

Zoning Case No. C14-2008-0234

#58

**RESTRICTIVE COVENANT**

**OWNER:** ZFB, Ltd., a Texas limited partnership

**ADDRESS:** 13809 Research Blvd., Suite 1000, Austin Texas 78750

**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 5.760 acre tract of land, more or less, out of a portion of Lot 1, Z.F.B Subdivision, a subdivision in Williamson County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more) 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. The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for widening Anderson Mill Road where it abuts the Property. Owner agrees to dedicate up to 57 feet of the total width necessary for right-of-way measured from the centerline of Anderson Mill Road. At the time an application for approval for subdivision or site plan is submitted to the City of Austin for development of the Property or any portion of the Property, the Owner shall submit to the City a recorded document as evidence of dedication.
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.

EXECUTED this the 16<sup>th</sup> day of June, 2009

**OWNER:**

**ZFB, Ltd.,  
a Texas limited partnership**

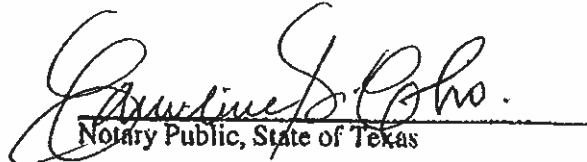
By:   
William B. Pohl,  
General Partner

**APPROVED AS TO FORM:**

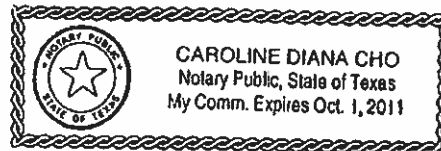
\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS** §  
**COUNTY OF** WILLIAMSON §

This instrument was acknowledged before me on this the 16<sup>th</sup> day of June, 2009, by William B. Pohl, General Partner on behalf of ZFB, Ltd., a Texas limited partnership.

  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767-1088  
Attention: Diana Minter, Paralegal



Restrictive covenant-ZFB, Ltd

**Resolution of Corporate Authority for a Limited Partnership**

I, William B. Pohl, the undersigned ZFB, Ltd., the "Company", hereby certify that:

Company is a limited liability company duly organized and existing under the laws of the State of Texas. The following is a true and accurate transcript of a Resolution adopted at the \_\_\_\_\_ {date} Member meeting. The Company's Members adopted the Resolution, which is contained in Company's minute book, at a duly authorized meeting. A quorum of Company's Members was present at the entire meeting and all actions taken at the meeting complied with Company's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

**Resolved**, that William B. Pohl, General Partner, of ZFB, Ltd., is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Company, acting in its capacity as General Partner of ZFB, a Texas limited partnership as in his judgment may be necessary, appropriate or desirable in connection with any termination of restrictive covenant affecting the real property described as: \_\_\_\_\_ (legal description) \_\_\_\_\_, "Property."

Signed and sealed on June 16<sup>th</sup>, 2009.  
{Seal}

William B. Pohl  
General Partner

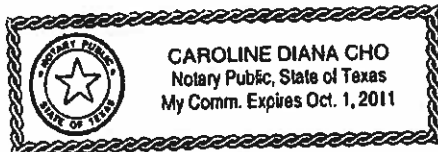
STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me, Caroline Cho (name) the undersigned Notary Public of the State of Texas, on this day personally appeared William B. Pohl, General Partner of ZFB, Ltd., a Texas limited liability company, the general partner of Twin Oaks Associates, Ltd., a Texas limited partnership known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 16<sup>th</sup> day of June, A.D. 2009.

[SEAL]



Caroline Diana Cho  
Notary Public, State of Texas



EXHIBIT 17

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

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

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**5.760 ACRES  
WILLIAM FRAMPTON SURVEY NO. 122  
ZONING DESCRIPTION**

A DESCRIPTION OF A 5.760 ACRE (APPROXIMATELY 250,916 S.F.) TRACT OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 5.760 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1" bolt found for the southwest corner of said Lot 1, Z.F.B. Subdivision, being also in the north right-of-way line of Anderson Mill Road, (County Road 187)(right-of-way width varies) and the southeast corner of a 15.172 acre tract recorded in Volume 1442, Page 109, of the Official Records of Williamson County, Texas;

**THENCE** North 15°27'16" West, leaving the north right-of-way line of Anderson Mill Road (CR 187) with the west line of Lot 1 Z.F.B. Subdivision, being also the east line of the 15.172 acre tract, a distance of 691.45 feet to a 1/2" rebar found for the northwest corner of Lot 1, Z.F.B. Subdivision, being also in the east line of the 15.172 acre tract, and in the south line of Acres West Section 2, a subdivision of record in Cabinet B, Slide 222 of the Plat Records of Williamson County, Texas, from which a 1/2" iron pipe found bears South 70°31'34" West, a distance of 22.64 feet;

**THENCE** North 69°26'37" East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 146.03 feet to a 1/2" rebar found;

**THENCE** with the south line of Acres West Section 2, over and across said Lot 1, Z.F.B. the following three (3) courses:

1. North 75°18'21" East, a distance of 109.30 feet to a 1/2" rebar with cap set;
2. North 68°45'21" East, a distance of 72.94 feet to a 1/2" rebar with cap set;
3. North 64°05'53" East, a distance of 145.74 feet to a nail found in the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2;

**THENCE** North 64°35'47" East, with the common line of Lot 1, Z.F.B. Subdivision, and Acres West Section 2, a distance of 79.44 feet to a 1/2" iron pipe found for the northeast corner of Lot 1, Z.F.B. Subdivision, being also the southeast corner of Acres West Section 2, the southwest corner of Acres West, a subdivision of record in Cabinet 4, Slide 65, of the Plat Records of Williamson County, Texas and the northwest corner of Lot 2, Chapel of the Hills, a subdivision of record in Cabinet F, Slide 201, of the Plat Records of Williamson County, Texas;

**THENCE** South 14°49'39" East, with the east line of Lot 1, Z.F.B. Subdivision, being also the west line of Lot 2, Chapel of the Hills, a distance of 332.98 feet to a 1/2" rebar with cap set, from which a 1/2" rebar with cap set for a southeast corner of Lot 1, being also the northeast corner of Lot 2, Z.F.B. Subdivision, and in the west line of Lot 2, Chapel of the Hills, bears South 14°49'39" East, a distance of 180.00 feet;


**THENCE** over and across Lot 1, Z.F.B. Subdivision, the following three (3) courses and distances:

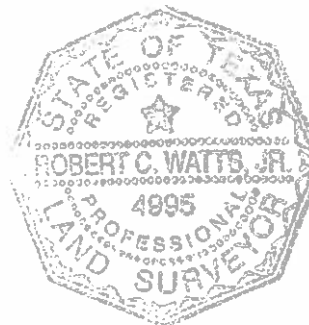
1. South 69°41'53" West, a distance of 505.54 feet to a calculated point;
2. South 15°27'16" East, a distance of 179.82 feet to a calculated point;
3. North 69°41'53" East, a distance of 313.45 feet to a 1/2" rebar found for an angle point in the south line of Lot 1, Z.F.B. Subdivision, being also the northwest corner of Lot 2, Z.F.B. Subdivision;

**THENCE** South 14°55'52" East, with the common line of Lots 1 and 2, Z.F.B. Subdivision, a distance of 199.91 feet to a 1" bolt found for the southeast corner of Lot 1, Z.F.B. Subdivision, being also the southwest corner of Lot 2, Z.F.B. and being in the north right-of-way line of Anderson Mill Road;

**THENCE** South 71°02'19" West, with the south line of Lot 1, Z.F.B., Subdivision, being also the north right-of-way line of Anderson Mill Road, a distance of 352.67 feet to the **POINT OF BEGINNING**, containing 5.760 acres of land, more or less.

Surveyed on the ground May, 2007. Bearing basis: Grid Azimuth for Texas Central Zone state plane coordinates, based on GPS solutions from the National Geodetic Survey (NGS) on-line positioning user service (OPUS). Attachments: Survey Drawing 139-003-Z1.

 10-24-08  
Robert C. Watts, Jr. Date  
Registered Professional Land Surveyor  
State of Texas No. 4995



A DESCRIPTION OF 5.760 ACRES (APPROXIMATELY 250,916 S.F.) OF LAND OUT OF THE WILLIAM FRAMPTON SURVEY NO. 122 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT ONE (1), Z.F.B. SUBDIVISION, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET J, SLIDE(S) 227-228 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

LINE TABLE			
No.	BEARING	LENGTH	RECORD
L1	N69°26'37"E	146.03'	
L2	N75°18'21"E	109.30'	
L3	N68°45'21"E	72.94'	(N69°49'03"E 146.00')
L4	N64°05'53"E	145.74'	(S76°11'00"W 89.55')
L5	N64°35'47"E	79.44'	(S69°38'00"W 72.94')
L6	S71°02'19"W	15.03'	(S64°59'00"W 145.97')
L7	S71°02'19"W	55.10'	(N64°53'24"E 79.49')
L8	S70°31'34"W	22.64'	(S67°52'00"W 25.71')
L9	S71°02'19"W	40.08'	
L10	N15°27'16"W	216.87'	
L11	S71°02'19"W	40.08'	

LEGEND

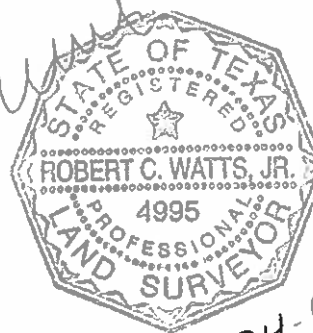
- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ NAIL FOUND
- ⊗ BOLT IN CONC FOUND
- CALCULATED POINT

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE STATE PLANE COORDINATES, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION.

DATE OF SURVEY: 7/12/07  
 PLOT DATE: 10/24/2008  
 DRAWING NO.: 139-003-Z1  
 PROJECT NO.: 139-003

**Chaparral**



10-24-09