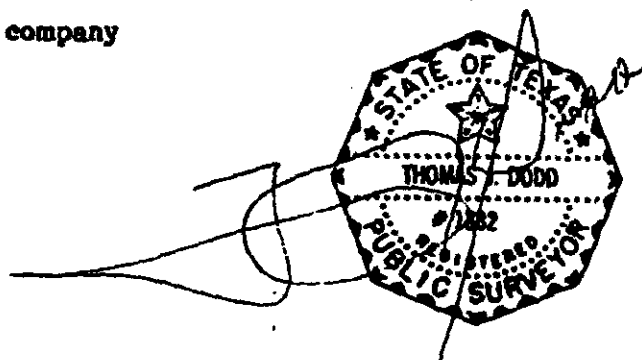


Exhibit B

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

Dana DeBeauvoir

2007 Jun 27 03:22 PM 2007118414

RANEYJ \$32.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS