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2008 APR 22 AM 10 54



RESTRICT 2008048460

9 PGS

8 pg Rec'd HB 4.24.08

Zoning Case No. C14-2007-0250

**RESTRICTIVE COVENANT**

OWNER. Stratus Properties Operating Co., L.P., a Delaware Limited Partnership

ADDRESS. 98 San Jacinto Boulevard, Suite 220, 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 33.036 acre tract of land, more or less, out of the R.M. Johnson Survey No. 74, Travis County, the tract of land being more particularly described by metes and bounds 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. Owner shall comply with the following:

- (a) any revised temporary erosion and sedimentation standards in the City of Austin's Environmental Criteria Manual enacted between the effective date of Ordinance No. 20080320-068 and the date that the Owner files an application for a site development permit; or
- (b) if the Owner applies for a site development permit prior to any revisions to the temporary erosion and sedimentation standards in the City of Austin's Environmental Criteria Manual in effect on the effective date of Ordinance No. 20080320-068, the Owner shall be required to have its temporary erosion and sedimentation control plan approved by the City of Austin's Environmental Resource Management staff.

2 All development on the Property shall adhere to the Austin Energy Green Building program to achieve at a minimum a 2 star rating

3 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.

3-20-08 #68

- 4 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.
- 5 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.
- 6 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.

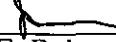
EXECUTED this the 20<sup>th</sup> day of MARCH, 2008.

**OWNER:**

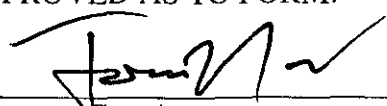
**Stratus Properties Operating Co., L.P.,  
a Delaware limited partnership**

By: STRS L.L.C.,  
a Delaware limited liability company,  
General Partner


By: Stratus Properties Inc.,  
a Delaware corporation,  
Sole Member

By   
John E. Baker, Sr.,  
Vice President

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

COUNTY OF TRAVIS §

  
\_\_\_\_\_  
Notary Public, State of Texas

 Carol Fahs  
Notary Public  
State of Texas  
My Commission Expires  
APRIL 08, 2010

## EXHIBIT A

DECEMBER 17, 2007      JOB NO. 997-13      FIELD NOTE NO. 997-01R1  
CLIENT: STRATUS PROPERTIES      PROJECT: LOT 1, BLOCK A, AMARRA  
DRIVE      COA GRID NO. B-22

## FIELD NOTES

A DESCRIPTION OF 33.036 ACRES OF LAND SITUATED IN THE R.M. JOHNSON SURVEY NO. 74, TRAVIS COUNTY, TEXAS BEING ALL OF THAT CERTAIN 15.962 ACRES OF LAND, DESIGNATED PARCEL 11, CONVEYED TO STRATUS PROPERTIES OPERATING CO. BY DEED RECORDED IN VOLUME 11706, PAGE 447 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, ALL OF THAT CERTAIN 4.432 ACRES OF LAND, DESIGNATED PARCEL 16, CONVEYED TO STRATUS PROPERTIES OPERATING CO. BY SAID DEED RECORDED IN VOLUME 11706, PAGE 447 AND A PORTION OF THAT CERTAIN 12.67 ACRES OF LAND, DESIGNATED PARCEL C, TRACT 2, CONVEYED TO STRATUS PROPERTIES OPERATING CO. BY DEED RECORDED IN VOLUME 11706, PAGE 590 OF THE SAID REAL PROPERTY RECORDS, ALSO BEING A PORTION OF LOT 1, BLOCK A, AMARRA DRIVE, A PROPOSED SUBDIVISION OF SAID STRATUS PROPERTIES OPERATING CO. TRACTS, SAID 33.036 ACRES AS SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found for an exterior southeast corner of that certain tract of land, designated First Tract of Tract 1 conveyed to Nature Conservancy of Texas, Inc. by deed recorded in Volume 12122, Page 1031 of the said Real Property Records and the most westerly southwest corner of that certain 237.95 acres of land, designated Parcel C, Tract 1, conveyed to Stratus Properties Operating Co. by said deed recorded in Volume 11706, Page 590 on the northerly line of said 12.67 acres;

THENCE along the southerly line of said 237.95 acres and the northerly line of said 12.67 acres crossing said Lot 1, S60°39'33"E, 175.04 feet to a calculated point for the northeast corner of said 12.67 acres and the northwest corner of said 15.962 acres;

THENCE, departing said northerly line, continuing across said Lot 1 along said southerly line and the northerly line of said 15.962 acres, S62°30'23"E, 932.50 feet to a 3/4 inch iron pipe found for the most northerly northwest corner of that certain 10.876 acres of land conveyed to Mark L. Hall and Lynn C. Sutter by deed recorded in Volume 12410, Page 1465 of the said Real Property Records and the most easterly northeast corner of said 15.962 acres on the easterly line of said Lot 1;

THENCE along the easterly lines of said Lot 1, the easterly lines of said 15.962 acres and the westerly lines of said 10.876 acres the following four (4) courses:

1. S27°26'23"W, 519.92 feet to a 1/2 inch iron rod found,

2. S27°22'19"W, 48.33 feet to a 1/2 inch iron rod found,
3. S56°19'44"W, 177.79 feet to a 1/2 inch iron rod found, and
4. S10°29'17"W, 299.47 feet to a 1/2 inch iron rod found on the north line of that certain 0.186 acre tract of land conveyed to Myers Financial Corporation by deed recorded in Volume 12323, Page 1140 of the said Real Property Records;

THENCE, departing said easterly lines and said westerly lines, along the north line of said 0.186 acre tract the south line of said 15.962 acres, the south line of said Lot 1 and the north right-of-way (R.O.W.) line of Southwest Parkway (R.O.W. varies) N83°35'15"W, passing the most westerly corner of said 0.186 acre, 214.99 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found;

THENCE continuing along said north R.O.W. line and, the south lines of said Lot 1 and the south and west lines of said 15.962 acres the following two (2) courses:

1. N71°56'57"W, 91.92 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" set, and
2. N07°37'10"E, 11.12 feet to a 1/2 inch iron rod found for a non-tangent point of curvature and the southeast corner of said 4.432 acres;

THENCE, departing the west line of said 15.962 acres along the south lines of said 4.432 acres, the south lines of said Lot 1 and said north R.O.W. line the following five (5) courses:

1. a distance of 144.08 feet along the arc of a curve to the left whose radius is 3000.00 feet, central angle is 02°45'06", and whose chord bears N76°26'09"W, 144.07 feet to a 1/2 inch iron rod found,
2. N71°18'26"W, 4.10 feet to a 3/8 inch iron rod found,
3. N78°50'09"W, 82.69 feet to a 1/2 inch iron rod found,
4. N78°46'36"W, 339.03 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found for a point of curvature, and
5. a distance of 16.17 feet along the arc of a curve to the right whose radius is 1000.00 feet, central angle is 00°55'35" and whose chord bears N78°00'05"W, 16 17 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found for a southwest corner of said 4.432 acres at the intersection of said north R.O.W. line and

the east R.O.W. line of Barton Creek Boulevard (R.O.W. varies);

THENCE, departing said north R.O.W. line and the south line of said 4.432 acres, along said easterly R.O.W. line, the west lines of said Lot 1 and the west lines of said 4.432 acres the following three (3) courses:

1. N13°41'10"E, 18.84 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found,
2. N04°08'12"W, 106.69 feet to a 1/2 inch iron rod found, and
3. N00°30'13"E, 89.47 feet to a 1/2 inch iron rod found for the northwest corner of said 4.432 acres and the southwest corner of said 12.67 acres;

THENCE, departing the west lines of said 4.432 acres, continuing along said easterly R.O.W. lines, the west lines of said Lot 1 and the west lines of said 12.67 acres the following eight (8) courses:

1. N01°08'01"E, 17.43 feet to a 1/2 inch iron rod found,
2. N10°45'50"W, 105.88 feet to a 1/2 inch iron rod found,
3. N14°57'04"W, 100.08 feet to a 1/2 inch iron rod found,
4. N25°40'09"W, 101.70 feet to a 1/2 inch iron rod found,
5. N14°59'45"W, 98.15 feet to a 1/2 inch iron rod found,
6. N01°21'32"W, 95.28 feet to a 1/2 inch iron rod found,
7. N02°52'21"E, 93.49 feet to a 1/2 inch iron rod found, and
8. N03°10'01"W, 94.83 feet to a 5/8 inch iron rod with plastic cap marked "RPLS 4532" found;

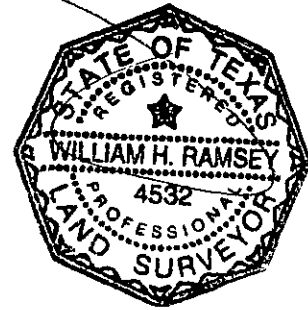
THENCE departing said westerly lines, continuing along said easterly R.O.W. lines and the west lines of said Lot 1 the following two (2) courses;

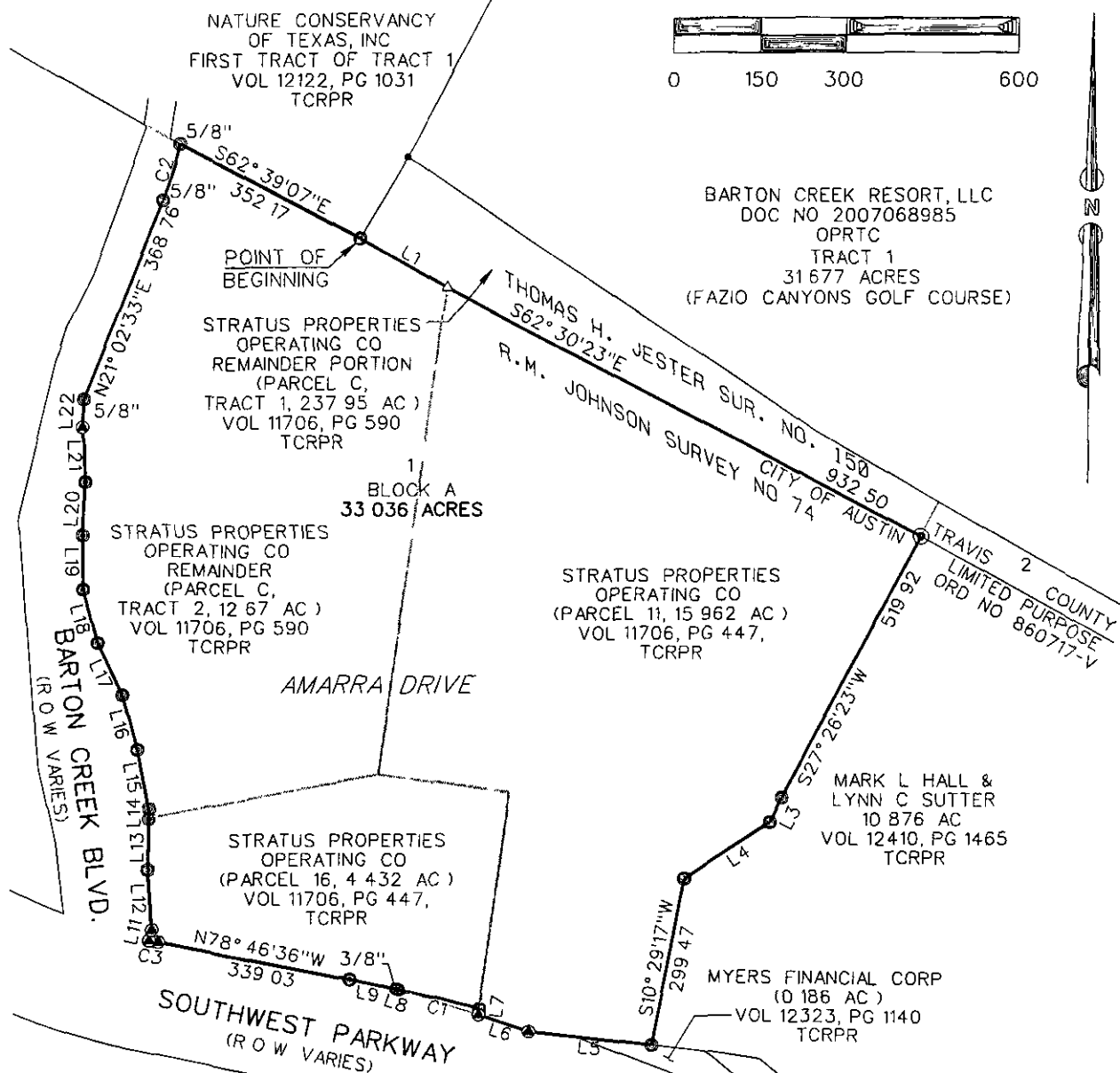
1. N02°24'51"E, 48.68 feet to a 5/8 inch iron rod found,
2. N21°02'33"E, 368.76 feet to a 5/8 inch iron rod found, and
3. a distance of 101.24 feet along the arc of a curve to the left whose radius is 810.71 feet, central angle is

07°09'17" and whose chord bears N17°22'11"E, 101.17 feet to a 5/8 inch iron rod found on the north line of said 12.67 acres and the south line of said First Tract;

THENCE along said north line and said south line S62°39'07"E, 352.17 feet to the POINT OF BEGINNING containing 33.036 acres of land more or less.

*Will H Ramsey*  
*12-18-07*





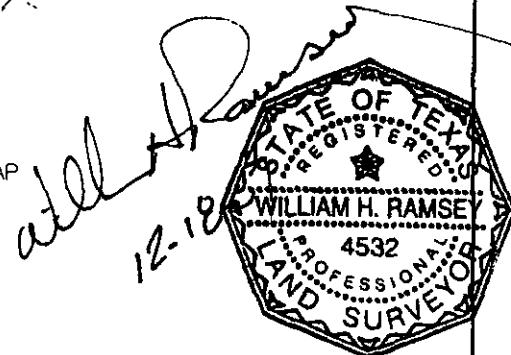
LINE	DIRECTION	DISTANCE
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L1	S60°39'33"E	175.04
L3	S27°22'19"W	48.33
L4	S56°19'44"W	177.79
L5	N83°35'15"W	214.99
L6	N71°56'57"W	91.92
L7	N07°37'10"E	11.12
L8	N71°18'26"W	4.10
L9	N78°50'09"W	82.69
L11	N13°41'10"E	18.84
L12	N04°08'12"W	106.69
L13	N00°30'13"E	89.47
L14	N01°08'01"E	17.43
L15	N10°45'50"W	105.88
L16	N14°57'04"W	100.08
L17	N25°40'09"W	101.70
L18	N14°59'45"W	98.15
L19	N01°21'32"W	95.28
L20	N02°52'21"E	93.49
L21	N03°10'01"W	94.83
L22	N02°24'51"E	48.68

## LEGEND

- - 1/2" IRON ROD FOUND  
UNLESS OTHERWISE NOTED
- - 5/8" IRON ROD WITH PLASTIC CAP  
MARKED "RPLS 4532" FOUND
- ⊙ - 3/4" IRON PIPE FOUND
- Δ - CALCULATED POINT
- TCRPR - TRAVIS COUNTY REAL PROPERTY RECORDS
- OPRTC - OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY

CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	144.08	02°45'06"	3000.00	N76°26'09"W	144.07
C2	101.24	07°09'17"	810.71	N17°22'11"E	101.17
C3	16.17	00°55'35"	1000.00	N78°00'05"W	16.17



## RAMSEY LAND SURVEYING, L L C

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bramsey@lsurveying.com

SKETCH TO ACCOMPANY  
FIELD NOTE NO 997-01R1

JOB NO 997-13

COA GRID NO B-22