



Bich

AUSTIN CITY CLERK
RECEIVED

Zoning Case No. C14-2012-0067

2012 NOV 13 AM 10 43

RESTRICTIVE COVENANT

OWNER: Equity Secured Capital, LP

ADDRESS: 1700 ½ Frontier Valley Drive, Austin, Texas 78741

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 9.542 acre tract of land out of the Santiago Del Valley Grant, said 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. Owner agrees to reserve 70 feet of right-of-way perpendicular to the center line of Frontier Valley Drive for future right-of-way, under Sections 25-6-51 through 25-6-54 in Chapter 25-6 of the City Code. A building or structure may not be erected nor may improvements be made within the reserved right-of-way as determined by the Planning and Development Review Department, except as otherwise authorized by the City of Austin. Said right-of-way is generally depicted on Exhibit "B" attached.
2. Development of the Property shall comply with Subchapter E, Subsection 2.2.3 of Section 25-2 of the City Code in the following manner:
 - a. Buildings adjacent to Frontier Valley Drive shall be oriented towards Frontier Valley Drive and buildings adjacent to a right-of-way reserve shall be oriented towards the reserve;
 - b. Surface parking shall be interior to the site; and,
 - c. Sidewalks shall be provided along Frontier Valley Drive.

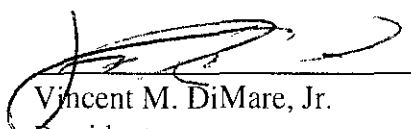
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
4. 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.
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, 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 18th day of October, 2012.

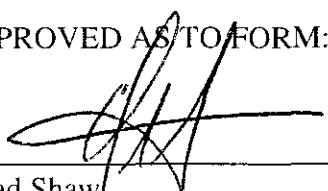
OWNER:

EQUITY SECURED CAPITAL, LP
a Texas limited partnership

By: EQUITY SECURED INVESTMENTS, INC.
a Texas corporation
its General Partner

By: 
Vincent M. DiMare, Jr.
President

APPROVED AS TO FORM:


Chad Shaw
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 18th day of October, 2012, by Vincent M. DiMare, Jr. President of Equity Secured Investments, Inc., general partner of Equity Secured Capital, LP, a Texas limited partnership, on behalf of the limited partnership.



Candy Hinkle
Notary Public, State of Texas

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

Field Notes

BEING 9.542 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 22.23 ACRE TRACT CONVEYED TO EQUITY SECURED CAPITAL, LP BY SUBSTITUTE TRUSTEE'S DEED, EXECUTED ON MAY 6, 2010 AND FILED FOR RECORD ON JUNE 4, 2010, RECORDED IN DOCUMENT 2010079698 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9.542 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the northwesterly right-of-way line of Frontier Valley Drive (R.O.W. varies), and in the southeasterly line of said 22.23 acre Equity Secured Capital, LP tract, for the Point of Beginning and the most easterly corner of the herein described tract of land, from which a calculated point at the most easterly corner of said 22.23 acre Equity Secured Capital, LP tract and in the southwesterly line of the tract conveyed to FVMHP, LP by deed recorded in Document 2009191342 of the Official Public Records of Travis County, Texas bears North 45°32'54" East, a distance of 600.00 feet and from the most easterly corner of said 22.23 acre Equity Secured Capital, LP tract a 1/2 inch iron rod found bears North 45°32'54" East, a distance of 0.11 feet;

1) THENCE, South 45°32'54" West, a distance of 749.40 feet, with the northwesterly right-of-way line of Frontier Valley Drive and the southeasterly line of said 22.23 acre Equity Secured Capital, LP tract, to 5/8 inch iron rod with MWM cap set for the most southerly corner of the herein described tract of land, from which a 1/2 inch iron rod found at the intersection of the northwesterly right-of-way line of Frontier Valley and the northeasterly right-of-way line of East Riverside Drive (R.O.W. varies), same being a southeasterly corner of said 22.23 acre Equity Secured Capital, LP tract bears South 45°32'54" West, a distance of 293.03 feet;

2) THENCE, North 44°33'13" West, a distance of 553.30 feet, leaving the northwesterly right-of-way line of Frontier Valley Drive and the southeasterly line of said 22.23 acre Equity Secured Capital, LP tract and crossing said 22.23 acre Equity Secured Capital, LP tract, to a 5/8 inch iron rod with MWM cap set in the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract and the southeasterly line of the 17.09 acre tract conveyed as Tract VI, to Vargas Properties I, Ltd., by deed recorded in Volume 12842, Page 557 of the Real Property Records of Travis County, Texas, for the most westerly corner of the herein described tract of land, from which an iron rod found in the northeasterly right-of-way line of East Riverside Drive and at the most westerly corner of said 22.23 acre Equity Secured Capital, LP tract and the most southerly corner of the 1.01 acre tract conveyed as tract VII to Vargas Properties I, Ltd., by deed recorded in Volume 12842, Page 557 of the Real Property Records of Travis County, Texas, bears South 45°22'45" West, a distance of 480.00 feet;

3) THENCE, North 45°22'45" East, a distance of 750.00 feet, with the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract and the southeasterly line of said 17.09 acre Vargas Properties I, Ltd. tract to a calculated point for the most northerly corner of the herein described tract of

land, from which a 3/4 inch iron pipe found in the southwesterly right-of-way line of Lawrence Street (30' R.O.W.), same being an angle point in the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract, and the most westerly corner of said 17.09 acre Vargas Properties I, Ltd tract, bears North 45°22'45" East, a distance of 35.57 feet;

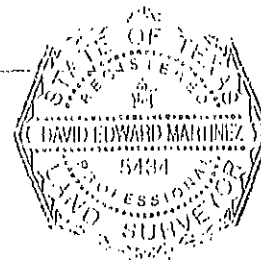
4) THENCE, South 44°29'30" East, a distance of 555.42 feet, leaving the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract and the southeasterly line of said 17.09 acre Vargas Properties I, Ltd tract and crossing said 22.23 acre Equity Secured Capital, LP tract, to the Point of Beginning and containing an area of 9.542 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

David Edward Martinez
Registered Professional Land Surveyor 5434

Date 11/7/11

305 East Huntland Drive
Suite 200
Austin, Texas 78712
(512) 453-0767



Bearing Basis: Northwesterly Line (North 45°22'45" East, 1265.71') of 22.23 acres conveyed Equity Secured Capital, LP in Document 2010079698 of the Official Public Records of Travis County, Texas

TCAD No.: 0309160106
CTTY CPID No.: 118

LINE TABLE		
LINE	BEARING	LENGTH
11	N45°22'45"E	35.57'

SCALE:
1"=200'

SANTIAGO DEL
VALLE GRANT

VARGAS PROPERTIES I, LTD.,
A TEXAS LIMITED PARTNERSHIP
TRACT VI (17.09 ACRES)
VOL. 12842, PG. 557 RPRTCT

TRACT VII
(1.01 ACRES)

(N61°40'00"W)
(508.73')
(S45°23'00"W)
(98.89')
(N61°40'00"W)
(391.54')

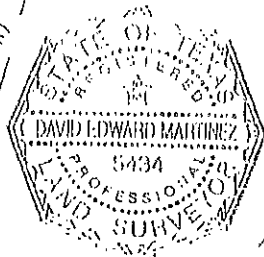
EAST RIVERSIDE DRIVE
(ROW VARIES)

CHERNOSKY No. 17
BK. 5, PG. 130 PRCTCT

SANTO STREET
(50' ROW)

EQUITY SECURED CAPITAL, LP
(22.23 AC.)
DOC. 2010079698
OPRTCT

POINT OF
BEGINNING



LEGEND

- 5/8" IRON ROD W/MWM CAP SET
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ 3/4" IRON PIPE FOUND
- △ CALCULATED POINT
- RPRTCT REAL PROPERTY RECORDS OF TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS CO, TX

BEARING BASIS: NORTHWESTERLY LINE (N45°22'45"E, 2165.71') OF 22.23 ACRES CONVEYED IN DOCUMENT 2010079698 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

SKETCH TO ACCOMPANY FIELD NOTES

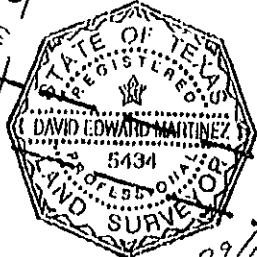
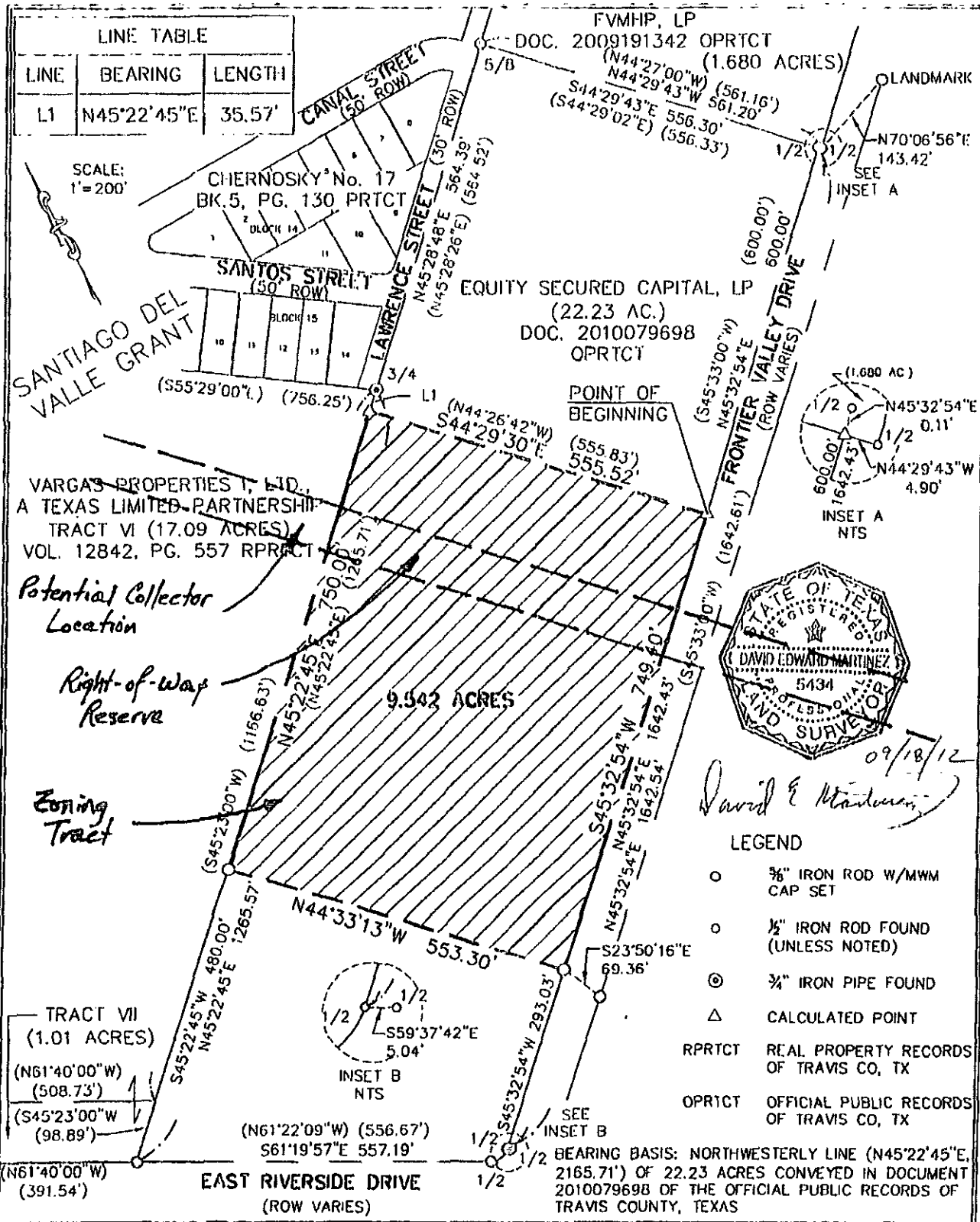
TRAVIS COUNTY, TEXAS

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0717
f: 512.453.1734

DATE: 10/21/2012
JOB NO.: 47702
FILE: 9_513 AG

LINE TABLE		
LINE	BEARING	LENGTH
L1	N45°22'45"E	35.57'

SCALE:
1"=200'



09/18/12
David E. Martinez

LEGEND

- 3/8" IRON ROD W/MWM CAP SET
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ 3/4" IRON PIPE FOUND
- △ CALCULATED POINT
- RPRCT REAL PROPERTY RECORDS OF TRAVIS CO, TX
- OPRCT OFFICIAL PUBLIC RECORDS OF TRAVIS CO, TX

TRACT VII
(1.01 ACRES)
(N61°40'00"W)
(508.73')
(S45°23'00"W)
(98.89')
(N61°40'00"W)
(391.54')

EAST RIVERSIDE DRIVE
(ROW VARIES)

BEARING BASIS: NORTHWESTERLY LINE (N45°22'45"E, 2165.71') OF 22.23 ACRES CONVEYED IN DOCUMENT 2010079698 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS



305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1731

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 18 SEP 2012
JOB# 47702
FILE: 9.542 AC

3

3 OF 3

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Oct 26, 2012 02:42 PM

2012181994

HAYWOODK: \$44.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

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.