Zoning Case No. C14-2014-0186

RESTRICTIVE COVENANT

OWNER: Finley Company, a Delaware Corporation

ADDRESS: P.O. Box 2086, Austin, Texas 78768

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:

Tract 1:
30.98 acre tract, prepared by Delta Survey Group, Inc., in October 2014, located in the L.C. Cunningham Survey, Abstract No. 163, in Travis County, Texas, for zoning purposes only, said 30.98 acre tract being a portion of the remainder of a 240.207 acre tract described in Volume 10048, page 845, real property records, Travis County, Texas, said 30.98 acre tract as shown on the accompanying sketch and being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant,

Tract 2:
12.35 acre tract, prepared by Delta Survey Group, Inc., in October 2014, located in the L.C. Cunningham Survey, Abstract No. 163, in Travis County, Texas, for zoning purposes only, said 12.35 acre tract being a portion of the remainder of a 240.207 acre tract described in Volume 10048, page 845, real property records, Travis County, Texas, said 12.35 acre tract as shown on the accompanying sketch and being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant,

Tract 3:
0.36 acre tract, prepared by Delta Survey Group, Inc., in October 2014, located in the L.C. Cunningham Survey, Abstract No. 163, in Travis County, Texas, for zoning purposes only, said 0.36 acre tract being a portion of the remainder of a 240.207 acre tract described in Volume 10048, page 845, real property records, Travis County, Texas, said0.365 acre tract as shown on the accompanying sketch and being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant (cumulatively referred to as 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 Robert Halls & Associates dated July 9, 2015, or as amended and approved by the Director of the Planning and Zoning Department. All development on the Property is subject to the Planning and Zoning 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 Zoning 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 _____, 2015.

OWNER:

Finley Company, a Delaware corporation

By: _____
Tim Finley, Vice 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 ___ day of _____, 2015, by Tim Finley, Vice President of Finley Company, a Delaware corporation, on behalf of said corporation.

_____
Notary Public, State of Texas

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

Tract 1

30.98 ACRES
L.C. CUNNINGHAM SURVEY
TRAVIS COUNTY, TEXAS

DESCRIPTION OF A 30.98 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP, INC. IN OCTOBER 2014, LOCATED IN THE L.C. CUNNINGHAM SURVEY, ABSTRACT No. 163, IN TRAVIS COUNTY, TEXAS, FOR ZONING PURPOSES ONLY, SAID 30.98 ACRE TRACT BEING A PORTION OF THE REMAINDER OF A 240.207 ACRE TRACT DESCRIBED IN VOLUME 10048, PAGE 845, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 30.98 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a nail found in a wood fence post for the southernmost corner of Spring Hill Village, a subdivision of record in Book 7, Page 42, Plat Records, Travis County, Texas, same being in the west line of a 25.7650 acre tract described in Document Number 1999046435, Official Public Records, Travis County, Texas, for the **POINT OF BEGINNING**;

THENCE with the west line of said 25.7650 acre tract, S27°25'49"W, a distance of 355.36 feet to a 6 inch diameter wood fence post found for the north corner of the remainder of a 8.996 acre tract described in Volume 10048, Page 845, Real Property Records, Travis County, Texas;

THENCE leaving the west line of said 25.760 acre tract, with the west line of said 8.996 acre tract, S27°43'18"W, a distance of 22.46 feet to a calculated point;

THENCE leaving the west line of said 8.996 acre tract, and crossing through the remainder of said 240.207 acre tract, the following eight (8) courses and distances:

1. N14°11'27"W, a distance of 53.72 feet to a calculated point;
2. N62°25'01"W, a distance of 190.74 feet to a calculated point;
3. N27°34'59"E, a distance of 61.75 feet to a calculated point;
4. N62°25'01"W, a distance of 310.00 feet to a calculated point;
5. S27°34'59"W, a distance of 558.63 feet to a calculated point;
6. with a curve to the right a distance of 143.89 feet, through a central angle of 25°08'07", having a radius of 328.00 feet, and whose chord bears S40°09'02"W, a distance of 142.74 feet to a calculated point;
7. S52°43'06"W, a distance of 118.23 feet to a calculated point; and,
8. with a curve to the left a distance of 23.26 feet, through a central angle of 88°51'24", having a radius of 15.00 feet, and whose chord bears S08°17'24"W, a distance of 21.00 feet to a calculated point in the northeast right-of-way (ROW) line of Wells Branch Parkway (ROW varies);

THENCE with the northeast ROW line of said Wells Branch Parkway, the following two (2) courses and distances:

1. with a curve to the left a distance of 757.19 feet, through a central angle of 20°16'20", having a radius of 2140.08 feet, and whose chord bears N46°16'28"W, a distance of 753.25 feet to an 'X' found in concrete; and,
2. N56°17'42"W, a distance of 470.72 feet to a ½ inch rod with "Delta Survey" cap found for the southernmost corner of Amending Plat of Sarah's Creek South, a subdivision of record in Document Number 200200097, Official Public Records, Travis County, Texas, same being in the northwest line of the remainder of said 240.207 acre tract;

Exhibit A

30.98 ACRES
L.C. CUNNINGHAM SURVEY
TRAVIS COUNTY, TEXAS

THENCE with the southeast line of said Amending Plat of Sarah's Creek South, N26°51'04"E, a distance of 810.81 feet to a ½ inch iron rod found for the easternmost corner of said Amending Plat of Sarah's Creek South;

THENCE with northwest line of the remainder of said 240.207 acre tract, the following two (2) courses and distances:

1. N26°17'13"E, a distance of 11.79 feet to a ½ inch rod with "Delta Survey" cap found; and
2. N51°22'35"E, a distance of 20.38 feet to a ½ inch rod with "Delta Survey" cap found in the south line of Spring Hill Village, a subdivision of record in Book 7, Page 42, Plat Records, Travis County, Texas;

THENCE with the north line of the remainder of said 240.207 acre tract, and with the south line of said Spring Hill Village, S62°25'01"E, a distance of 1803.96 feet to the **POINT OF BEGINNING** and containing 30.98 acres of land, more or less.

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN
.

Date: 10-16-14

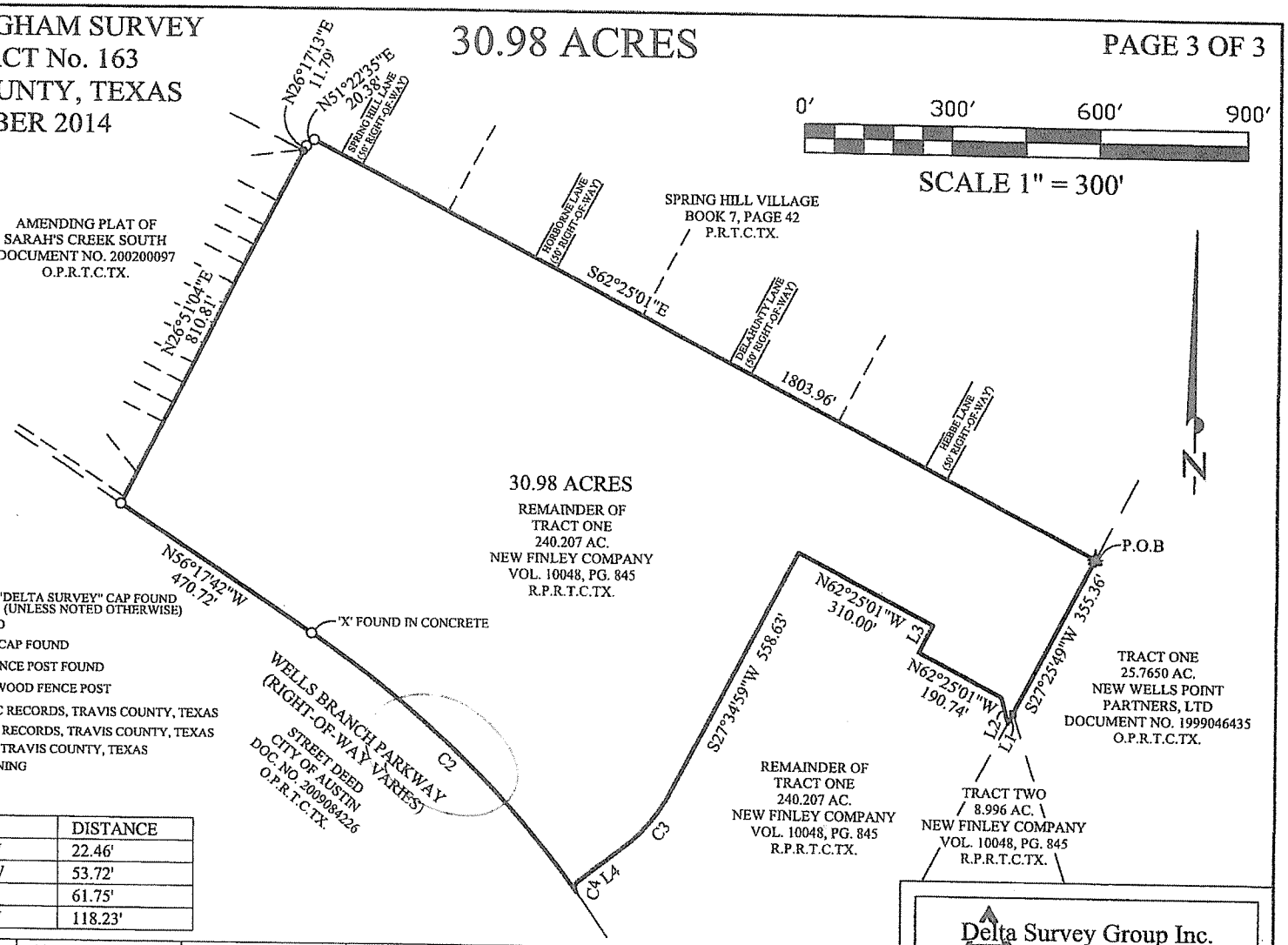
John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

STATE OF TEXAS
REGISTERED
JOHN E BRAUTIGAM
5057
PROFESSIONAL
LAND SURVEYOR

Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700

L.C. CUNNINGHAM SURVEY
ABSTRACT No. 163
TRAVIS COUNTY, TEXAS
OCTOBER 2014

30.98 ACRES



LEGEND

- ○ IRON ROD WITH "DELTA SURVEY" CAP FOUND (UNLESS NOTED OTHERWISE)
- ● IRON ROD FOUND
- ⊕ IRON ROD WITH CAP FOUND
- ■ 6 INCH WOOD FENCE POST FOUND
- ▲ NAIL FOUND IN WOOD FENCE POST

O.P.R.T.C.TX	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
P.R.T.C.TX	PLAT RECORDS, TRAVIS COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	S27°43'18"W	22.46'
L2	N14°11'27"W	53.72'
L3	N27°34'59"E	61.75'
L4	S52°43'06"W	118.23'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C2	2140.08'	757.19'	753.25'	N46°16'28"W	20°16'20"
C3	328.00'	143.89'	142.74'	S40°09'02"W	25°08'07"
C4	15.00'	23.26'	21.00'	S08°17'24"W	88°51'24"

* SKETCH TO ACCOMPANY FIELD NOTES *
ALL POINTS ARE CALCULATED UNLESS OTHERWISE NOTED
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN

Delta Survey Group Inc.
8213 BRODIE LANE STE 102 AUSTIN, TEXAS 78745
OFFICE: 512.282.5200 FAX: 512.282.5230
WWW.DELTASURVEYGROUP.COM
TBPLS FIRM NO. 10004700

QUAD PFLUGER-WEST
PROJECT 53 ACRE WELLS BRANCH ©HEATHERWILDE
DWG. 38.98 AC

© 2014 Delta Survey Group, Inc.

Tract 2

12.35 ACRES
L.C. CUNNINGHAM SURVEY
TRAVIS COUNTY, TEXAS

DESCRIPTION OF A 12.35 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP, INC. IN OCTOBER 2014, LOCATED IN THE L.C. CUNNINGHAM SURVEY, ABSTRACT No. 163, IN TRAVIS COUNTY, TEXAS, FOR ZONING PURPOSES ONLY, SAID 12.35 ACRE TRACT BEING A PORTION OF THE REMAINDER OF A 240.207 ACRE TRACT DESCRIBED IN VOLUME 10048, PAGE 845, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 12.35 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a nail found in a wood fence post for the southernmost corner of Spring Hill Village, a subdivision of record in Book 7, Page 42, Plat Records, Travis County, Texas, same being in the west line of a 25.7650 acre tract described in Document Number 1999046435, Official Public Records, Travis County, Texas;

THENCE with the west line of said 25.7650 acre tract, S27°25'49"W, a distance of 355.36 feet to a 6 inch diameter wood fence post found for the north corner of the remainder of a 8.996 acre tract described in Volume 10048, Page 845, Real Property Records, Travis County, Texas;

THENCE leaving the west line of said 25.760 acre tract, with the west line of said 8.996 acre tract, S27°43'18"W, a distance of 22.46 feet to a calculated point for the **POINT OF BEGINNING;**

THENCE with the west line of said 8.996 acre tract, S27°43'18"W, a distance of 873.86 feet to a calculated point;

THENCE leaving the west line of said 8.996 acre tract, and crossing through the remainder of said 240.207 acre tract, the following three (3) courses and distances:

1. with a curve to the right a distance of 64.52 feet, through a central angle of 11°12'10", having a radius of 330.00 feet, and whose chord bears S59°29'11"W, a distance of 64.42 feet to a calculated point;
2. S65°05'16"W, a distance of 120.88 feet to a calculated point; and,
3. with a curve to the left a distance of 39.27 feet, through a central angle of 89°59'54", having a radius of 25.00 feet, and whose chord bears S20°05'19"W, a distance of 35.35 feet to a calculated point in the northeast right-of-way (ROW) line of Wells Branch Parkway (ROW varies);

THENCE with the northeast ROW line of said Wells Branch Parkway, the following two (2) courses and distances:

1. N24°54'44"W, a distance of 190.81 feet to a ½ inch rod with "Delta Survey" cap found; and,
2. with a curve to the left a distance of 417.93 feet, through a central angle of 11°11'21", having a radius of 2140.08 feet, and whose chord bears N30°32'38"W, a distance of 417.27 feet to a calculated point;

THENCE leaving the northeast ROW line of Wells Branch Parkway, and crossing through the remainder of said 240.207 acre tract, the following eight (8) courses and distances:

12.35 ACRES
L.C. CUNNINGHAM SURVEY
TRAVIS COUNTY, TEXAS

1. with a curve to the right a distance of 23.26 feet, through a central angle of 88°51'24", having a radius of 15.00 feet, and whose chord bears N08°17'24"E, a distance of 21.00 feet to a calculated point;
2. N52°43'06"E, a distance of 118.23 feet to a calculated point;
3. with a curve to the left a distance of 143.89 feet, through a central angle of 25°08'07", having a radius of 328.00 feet, and whose chord bears N40°09'02"E, a distance of 142.74 feet to a calculated point;
4. N27°34'59"E, a distance of 558.63 feet to a calculated point;
5. S62°25'01"E, a distance of 310.00 feet to a calculated point;
6. S27°34'59"W, a distance of 61.75 feet to a calculated point;
7. S62°25'01"E, a distance of 190.74 feet to a calculated point; and,
8. S14°11'27"E, a distance of 53.72 feet to the **POINT OF BEGINNING** and containing 12.35 acres of land, more or less.

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN

Date: 10-16-14

John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

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REGISTERED
JOHN E BRAUTIGAM
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TBPLS Firm No. 10004700

12.35 ACRES

L.C. CUNNINGHAM SURVEY
ABSTRACT No. 163
TRAVIS COUNTY, TEXAS
OCTOBER 2014

LEGEND

- IRON ROD WITH "DELTA SURVEY" CAP FOUND
- IRON ROD FOUND
- IRON ROD WITH CAP FOUND
- 6 INCH WOOD FENCE POST FOUND
- NAIL FOUND IN WOOD FENCE POST

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P.O.C.	POINT OF COMMENCING
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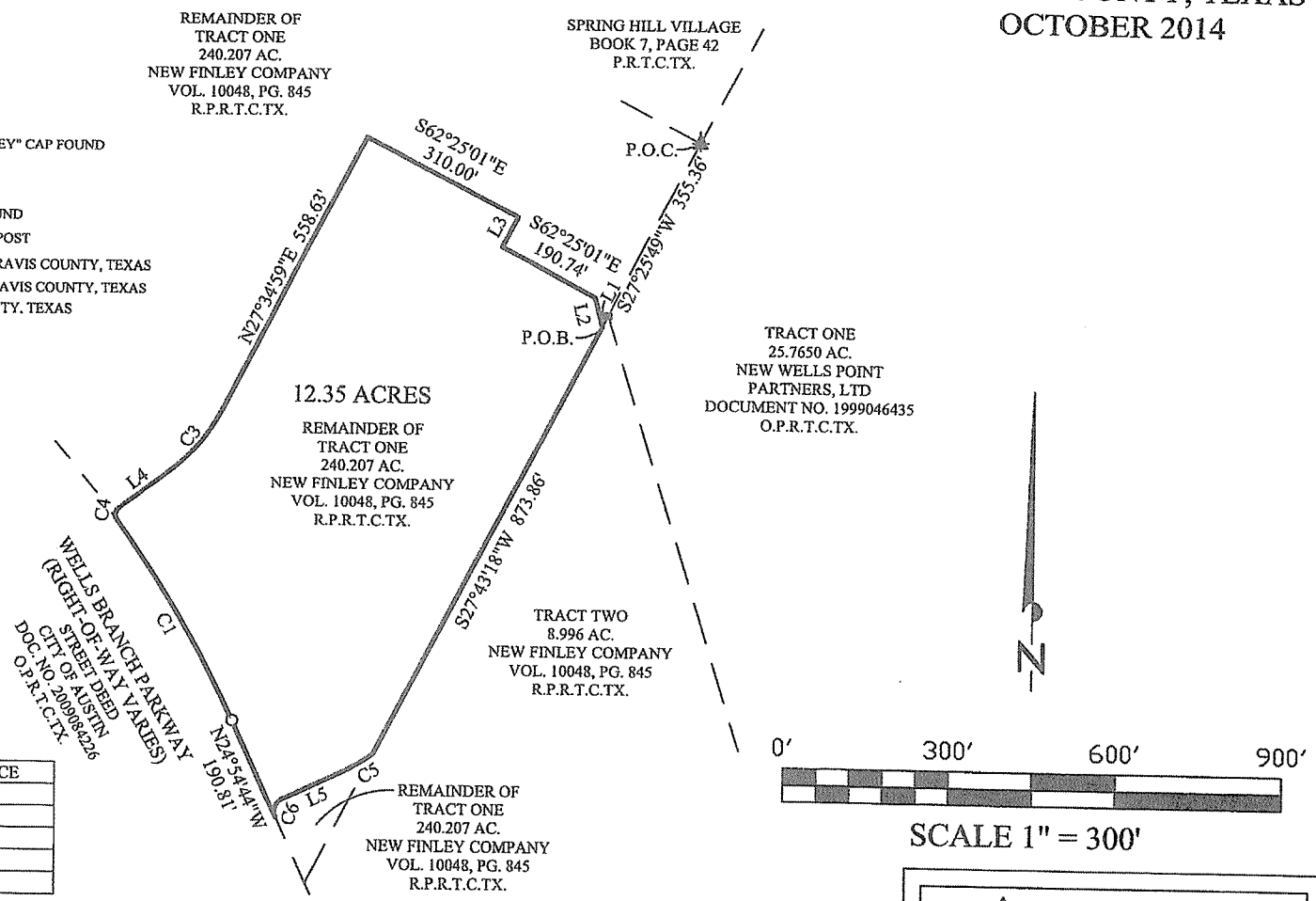

SCALE 1" = 300'

LINE	BEARING	DISTANCE
L1	S27°43'18"W	22.46'
L2	S14°11'27"E	53.72'
L3	S27°34'59"W	61.75'
L4	N52°43'06"E	118.23'
L5	S65°05'16"W	120.88'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2140.08'	417.93'	417.27'	N30°32'38"W	11°11'21"
C3	328.00'	143.89'	142.74'	N40°09'02"E	25°08'07"
C4	15.00'	23.26'	21.00'	N08°17'24"E	88°51'24"
C5	330.00'	64.52'	64.42'	S59°29'11"W	11°12'10"
C6	25.00'	39.27'	35.35'	S20°05'19"W	89°59'54"

* SKETCH TO ACCOMPANY FIELD NOTES *
ALL POINTS ARE CALCULATED UNLESS OTHERWISE NOTED
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN

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WWW.DELTASURVEYGROUP.COM
TBPLS FIRM NO. 10004700

QUAD PFLUGER-WEST
PROJECT 53 ACRE WELLS BRANCH @HEATHERWILDE
DWG. 12.35 AC

© 2014 Delta Survey Group, Inc.

Tract 3

0.36 ACRE
L.C. CUNNINGHAM SURVEY
TRAVIS COUNTY, TEXAS

DESCRIPTION OF A 0.36 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP, INC. IN OCTOBER 2014, LOCATED IN THE L.C. CUNNINGHAM SURVEY, ABSTRACT No. 163, IN TRAVIS COUNTY, TEXAS, FOR ZONING PURPOSES ONLY, SAID 0.36 ACRE TRACT BEING A PORTION OF THE REMAINDER OF A 240.207 ACRE TRACT DESCRIBED IN VOLUME 10048, PAGE 845, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.36 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE with the west line of said 25.7650 acre tract, S27°25'49"W, a distance of 355.36 feet to a 6 inch diameter wood fence post found for the north corner of the remainder of a 8.996 acre tract described in Volume 10048, Page 845, Real Property Records, Travis County, Texas;

THENCE leaving the west line of said 25.760 acre tract, with the west line of said 8.996 acre tract, S27°43'18"W, a distance of 896.31 feet to a calculated point for the **POINT OF BEGINNING**;

THENCE with the west line of said 8.996 acre tract, S27°43'18"W, a distance of 264.21 feet to a calculated point in the northeast right-of-way (ROW) line of Wells Branch Parkway (ROW varies);

THENCE with the northeast ROW line of said Wells Branch Parkway, N24°54'44"W, a distance of 129.07 feet to a calculated point;

THENCE leaving the northeast ROW line of Wells Branch Parkway, and crossing through the remainder of said 240.207 acre tract, the following three (3) courses and distances:

1. with a curve to the right a distance of 39.27 feet, through a central angle of 89°59'54", having a radius of 25.00 feet, and whose chord bears N20°05'19"E, a distance of 35.35 feet to a calculated point;
2. N65°05'16"E, a distance of 120.88 feet to a calculated point; and,

Exhibit C

0.36 ACRE
L.C. CUNNINGHAM SURVEY
TRAVIS COUNTY, TEXAS

3. with a curve to the left a distance of 64.52 feet, through a central angle of 11°12'10", having a radius of 330.00 feet, and whose chord bears N59°29'11"E, a distance of 64.42 feet to the **POINT OF BEGINNING** and containing 0.36 acre of land, more or less.

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN

Date: 10-16-14

John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas

Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
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STATE OF TEXAS
REGISTERED
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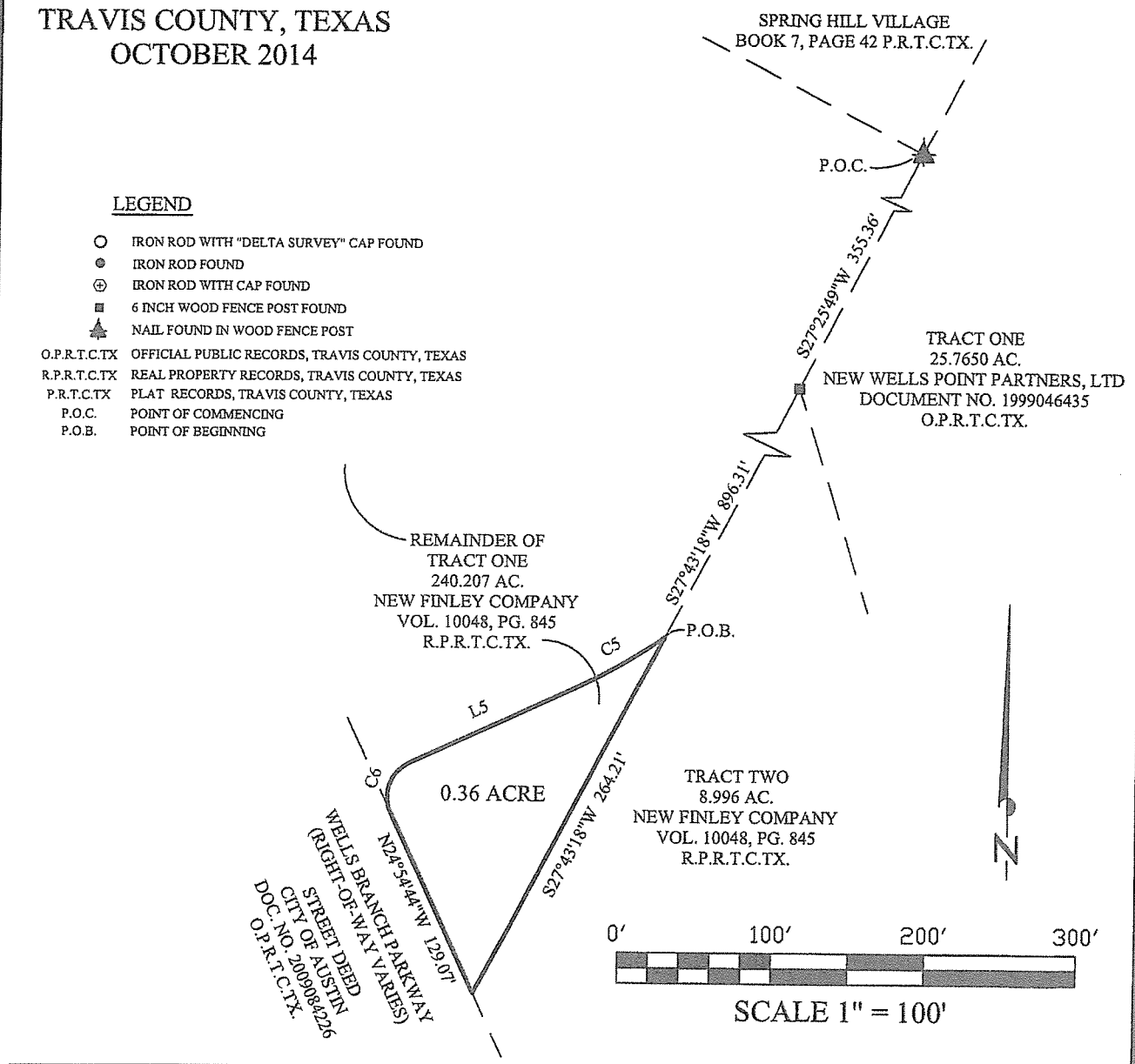
LAND SURVEYOR

L.C. CUNNINGHAM SURVEY
ABSTRACT No. 163
TRAVIS COUNTY, TEXAS
OCTOBER 2014

0.36 ACRE



LEGEND

- ○ IRON ROD WITH "DELTA SURVEY" CAP FOUND
- ● IRON ROD FOUND
- ⊕ IRON ROD WITH CAP FOUND
- ■ 6 INCH WOOD FENCE POST FOUND
- ▲ NAIL FOUND IN WOOD FENCE POST

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P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C5	330.00'	64.52'	64.42'	N59°29'11"E	11°12'10"
C6	25.00'	39.27'	35.35'	N20°05'19"E	89°59'54"

LINE	BEARING	DISTANCE
L5	N65°05'16"E	120.88'

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QUAD PFLUGER-WEST
PROJECT 53 ACRE WELLS BRANCH @HEATHERWILDE
DWG. 0.36 AC

* SKETCH TO ACCOMPANY FIELD NOTES *
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BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83/HARN

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