

**Zoning Case No. C14-2015-0117**

**RESTRICTIVE COVENANT**

**OWNER:** SH 71-130 Holdings, LP, a Texas limited partnership

**ADDRESS:** 3303 Northland Drive, Suite 214, Austin, Texas 78731

**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:** 390.644 acres of land located in the Santiago Del Valle League, Abstract No. 24, Travis County, Texas, and further being comprised of that certain called 385.684 acre tract conveyed to SH 71-130 Holdings, LP, as recorded under Document Number 2014189945, Official Public Records of Travis County, Texas, together with that certain called 4.886 acre tract conveyed to SH 71-130 Holdings, LP, as recorded under Document Number 2014189949, Official Public Records of Travis County, Texas, said 390.644 acres being more particularly described by metes and bounds in Exhibit "A" 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 Kimley Horn & Associates dated January 4, 2016, or as amended and approved by the Director of the Development Services Department. All development on the Property is subject to the Development Services Department, Transportation Review Section's staff memorandum ("memorandum") dated February 25, 2016, 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 Development Services 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 12<sup>TH</sup> day of APRIL, 2016.

**OWNER:**

SH 71-130 Holdings, LP, a Texas limited partnership

By: SH 71-130 Holdings, GP, LLC, a Texas limited liability company, its general partner

By:



Karl Koebel  
Manager

APPROVED AS TO FORM:

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Assistant City Attorney  
City of Austin

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 12<sup>th</sup> day of April, 2016, by Karl Koebel, Manager of SH 71-130 Holdings GP, LLC, a Texas limited liability company, and General Partner of SH 71-130 Holdings, LP, a Texas limited partnership, on behalf of said entity.



Gina Christine Giamanco  
Notary Public, State of Texas  
#129123571

**LEGAL DESCRIPTION  
390.644 ACRES  
OF LAND**

390.644 acres of land located in the Santiago Del Valle League, Abstract No. 24, Travis County, Texas, and further being comprised of that certain called 385.684 acre tract conveyed to SH 71-130 Holdings, LP, as recorded under Document Number 2014189945, Official Public Records of Travis County, Texas, together with that certain called 4.886 acre tract conveyed to SH 71-130 Holdings, LP, as recorded under Document Number 2014189949, Official Public Records of Travis County, Texas, said 390.644 acres being more particularly described as follows:

**BEGINNING**, at a found 1/2-inch iron rod located on the northerly line of that certain 124.06 acre tract of land conveyed to Airport 124.06, L.P., as recorded under Document Number 2006121767, Official Public Records of Travis County, Texas; said rod further being located in the southeasterly right of way line of F.M. Highway 973 and marking the southeasterly corner of that certain 3.847 acre tract (called "Parcel 71") conveyed to The State of Texas, as recorded under Document Number 2013219832, Official Public Records of Travis County, Texas, and the southwesterly corner of said 385.684 acre tract;

**THENCE**, leaving the northerly line of said 124.06 acre tract, along the easterly line of said "Parcel 71", same being the easterly right-of-way line of F.M. Highway 973, the following courses:

North 42deg 40' 24" East, a distance of 1564.84 feet to a found ½ inch iron rod;  
Northeasterly, along the arc of a curve to the left having a radius of 2,100 feet, a central angle of 16deg 21' 12", an arc length of 599.38 feet, and a chord bearing: N 34deg 29' 04" E, 597.35 feet, to a found ½ inch iron rod with cap, for the northeasterly corner of said 3.847 acre tract (called "Parcel 71");

**THENCE**, continuing along the easterly right-of-way line of F.M. Highway 973, the following courses:

North 42deg 42' 24" East, a distance of 369.68 feet to a set ½ inch iron rod with "KHA" cap marking the southwesterly corner of said 4.886 acre tract;

North 42deg 42' 24" East, a distance of 490.22 feet to a set ½ inch iron rod with "KHA" cap marking the southwesterly corner of that certain 1.902 acre tract of land (called "Parcel 65"), conveyed to State of Texas, as recorded under Document Number 2013161117, Official Public Records of Travis County, Texas; said rod further marking the northerly corner of said 4.886 acre tract, and marking the intersection of the easterly right of way line of F.M. 973 with the southerly right of way line of State Highway 71, (variable width right of way);

**THENCE**, leaving the easterly right-of-way line of F.M. Highway 973 and along the southerly line of said "Parcel 65", same being the southerly right of way line of State Highway 71, the following courses:

South 60deg 56' 53" East, a distance of 406.75 feet to a found ½ inch iron rod with cap at the southwesterly corner of that certain 74.790 acre tract (called "Parcel 359") conveyed to the State of Texas, as recorded under Document Number 2005169200, Official Public Records of Travis County, Texas, same being the southeasterly corner of said "Parcel 65" and the northeasterly corner of said 4.886 acre tract;

South 62deg 04' 50" East, a distance of 1287.46 feet, to a found ½ inch iron rod with cap;  
South 59deg 01' 40" East, a distance of 844.96 feet, to a found ½ inch iron rod with cap;  
South 61deg 16' 13" East, a distance of 874.81 feet, to a found ½ inch iron rod with cap;  
South 54deg 45' 18" East, a distance of 521.39 feet, to a found ½ inch iron rod with cap;  
South 52deg 47' 01" East, a distance of 787.68 feet, to a found ½ inch iron rod marking the intersection of the southerly right of way line of State Highway 71 with the westerly right of way line of State Highway 130 (variable width right of way);

**THENCE**, leaving said southerly right of way line of State Highway 71, along the westerly right of way line of State Highway 130, the following courses:

Southeasterly, along the arc of a curve to the right, having a radius of 1043.35 feet, a central angle of 20deg 11' 53", an arc length of 367.80 feet, and a chord bearing: S 12deg 39' 43" E, 365.90 feet to a found ½ inch iron rod;

Southwesterly, along the arc of a curve to the right, having a radius of 26,189.53 feet, a central angle of 02deg 12' 50", an arc length of 1012.01 feet, and a chord bearing: S 23deg 43' 13" W, 1011.95 feet to a found ½ inch iron rod;

South 23deg 06' 12" West, a distance of 180.92 feet, to a found ½ inch iron rod with cap; said rod marking the northeasterly corner of that certain 19.99 acre tract of land called "Tract 2", as conveyed to Carr Family Partnership, Ltd., as recorded under Document Number 2009092279, Official Public Records of Travis County, Texas

**THENCE**, leaving said southerly right of way line of State Highway 130 and along the common boundary lines between this tract and the said 19.99 acres tract, the following courses:

North 80deg 36' 03" West, a distance of 134.32 feet, to a found ½ inch iron rod with cap;  
North 77deg 42' 14" West, a distance of 147.55 feet, to a found ½ inch iron rod with cap;  
North 81deg 34' 55" West, a distance of 161.06 feet, to a found ½ inch iron rod with cap;  
North 85deg 15' 40" West, a distance of 130.91 feet, to a found ½ inch iron rod with cap;  
North 89deg 31' 01" West, a distance of 313.32 feet, to a found ½ inch iron rod with cap;  
South 79deg 20' 56" West, a distance of 88.08 feet, to a found ½ inch iron rod with cap;  
South 87deg 16' 20" West, a distance of 114.98 feet, to a found ½ inch iron rod with cap;  
North 79deg 17' 37" West, a distance of 141.58 feet, to a found ½ inch iron rod with cap;  
North 65deg 23' 29" West, a distance of 256.97 feet, to a found ½ inch iron rod with cap marking the northwesterly corner of said 19.99 acre tract;

South 34deg 02' 31" West, a distance of 390.57 feet, to a found ½ inch iron rod with cap;  
South 12deg 05' 38" West, a distance of 148.74 feet, to a found ½ inch iron rod with cap marking the southwest corner of said 19.99 acre tract;

South 32deg 13' 30" East, a distance of 66.75 feet, to a found ½ inch iron rod with cap;  
South 65deg 34' 51" East, a distance of 291.29 feet, to a point in the center of Onion Creek;

**THENCE**, along the centerline meanders of Onion Creek, the following courses:

North 85deg 24' 12" West, a distance of 128.28 feet, to an angle point;  
South 74deg 09' 48" West, a distance of 128.33 feet, to an angle point;  
South 54deg 08' 48" West, a distance of 119.69 feet, to an angle point;  
South 24deg 01' 48" West, a distance of 99.95 feet, to an angle point;  
South 03deg 14' 48" West, a distance of 134.78 feet, to an angle point;

South 25deg 14' 12" East, a distance of 150.69 feet, to an angle point;  
South 09deg 29' 12" East, a distance of 133.61 feet, to an angle point;  
South 00deg 59' 12" East, a distance of 136.69 feet, to an angle point;  
South 13deg 56' 12" East, a distance of 83.54 feet, to an angle point;  
South 51deg 08' 12" East, a distance of 70.54 feet, to an angle point;  
South 22deg 13' 12" East, a distance of 94.73 feet, to an angle point;  
South 05deg 28' 48" West, a distance of 150.03 feet, to an angle point;  
South 17deg 19' 48" West, a distance of 376.45 feet, to an angle point;  
South 39deg 12' 48" West, a distance of 68.70 feet, to a set ½ inch iron rod with "KHA" cap,  
marking the northwesterly corner of that certain called 84.14 acre tract conveyed to Kevin Rollins  
and wife, Deborah Rollins, as recorded under Document Number 2002244156, Official Public  
Records of Travis County, Texas;

THENCE, North 47deg 19' 02" West, along the common boundary line between this tract and the said  
84.14 acre tract, that certain called 40.621 acre tract conveyed to Kevin Rollins and wife, Deborah Rollins,  
as recorded under Document Number 2002179240, Official Public Records of Travis County, Texas and  
the aforementioned 124.06 acre tract, a distance of 5,240.15 feet, to the POINT OF BEGINNING,  
containing an area of 390.644 acres (17,016,442 sq. ft.) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83

*James W. Russell*  
7/7/15

James W. Russell  
Registered Professional Land Surveyor No. 4230  
Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
Ph. 210-541-9166  
[jim.russell@kimley-horn.com](mailto:jim.russell@kimley-horn.com)  
TBPLS Firm No. 10193973



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

DRAFT