

Zoning Case No. C14-2015-0133A

RESTRICTIVE COVENANT

OWNER: Texas Association of Counties Risk Management Pool,
a Texas nonprofit corporation

ADDRESS: 1210 San Antonio Street, 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: 11,043 sq. ft., tract of land, more or less, out of and a part of Lots 3 and 4, Block 151, of the Original City of Austin, according to the map or plat of the Original City files in the General Lane Office of the State of Texas, and being the same property conveyed by Richard D. Hardin, Trustee, to Jay Johnson, Doyne Bailey, Margaret Barrett, Bobby Blake, Janet Brown, Ray Cornett, James Craddock, Elisha Demerson, Connie Nicholson, Homer Roberson and Mitch Shamburger, Trustees of the Texas Association of Counties Workers' Compensation Self Insurance Fund in that Deed of Record in Volume 10600, Page 908, of the Real Property Records of Travis County, Texas, said 11,043 sq. ft. tract 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. Outdoor amplified sound is prohibited on the Property.
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 _____, 2016.

OWNER:

Texas Association of Counties
Risk Management Pool,
a Texas nonprofit corporation

By: _____

Gene Terry
Executive Director

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 _____, 2016, by Gene Terry, as Executive Director of Texas Association of Counties Risk Management Pool, a Texas nonprofit corporation, on behalf of said entity.

Notary Public, State of Texas

CRICHTON AND ASSOCIATES
6448 HIGHWAY 290 EAST SUITE B-105
AUSTIN, TEXAS 78723
512-244-3395

FIELD NOTES

FIELD NOTES FOR A 11,043 SQ. FT., TRACT OF LAND, MORE OR LESS, OUT OF AND A PART OF LOTS 3 AND 4, BLOCK 151, OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT OF THE ORIGINAL CITY FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEIN THE SAME PROPERTY CONVEYED BY RICHARD D. HARDIN, TRUSTEE, TO JAY JOHNSON, DOYNE BAILEY, MARGARET BARRETT, BOBBY BLAKE, JANET BROWN, RAY CORNETT, JAMES CRADDOCK, ELISHA DEMERSON, CONNIE NICHOLSON, HOMER ROBERSON AND MITCH SHAMBURGER, TRUSTEES OF THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSTATION SELF INSURANCE FUND IN THAT DEED OF RECORD IN VOLUME 10600, PAGE 908, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 11,043 SQ. FT. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton gin spindle found on the South line of a 20.00 foot alley way, at the Northeast corner of a 567 square foot tract described as Tract 2 by deed conveyed to Texas Retailers association in Volume 7872, Page 518 of the Deed Records of Travis County, Texas, same being the Northwest corner of this tract, for the **POINT OF BEGINNING**.

THENCE S73°26'58"E with the South line of said 20.00 foot alley way and the North line of this tract a distance of 138.00 feet to a ½" iron pin set at the intersection of the South line of said 20.00 foot alley way and the West R.O.W. line of San Antonio Street, for the Northeast corner of this tract.

THENCE S16°25'32"W with the West R.O.W. line of San Antonio Street and the East line of this tract a distance of 80.01 feet to a ½" iron pin set on the West R.O.W. line of San Antonio Street, at the Northeast corner of Lot 1, W.A. Harpers Resubdivision of part of the South one-half of Block 151, Original City of Austin, a subdivision recorded in Volume 3, Page 8 of the Plat Records of Travis County, Texas, for the Southeast corner of this tract.

THENCE N73°27'28"W with the North line of said Lot 1, same being the South line of this tract, passing the West line of Lot 1, same being the East line of Lot 3, of said W.A. Harpers Resubdivision, for a total distance of 138.00 feet to a Mag Nail found on the East line of Lot 4 of said W.A. Harper Resubdivision, at the Northwest corner of said Lot 3, for the Southwest corner of this tract.

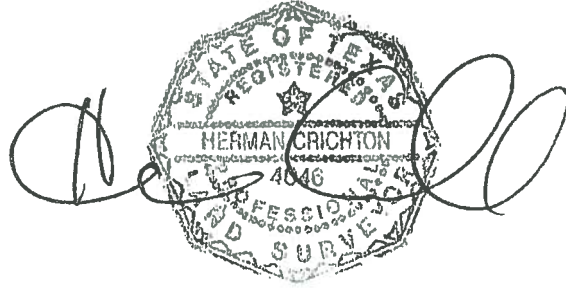
THENCE N16°25'32"E with the East line of said Lot 4 and the West line of this tract, pass the Southeast corner of said 567 square foot tract, same being the Northeast corner of said Lot 4, continuing for total distance 80.03 feet to the **POINT OF BEGINNING** and containing 11,043 square feet, more or less.

BEARING BASIS IS TEXAS STATE PLANE COORDINATES (NAD83), TEXAS CENTRAL ZONE (4203)

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal October 9, 2015

Herman Crichton, R.P.L.S. 4046
JOB NO. 15_198_tract3



TRACT 1, 6.407 SQUARE FEET OF LAND, MORE OR LESS, OUT OF AND A PART OF LOTS 1 AND 2, BLOCK 151, OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE PLAT ON FILE WITH THE GENERAL LAND OFFICE FOR THE STATE OF TEXAS, AND BEING THE SAME PROPERTY CONVEYED BY NONB TEXAS NATIONAL BANK TO THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE PLAN IN THAT DEED OF RECORD IN VOLUME 11307, PAGE 693, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 2, 567 SQ. FT. TRACT OF LAND, MORE OR LESS, BEING OUT OF AND A PART OF LOT 2, BLOCK 151, ORIGINAL CITY OF AUSTIN, TAYNUS COUNTY, TEXAS, A SUBDIVISION OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; BEING THE SAME TRACT OF LAND DESCRIBED AS TRACT 2 BY DEED CONVEYED TO TEXAS RETAILERS ASSOCIATION IN VOLUME 7872, PAGE 518 OF THE DEED RECORDS OF TAYNUS COUNTY, TEXAS

10600, PAGE 908, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 1
STEWART TITLE GUARANTY COMPANY
GF. NO. 709200, ISSUED: DECEMBER 31, 2007
SCHEDULE "B" ITEMS:

6b) SUBJECT TO: TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN ASSIGNMENT AND ASSUMPTION OF LEASES, EXECUTED BY NCB TEXAS NATIONAL BANK AND THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND, RECORDED IN VOLUME 11507, PAGE 697, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

TRACT 2
PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT

TRACT 3
STEWART TITLE GUARANTY COMPANY
GF. NO. 709199, ISSUED: DECEMBER 31, 2007
SCHEDULE "B" ITEMS:

1) SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOLUME 8521, PAGE 889, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREIN)

2A) SEVER EASEMENT ACROSS THE SUBJECT PROPERTY ASSIGNED IN VOLUME 288, PAGE 164, VOLUME 330, PAGE 310, VOLUME 848, PAGE 477, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

3) SEVER EASEMENT RESTRICTED BY J. STANLEY WRIGHT AND RELIA WRIGHT AS RECORDED IN VOLUME 5754, PAGE 2377, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

(b) SUBJECT TO: TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN AGREEMENT CONCERNING A SUDOWAX, RECORDED IN VOLUME 589, PAGE 119, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

(b) SUBJECT TO: TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN INSTRUMENT OF MAY ENCROACHMENT LICENSE AGREEMENT NO. 7611-017, RECORDED UNDER DOCUMENT NUMBER 2006182360, IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

REF: _____
G.F. NUMBER: _____
DATED: _____

The undersigned, being a registered surveyor of the State of Texas,
certifies to

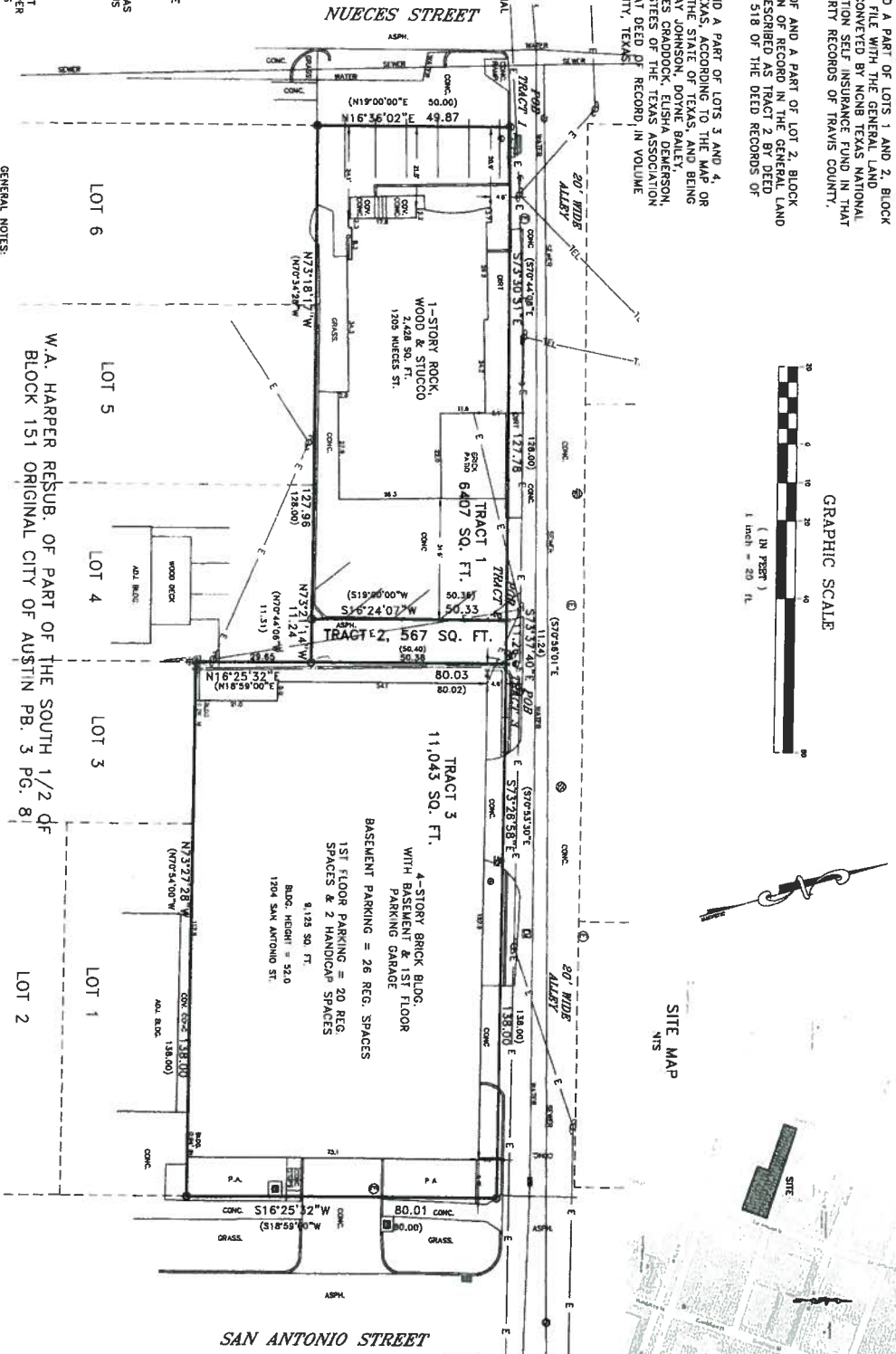
This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a) and (b), 7(a), (b), 9, 10, 11(a) and (b), 13, 15 and 20 of Table A-1000. THE FIELD WORK WAS COMPLETED ON OCTOBER 1, 2015



DATE OF PLAT OR MAP OCTOBER 9, 2015



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GENERAL NOTES:

- 1) TRACTING DATA - TEXAS STATE PLANE COORDINATES (NAD 83), TEXAS CENTRAL ZONE (4203)
2) THIS TRACT LIES IN ZONE X AREAS OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SHOWN ON
COMMUNITY PANEL NUMBER 48450-045-15, OF THE FLOOD INSURANCE RATE MAP PREPARED FOR
THE CITY OF AUSTIN BY THE FEDERAL INSURANCE ADMINISTRATION DEPARTMENT, H.U.D. ON
SEPTEMBER 26, 2008

4) TRACT 3 HAS 46 REGULAR PARKING SPACES AND 2 HANDICAP PARKING SPACES FOR A TOTAL OF 48 MARKED PARKING SPACES ON THIS TRACT.

4) THE UNDERGROUND UTILITIES SHOWN HEREON ARE SCALED PER CITY OF AUSTIN RECORD UTILITY MAPS.

5) TRACT 1, TRACT 2 AND TRACT 3 ARE ZONED "G0" (GENERAL OFFICE) BY THE CITY OF AUSTIN. THE SITE DEVELOPMENT STANDARDS ARE AS FOLLOWS:

LOT		MASSING	
MINIMUM LOT SIZE	5,750 SQ. FT.	MAXIMUM HEIGHT	60 FT.
MINIMUM LOT WIDTH	50 FT.	MINIMUM SETBACKS	
MAXIMUM BUILDING COVERAGE	60%	FRONT YARD	15 FT.
MAXIMUM IMPERVIOUS COVER	80%	STREET SIDE YARD	15 FT.
MAXIMUM FLOOR AREA RATIO	1:1	INTERIOR SIDE YARD	5 FT.
		REAR YARD	5 FT.

6) THERE IS NO OBSERVED EVIDENCE OF:

- A) CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS
- B) RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- C) SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.

W.A. HARPER RESUB. OF PART OF THE SOUTH 1/2 OF
BLOCK 151 ORIGINAL CITY OF AUSTIN PB. 3 PG. 81

4-STORY BRICK BLDG.
WITH BASEMENT & 1ST FLOOR
PARKING GARAGE

SITE MAP
415

SAN ANTONIO STREET

CRICHTON
AND ASSOCIATES INC
LAND SURVEYORS

7815 Mira / 101727-00
6440 East Highway 290
Suite B105
Austin, Texas 78723
(512) 244-3395
Orders@CriticOnlineAssociates.com

1205 Nueces Street & 1204 San Antonio Street
Austin, Texas 78701

DATE: October 9, 2015 JOB NO. 15-198

SCALE: 1" = 20'
DWG. NO. 15-19

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