

RESTRICTIVE COVENANT

OWNER: Nasib Naser and May Aranki

ADDRESS: 3575 Ashmere Loop, Round Rock, Texas 78681

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 2.881 acre 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 ("Agreement"). 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 as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation Group, dated November 2011, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department, dated November 9, 2011. The TIA shall be kept on file at the Planning and Development Review Department.
2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement 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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2011.

OWNER:

Nasib Nasar

May Aranki

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

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§

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the ____ day of _____, 2011, by Nasib Nasar.

Notary Public, State of Texas

THE STATE OF TEXAS

§

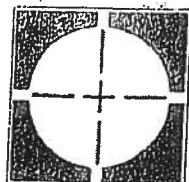
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COUNTY OF TRAVIS

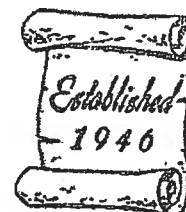
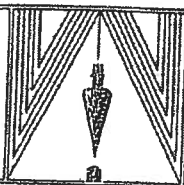
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This instrument was acknowledged before me on this the ____ day of _____,
2011, by May Aranki.

Notary Public, State of Texas



WATSON SURVEYING
9501 CAPITAL OF TEXAS HWY.
SUITE 303 AUSTIN, TX 78759
346-8566 FAX 346-8568

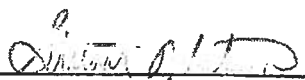


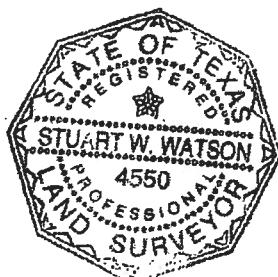
FIELD NOTES FOR 2.881 ACRES OF LAND, MORE OR LESS, BEING COMPOSED OF 2 TRACTS:
1) 2.375 ACRES, BEING THE NORTH 325 FEET OF THE SOUTH 600 FEET OF LOT 1, FRANK STARK SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 4, PAGE 199, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO NASIB NASER BY DEED RECORDED AT DOCUMENT NO. 2008030441, TRAVIS COUNTY OFFICIAL PUBLIC RECORDS (TCOPR),
2) 0.506 ACRE, BEING THAT SAME TRACT CALLED 0.46 ACRE CONVEYED TO AUBREY DON KEELING, BY DEED RECORDED IN VOLUME 3836, PAGE 558, TRAVIS COUNTY DEED RECORDS, SAID 2.881 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 80d nail found at the northeast corner of said 0.506 acre tract, which is also a point in the west ROW line of North Lamar Blvd., for the northeast corner hereof;
THENCE S20°37'30"W 105.02 feet with said ROW line and the east line of said 0.506 acre tract, to a ½" steel pin found at the northeast corner of said 2.375 acre tract, also the southeast corner of said 0.506 acre tract, for the northeast corner hereof;
THENCE S20°35'W 325.02 feet with the east line of said Lot 1 and said ROW line, to a ½" steel pin found at the southeast corner of said 2.375 acres and northeast corner of a portion of Lot 1 conveyed to Michael & Tamberly Hurosky by Document No. 2004132565, TCOPR, for the southeast corner hereof;
THENCE N61°35'W 388.84 feet with the south line of said 2.375 acres, passing at 338.95 feet a ½" steel pin found on line, to a calculated point in the west line of Frank Stark Subdivision, also the approximate centerline of Spring Branch, for the southwest corner hereof;
THENCE along said west line of Frank Stark Subdivision and approximate centerline of Spring Branch these 5 courses:
1) N30°54'E 107.61 feet to angle point,
2) N63°18'E 114.20 feet to angle point,
3) N46°30'E 125.90 feet to angle point,
4) N47°30'E 74.60 feet, passing at 1.16 feet the northwest corner of said 2.375 acre tract and southwest corner of said 0.506 acre tract, to angle point,
5) N26°32'E 34.63 feet to computed point at the northwest corner of said 0.506 acre tract, for northwest corner hereof;
THENCE S61°35'38"E 198.00 feet, passing at 33.04 feet a ½" steel pin with orange cap set on line, with the north line of said 0.506 acre tract to the POINT OF BEGINNING, containing 2.881 acres of land, more or less.

Bearing basis is the second course above on west ROW line of North Lamar Blvd., from record plat of Frank Stark Subdivision (4/199)

Field notes prepared 18 August 2010 by:


Stuart Watson, RPLS 4550



SKETCH TO ACCOMPANY FIELD NOTES FOR 2.881 ACRES OF LAND, MORE OR LESS, BEING COMPOSED OF 2 TRACTS:

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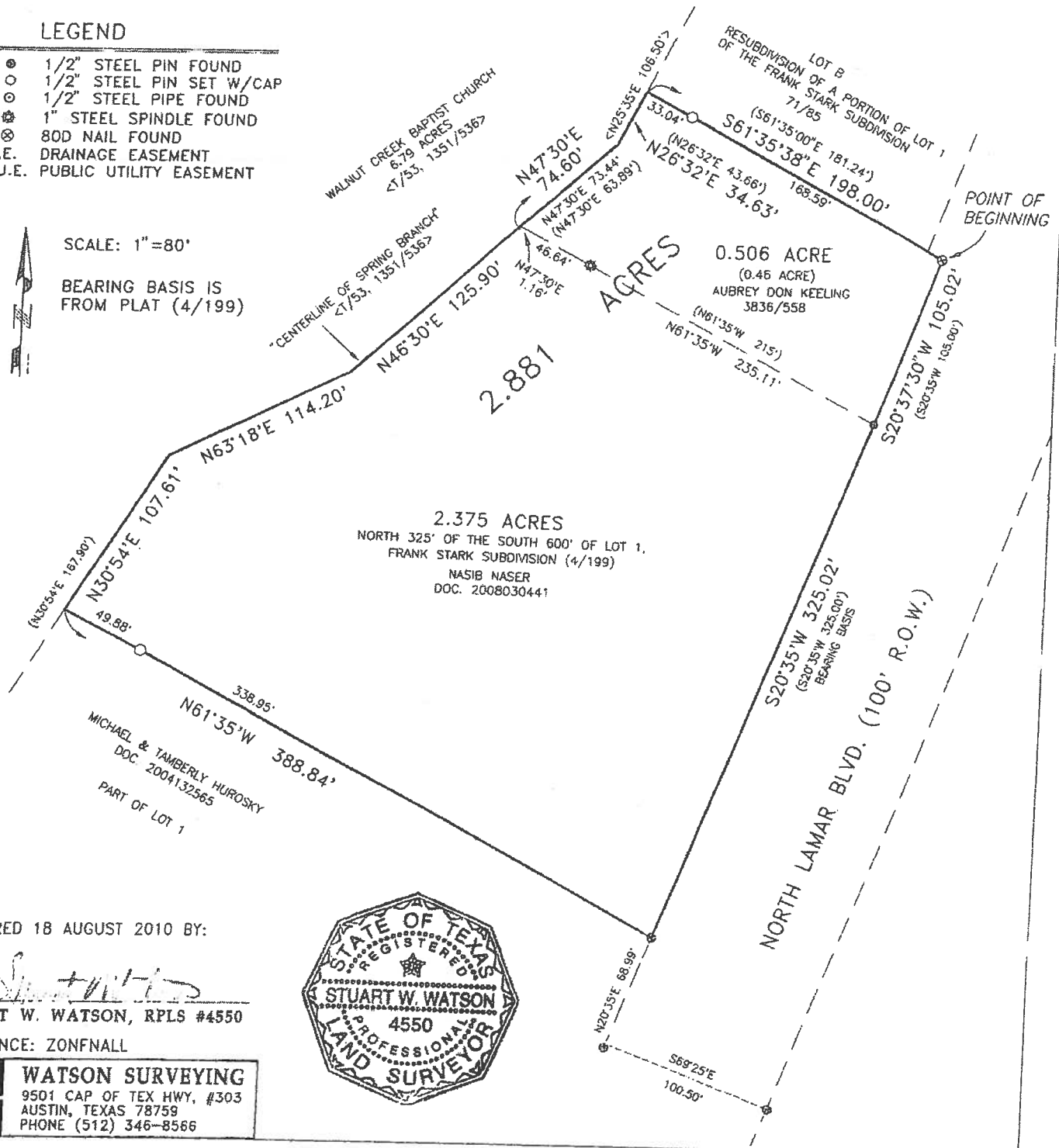
LEGEND

- 1/2" STEEL PIN FOUND
- 1/2" STEEL PIN SET W/CAP
- 1/2" STEEL PIPE FOUND
- ⊗ 1" STEEL SPINDLE FOUND
- ⊗ 80D NAIL FOUND
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



SCALE: 1"=80'

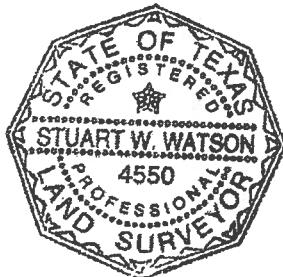
BEARING BASIS IS FROM PLAT (4/199)



PREPARED 18 AUGUST 2010 BY:

STUART W. WATSON, RPLS #4550

REFERENCE: ZONFNALL



WATSON SURVEYING
9501 CAP OF TEX HWY, #303
AUSTIN, TEXAS 78759
PHONE (512) 346-8566

