



TRV

2013037501

8 PGS

Zoning Case No. C14-2012-0114

*SM***RESTRICTIVE COVENANT**

OWNER: Joycevus, Inc., a Texas corporation

ADDRESS: P.O. Box 1090, Kyle, TX 78640

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 1.960 acre tract of land out of the Santiago Del Valle 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. Hours of operation for a business located on the Property are limited to the hours of 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday.
2. 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 HDR Engineering, Inc., dated December 31, 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 January 11, 2013. The TIA shall be kept on file at the Planning and Development Review Department.

AUSTIN CITY CLERK
RECEIVED

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Feb 14 0 senda # 666

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 29 day of January, 2013.

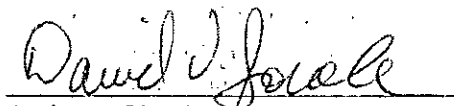
OWNER:

JOYCEVUS, INC., A TEXAS CORPORATION



T. Marc Knutsen
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 29 day January of, 2013, by T. Marc Knutsen, President of Joycevus, Inc., a Texas corporation, on behalf of said corporation.



Dora E. Anguiano
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



Landesign Services, Inc.

555 Round Rock West Drive
Bldg. D, Suite 170
Round Rock, Texas 78681
512-238-7901 office
512-238-7902 fax

EXHIBIT " "

METES AND BOUNDS DESCRIPTION

BEING 1.960 OF AN ACRE OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF LOT 4 CHEVY CHASE SOUTH PHASE SIX RECORDED IN BOOK 85, PAGE 127B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), A PORTION OF LOT 1, BLOCK A, MONACO SUBDIVISION OF RECORD IN DOCUMENT NUMBER 200200348 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.) AND BEING A PORTION OF A 2.04 ACRE TRACT DESCRIBED IN VOLUME 12345, PAGE 718 OF THE REAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the southeast corner of said Lot 1, the southeast corner of Lot 2, Chevy Chase South, Phase 2 a subdivision of record in Cabinet 78, Slide 138 of the P.R.T.C.T. and in the west right-of-way line of Wickersham Lane (70' R.O.W.)

THENCE South 70°28'35" West with the east line of said Lot 1 and the existing west right-of-way line of said Wickersham Lane a distance of 34.90 feet to an iron rod found;

THENCE continuing along with the east line of said Lot 1 and the existing west right-of-way line of said Wickersham Lane along a curve to the left, having a radius of 841.63 feet, a delta angle of 22°04'49", a length of 324.34 feet and a chord which bears South 59°16'54" West a distance of 322.34 feet to an iron rod found;

THENCE continuing along with the east line of said Lot 1 and the existing west right-of-way line of said Wickersham Lane along a curve to the right, having a radius of 15.00 feet, a delta angle of 86°40'52", a length of 22.69 feet and a chord which bears North 88°25'05" West a distance of 20.59 feet to an 1/2" iron rod with cap marked "LANDESIGN" found;

THENCE along with the south line of said Lot 1 and the existing north right-of-way line of East Oltorf Street (90' R.O.W.) along a curve to the left, having a radius of 2036.28.00 feet, a delta angle of 05°48'49", a length of 206.61 feet and a chord which bears North 47°59'03" West a distance of 206.52 feet to a 1/2" iron rod with cap marked "LANDESIGN" set;

THENCE North 39°56'04" East crossing through said Remainder Lot 4 a distance of 33.78 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the south line of said Lot 1;

THENCE North 25°37'48" West with the south line of said Lot 1 a distance of 27.06 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the west line of said 2.04 acre tract;

THENCE North 38°29'26" East with the west line of said 2.04 acre tract and crossing through said Lot 1 a distance of 90.62 feet to a 1/2" iron rod with cap marked "LANDESIGN" set;

THENCE with the west line of said Lot 1 and the east line of said Remainder of Lot 4 the following two (2) courses:

1. South 79°12'56" East a distance of 1.29 feet to a iron rod found;
2. North 42°18'22" East a distance of 66.49 feet to 1/2" iron rod with cap marked "LANDESIGN" set;

THENCE crossing through said Lot 1 the following two (2) courses:

1. South 53°29'40" East a distance of 74.09 feet to a 1/2" iron rod with cap marked "LANDESIGN" set;
2. North 84°20'44" East a distance of 39.13 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the west line of said Lot 1 and the east line of said Remainder of Lot 4 and the west line of said 2.04 acre tract;

THENCE with the west line of said 2.04 acre tract and crossing through said Lot 1 the following two(2) courses:

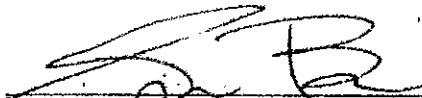
1. South 67°24'08" East a distance of 46.23 feet to a 1/2" iron rod with cap marked "LANDESIGN" set;
2. North 59°57'23" East a distance of 52.99 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the west line of said Lot 1 and the east line of said Remainder of Lot 4;

THENCE along the west line of said Lot 1 and the east line of said Remainder of Lot 4 the following three (3) courses:

1. North 84°20'44" East a distance of 11.49 feet to an iron rod found;
2. South 86°27'46" East a distance of 8.26 feet to an iron rod found;
3. North 63°07'55" East a distance of 91.86 feet to an iron rod found in the north line of said Lot 1 and the south line of said Lot 2;

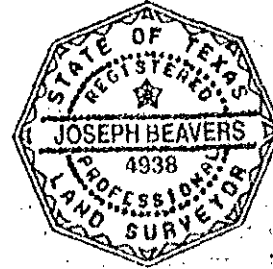
THENCE South 30°03'52" East with the north line of said Lot 1 and the south line of said Lot 2 a distance of 165.60 feet to the POINT OF BEGINNING.

This parcel contains 1.960 of an acre of land, out of the Santiago Del Valle Grant, in Travis County, Texas. Description prepared from an on-the-ground survey made during September, 2012. All bearings are based on the north right-of-way line of Wickersham Lane as shown on the Monaco subdivision of record in Doc. No. 200200348 of the Official Public Records of Travis County, Texas.



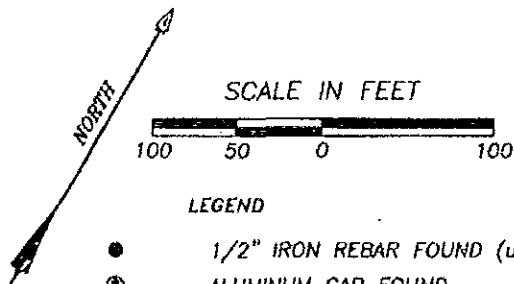
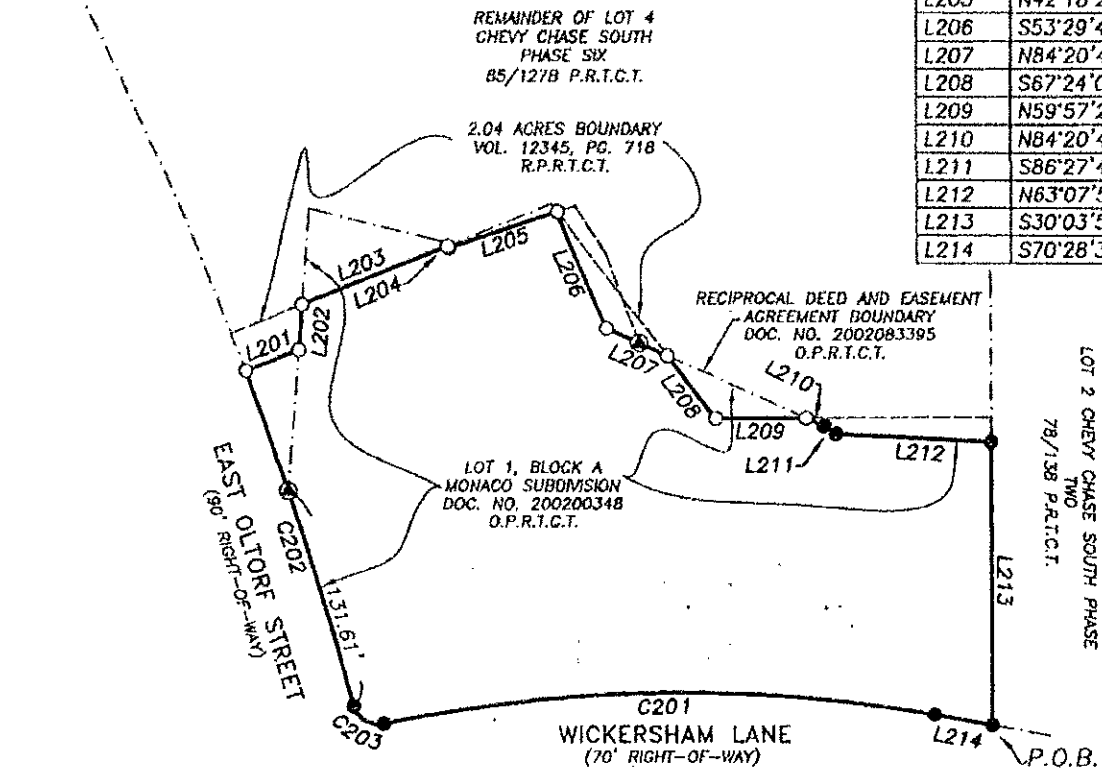
Joseph Beavers Date
Registered Professional Land Surveyor
State of Texas No. 4938

15 Nov 12



NO.	Radius	Delta Angle	Length	Chord Bearing	Chord Length
C201	841.63	22°04'49"	324.34	S59°16'54"W	322.34
C202	2036.28	05°48'49"	206.61	N47°59'03"W	206.52
C203	15.00	86°40'52"	22.69	N88°25'05"W	20.59

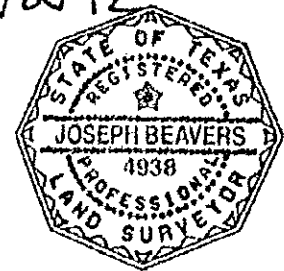
NUMBER	DIRECTION	DISTANCE
L201	N39°56'04"E	33.78'
L202	N25°37'48"W	27.06'
L203	N38°29'26"E	90.62'
L204	S79°12'56"E	1.29'
L205	N42°18'22"E	66.49'
L206	S53°29'40"E	74.09'
L207	N84°20'44"E	39.13'
L208	S67°24'08"E	46.23'
L209	N59°57'23"E	52.99'
L210	N84°20'44"E	11.49'
L211	S86°27'46"E	8.26'
L212	N63°07'55"E	91.86'
L213	S30°03'52"E	165.60'
L214	S70°28'35"W	34.90'



LEGEND

- 1/2" IRON REBAR FOUND (unless noted otherwise)
- ⊙ ALUMINUM CAP FOUND
- ⊠ PUNCH/DRILL/"X" FOUND
- 1/2" IRON REBAR W/ORANGE PLASTIC CAP STAMPED "LANDESIGN" SET
- P.O.C POINT OF COMMENCEMENT
- P.O.B POINT OF BEGINNING

SR
15 Nov 12



JOB NUMBER: 220-09-02 DATE: 09/10/2012

PROJECT NAME: 2440 WICKERSHAM

DRAWING NAME: 2200903 ZONNING

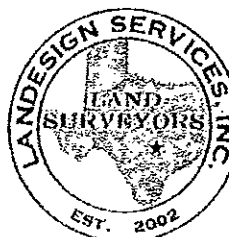
DRAWING FILE PATH:

L:\2240 WICKERSHAM\DWG\2200202METES_SWAP

FIELDNOTE FILE PATH:

RPLS: JB TECH: JCA PARTYCHIEF: PC CHK BY: JB

SHEET 1 of 1 FIELDBOOKS: SCALE: 1"= 100'



LANDESIGN
SERVICES, INC.

512-298-7001
555 ROUND ROCK WEST DR.
BUILDING D, SUITE 170
ROUND ROCK, TEXAS 78081

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.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Mar 01, 2013 03:08 PM 2013037501

BENAVIDESV: \$44.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS