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Zoning Case No. C14-2012-0093

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**RESTRICTIVE COVENANT**

OWNER: First Continental Investment Co., Ltd.

ADDRESS: 5218 Westheimer Road, Suite, 1450, Houston, TX 77057

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 109.174 acre tract of land, more or less, out of the Santiago Del Valle Grant, the tract of land being more particularly described by metes and bounds in the attached Exhibit "A" 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 Robert J. Halls, RJH & Associates, dated July 23, 2012, 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 December 10, 2012. 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 15th day of JANUARY, 2013.

**OWNER:**

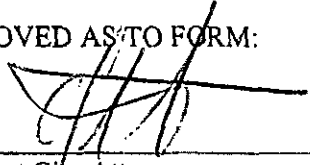
FCC Management Co. GP, L.L.C., a Texas  
limited liability company

By: FCC Management Co., L.P., a Texas  
limited partnership,  
its sole general partner

By: First Continental Investment  
Co., Ltd., a Texas limited  
partnership,  
its sole general partner

By: John M. Bonner  
John M. Bonner  
President

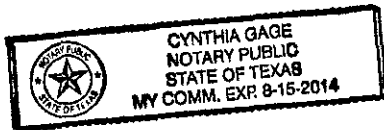
APPROVED AS TO FORM:

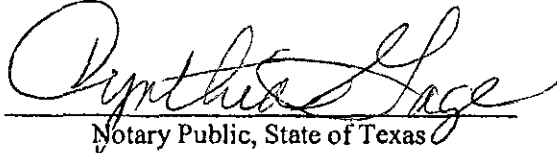
  
\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 15<sup>th</sup> day of JANUARY, 2013, by John M. Bonner, President of First Continental Investment Co., Ltd., a Texas limited partnership, the sole general partner of FCC Management Co., L.P., a Texas Limited partnership, the sole general partner of FCC Management Co. GP, L.L.C., a Texas limited liability company on behalf of said company.



  
Notary Public, State of Texas

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

C14-2012-0093

109.174 ACRES  
SANTIAGO DEL VALLE GRANT  
TRAVIS COUNTY, TEXAS  
ZONING TRACT

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN 114.545 ACRE TRACT SAVE AND EXCEPT 5.545 ACRES CONVEYED TO LOC 261, LLC, AS DESCRIBED IN DOCUMENT NUMBER 2006219146, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 109.174 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a capped 1/2" iron pipe found for the southwestern corner of a 1.992 acre tract conveyed to Hector Aguirre in Document No. 2002246237, Official Public Records of Travis County, Texas, common to a western corner of said 114.545 acre tract, also being in the eastern right-of-way line of Bradshaw Road (R.O.W. varies) and a western corner and **POINT OF BEGINNING** of the herein described tract,

**THENCE** leaving the said right-of-way line of Bradshaw Road, and with the common boundary line of said 1.992 acre tract and said 114.545 acre, the following three (3) courses and distances, numbered 1 through 3,

1. S62°48'14"E, a distance of 207.69 feet to a 1/4" iron rod found,
2. N27°34'23"E, a distance of 417.01 feet to a capped 1/4" iron rod found, and
3. N62°40'45"W, a distance of 208.42 feet to a capped 1/4" iron rod found, at the northwestern corner of said 1.992 acre tract, common to a western corner of said 114.545 acre tract, and in the eastern right-of-way line of said Bradshaw Road,

**THENCE** with the common boundary line of said 114.545 acre tract, and said Bradshaw Road, N27°25'23"E, a distance of 258.80 feet, to a 1/4" iron rod found at the southwestern corner of a 2.00 acre tract of land conveyed to Wanda J. Baker Daugherty in Document No. 2009102463, Official Public Records of Travis County, Texas, common to a western corner of said 114.545 acre tract,

**THENCE** leaving the said right-of-way line of Bradshaw Road, and with the common boundary line of said 2.00 acre tract and said 114.545 acre, the following three (3) courses and distances, numbered 1 through 3,

1. S69°03'22"E, a distance of 291.73 feet to a 1/4" iron rod found,
2. N27°39'35"E, a distance of 300.48 feet to a 1/4" iron rod found, and
3. N69°07'25"W, a distance of 294.34 feet to a 1/4" iron rod found, at the northwestern corner of said 2.00 acre tract, common to a western corner of said 114.545 acre tract, and in the eastern right-of-way line of said Bradshaw Road,

**THENCE** with the common boundary line of said 114.545 acre tract, and said Bradshaw Road, N27°28'29"E, a distance of 696.73 feet, to a calculated point in the center line of Onion Creek, for the northernmost corner of said 114.545 acre tract, common to the westernmost corner of a 131.46 acre tract conveyed to Lennar Buffington Zachary Scott, LP, in Document No. 2004186026, Official Public Records of Travis County, Texas,

**THENCE** with the common boundary line of said 114.545 acre tract, and said 131.46 acre tract, with the meanders of the centerline of Onion Creek, the following twenty-one (21) courses and distances, numbered 1 through 21,

1. S50°47'08"E, a distance of 84.91 feet to a calculated point,
2. S38°35'58"E, a distance of 82.50 feet to a calculated point,
3. S38°24'06"E, a distance of 38.15 feet to a calculated point,
4. S29°25'33"E, a distance of 59.36 feet to a calculated point,
5. S21°45'42"E, a distance of 40.80 feet to a calculated point,
6. S07°59'23"E, a distance of 26.33 feet to a calculated point,
7. S07°38'43"W, a distance of 42.02 feet to a calculated point,
8. S08°17'53"E, a distance of 84.91 feet to a calculated point,
9. S02°17'43"E, a distance of 68.69 feet to a calculated point,
10. S08°12'00"E, a distance of 76.92 feet to a calculated point,
11. S08°27'53"E, a distance of 48.92 feet to a calculated point,

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SANTIAGO DEL VALLE GRANT  
TRAVIS COUNTY, TEXAS  
ZONING TRACT

12. S20°42'02"W, a distance of 44.99 feet to a calculated point,
13. S04°10'54"E, a distance of 49.66 feet to a calculated point,
14. S17°26'40"E, a distance of 75.08 feet to a calculated point,
15. S08°36'33"E, a distance of 123.13 feet to a calculated point,
16. S06°32'20"E, a distance of 108.22 feet to a calculated point,
17. S04°11'41"E, a distance of 137.19 feet to a calculated point,
18. S26°51'03"W, a distance of 120.91 feet to a calculated point,
19. S28°03'18"E, a distance of 77.54 feet to a calculated point,
20. S47°06'08"E, a distance of 84.47 feet to a calculated point, and
21. S16°50'56"W, a distance of 41.44 feet to a 1/2" iron rod found, for a northern corner of said 114.545 acre tract, common to a southern corner of said 131.46 acre tract,

THENCE with the common boundary line of said 114.545 acre tract, and said 131.46 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. S46°45'46"E, a distance of 1303.53 feet, to a 1/2" iron pipe found, and
2. N44°51'36"E, a distance of 153.52 feet, to a calculated point in the center line of Onion Creek, for a northern corner of said 114.545 acre tract common to a southern corner of said 131.46 acre tract,

THENCE with the common boundary line of said 114.545 acre tract, and said 131.46 acre tract, with the meanders of the centerline of Onion Creek, the following two (2) courses and distances, numbered 1 and 2,

1. N44°14'05"E, a distance of 69.57 feet to a calculated point, and
2. N80°49'03"E, a distance of 82.14 feet to a calculated point, for the southeastern corner of said 131.46 acre tract, common to a northern corner of said 114.545 acre tract, also being a southwestern corner of a 74.419 acre tract conveyed to The Vistas of Austin, Ltd., in Document No. 2007028448, Official Public Records of Travis County, Texas,

THENCE with the common boundary line of said 114.545 acre tract, and said 74.419 acre tract, with the meanders of the centerline of Onion Creek, the following twenty-two (22) courses and distances, numbered 1 through 22,

1. S39°38'14"E, a distance of 51.67 feet to a calculated point,
2. S47°14'01"E, a distance of 49.24 feet to a calculated point,
3. S16°34'53"E, a distance of 50.27 feet to a calculated point,
4. S28°23'08"W, a distance of 28.34 feet to a calculated point,
5. S30°07'55"E, a distance of 28.33 feet to a calculated point,
6. S50°54'36"E, a distance of 83.56 feet to a calculated point,
7. S86°37'54"E, a distance of 34.06 feet to a calculated point,
8. N49°02'35"E, a distance of 88.71 feet to a calculated point,
9. N23°53'22"E, a distance of 47.68 feet to a calculated point,
10. N03°46'27"E, a distance of 80.68 feet to a calculated point,
11. N00°24'56"W, a distance of 57.24 feet to a calculated point,
12. N13°15'39"W, a distance of 63.45 feet to a calculated point,
13. N61°12'43"E, a distance of 49.99 feet to a calculated point,
14. S67°10'32"E, a distance of 68.50 feet to a calculated point,
15. S61°21'13"E, a distance of 48.30 feet to a calculated point,
16. S68°13'52"E, a distance of 44.11 feet to a calculated point,
17. S58°38'11"E, a distance of 51.70 feet to a calculated point,
18. S68°29'40"E, a distance of 104.65 feet to a calculated point,
19. S72°23'08"E, a distance of 105.62 feet to a calculated point,
20. S55°22'26"E, a distance of 107.66 feet to a calculated point,
21. S47°43'10"E, a distance of 135.35 feet to a calculated point,
22. S35°47'48"E, a distance of 51.34 feet to a calculated point, for the easternmost corner of said 114.545 acre tract, common to a southern corner of said 74.419 acre tract, and also being a northern corner of a 52.39 acre tract conveyed to Hazel L. Jones in Document No. 1999129800, Official Public Records of Travis County, Texas,

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THENCE with the common boundary line of said 114.545 acre tract, and said 52.39 acre tract, the following four (4) courses and distances, numbered 1 through 4,

1. S71°18'35"W, a distance of 626.54 feet to a capped ½" Iron rod set,
2. S71°38'45"W, a distance of 874.38 feet to a capped ½" Iron rod found,
3. S71°07'52"W, a distance of 237.10 feet to a capped ½" Iron rod set,
4. S71°31'24"W, a distance of 784.29 feet to a ½" Iron pipe found, for a southern corner of said 114.545 acre tract, common to a northwestern corner of said 52.39 acre tract, and also being the northernmost corner of a 5.78 acre tract conveyed to Ron and Linda Hawkins Family Trust in Document No. 2000039723, Official Public Records of Travis County, Texas,

THENCE with the common boundary line of said 114.545 acre tract, and said 5.78 acre tract, S70°58'29"W, a distance of 549.12 feet to a ½" iron pipe found, for the northwestern corner of said 5.78 acre tract, common to a southern corner of said 114.545 acre tract, also being the northernmost corner of a 1.99 acre tract conveyed to Maria Carmen Gonzales in Volume 13325, Page 349, Official Public Records of Travis County, Texas,

THENCE with the common boundary line of said 114.545 acre tract, and said 1.99 acre tract, S71°31'17"W, a distance of 590.32 feet to a ½" Iron rod found, for the westernmost corner of said 1.99 acre tract, common to a southeastern corner of said 114.545 acre tract, also being in the northern right-of-way line of said Bradshaw Road,

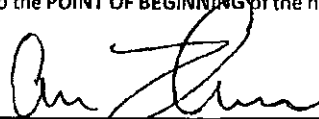
THENCE with the common boundary line of said 114.545 acre tract, and said Bradshaw Road, N60°55'15"W, a distance of 233.30 feet, to a capped ½" Iron rod found for a southwestern corner of said 114.545 acre tract, common to a southeastern corner of said 5.545 acre save and except tract,

THENCE crossing said 114.545 acre tract and with an eastern and northern boundary line of said 5.545 acre save and except tract, the following seven (7) courses and distances, numbered 1 through 7,

1. N08°33'02"E, a distance of 202.48 feet to a capped ½" Iron rod set at a point of curvature to the right,
2. With said curve to the right having a radius of 225.00 feet, an arc length of 137.50 feet, and whose chord bears N08°59'12"W, a distance of 135.37 feet to a capped ½" Iron rod set,
3. N08°31'15"E, a distance of 391.87 feet to a capped ½" Iron rod set at a point of curvature to the right,
4. With said curve to the right having a radius of 350.00 feet, an arc length of 115.79 feet, and whose chord bears N17°59'53"E, a distance of 115.26 feet to a capped ½" Iron rod set,
5. N27°28'31"E, a distance of 247.18 feet to a capped ½" Iron rod set at a point of curvature to the left,
6. With said curve to the left having a radius of 20.00 feet, an arc length of 31.41 feet, and whose chord bears N17°31'25"W, a distance of 28.28 feet to a capped ½" Iron rod set, and
7. N62°31'21"W, a distance of 129.71 feet to a capped ½" Iron rod found for a northwestern corner of said 5.545 acre save and except tract, common to a western corner of said 114.545 acre tract, also being in the eastern right-of-way line of said Bradshaw Road,

THENCE with the common boundary line of said 114.545 acre tract, and said Bradshaw Road, N27°27'40"E, a distance of 896.80 feet, to the POINT OF BEGINNING of the herein described tract, and containing 109.174 acres of land.

Surveyed by:

 03 MAY 2012

AARON V. THOMASON, R.P.L.S. NO. 6214  
Carlson, Briggance and Doering, Inc.  
5501 West William Cannon  
Austin, TX 78749  
Ph: 512-280-5160 Fax: 512-280-5165  
[aaron@cbdeng.com](mailto:aaron@cbdeng.com)



BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD 83,

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Jan 18, 2013 04:20 PM 2013011120

VANHOOSEJ: \$40.00

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.