

Zoning Case No. C14-2014-0083RC

**RESTRICTIVE COVENANT**

# 4 /  
Revised  
legal  
description

OWNER: 2416 East Sixth Street L.P., a Texas limited partnership

ADDRESS: 301 Congress Avenue, Suite 500, Austin, Texas 78701

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: 2.19 acre tract of land being all of Lot 1, Outlot 10, Division "A" of the H & T.C.R.R. Addition, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Property").

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 HDR Engineering, Inc., dated October 23, 2013 and amended on May 9, 2014 or as further amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the Planning and Development Review Department, Transportation Review Section's staff memorandum ("memorandum"), and any amendments to the memorandum that address subsequent TIA updates for the Property. The TIA and memorandum 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 13<sup>TH</sup> day of MAY, 2014.

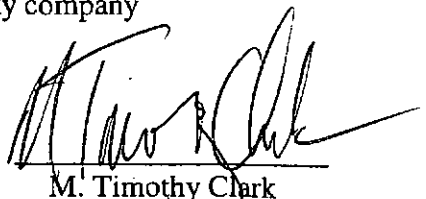
**OWNER:**

2416 EAST SIXTH STREET L.P., a Texas limited partnership

By: 2416 EAST SIXTH STREET GP LP, a Texas limited partnership, its general partner

By: LLANO INVESTMENTS GP LLC, a Delaware limited liability company

By:

  
M. Timothy Clark  
President

APPROVED AS TO FORM:

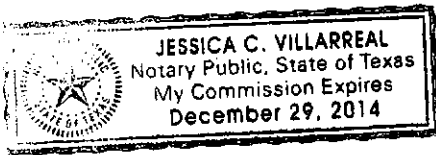
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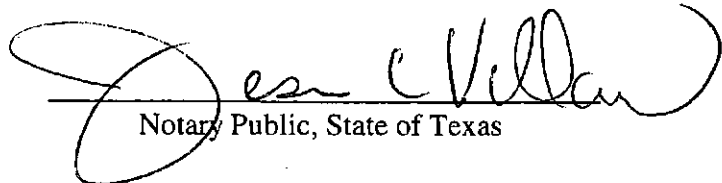
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 13<sup>th</sup> day of May, 2014, by M. Timothy Clark, President of Llano Investments GP LLC, a Delaware limited liability company, general partner of, 2416 East Sixth Street GP LP, a Texas limited partnership, general partner of, 2416 East Sixth Street L.P., a Texas limited partnership, on behalf of the partnership.



  
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**

**2.1985 ACRES OF LAND OR 95,769 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, OUTLOT 10, DIVISION "A", OF THE H. AND T.C.R.R. ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN VOLUME 2, PAGE 188, PLAT RECORDS, TRAVIS COUNTY, TEXAS AND FURTHER BEING OUT OF AND PART OF THAT CERTAIN 4.061 ACRE TRACT OF LAND DESCRIBED IN VOLUME 12782, PAGE 2456, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at an iron rod found with cap at the intersection of the south R.O.W. of Hidalgo Street, same being at the intersection of the west R.O.W. of Pedernales Street, same being at the N.E. corner of said 4.061 acre tract for the N.E. corner hereof; from which point a pipe found at the intersection of the north R.O.W. of Hidalgo Street and the west R.O.W. of Pedernales Street bears N26°24'22"E at a distance of 53.21 feet;

**THENCE** N66°57'00"W along the south R.O.W. of Hidalgo Street, same being along the north line of said 4.061 acre tract for a distance of 281.40 feet to an iron rod set with cap for the N.E. corner hereof and **POINT OF BEGINNING** of this 2.1985 acre tract of land;

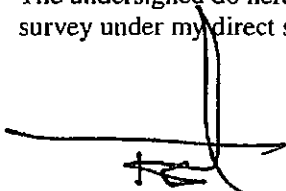
**THENCE** S23°03'00"W crossing said 4.061 acre tract for a distance of 287.98 feet to a iron rod set with cap on the north R.O.W. of East 6th Street for the S.E. corner hereof, from which point a drill hole found at the intersection of the west R.O.W. of Pedernales Street and the north R.O.W. of East 6th Street bears S66°57'00"E at a distance of 282.00 feet;

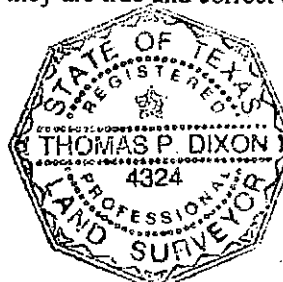
**THENCE** N66°57'00"W along the common north R.O.W. of East 6th Street and the south line of said 4.061 acre tract for a distance of 337.42 feet to an iron rod set with cap on the curving east R.O.W. of a railroad tract recorded in Volume 10536, Page 77, Real Property Records, Travis County, Texas; same being at the S.W. corner of said 4.061 acre tract for the S.W. corner hereof;

**THENCE** 290.39 feet along the curving rail road tract and the west line of said 4.061 acre tract, curving to the right with a radius of 891.80 feet and a chord which bears N28°07'00"E for a distance of 289.11 feet to an iron rod set with cap on the south R.O.W. of Hidalgo Street, same being at the N.W. corner of said 4.061 acre tract for the N.W. corner hereof;

**THENCE** S66°57'00"E along the common north line of said 4.061 acre tract and the south R.O.W. of Hidalgo Street for a distance of 311.89 feet to the **POINT OF BEGINNING** of this 2.1985 acre tract of land.

The undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

  
Thomas P. Dixon R.P.L.S. 4324



5/8/14  
Date

