

ORIGINAL



TRV
3 PGS

2017080534

Page 1 of 3

Zoning Case No. C14-2016-0071

RESTRICTIVE COVENANT

OWNER: Hardeman Family Joint Venture, Ltd., a Texas limited partnership

OWNER ADDRESS: 6757 Airport Boulevard, Austin, Texas 78752

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:
Lot 15, Wilder Addition Section 1 subdivision, a subdivision in Travis County, Texas, as recorded in Volume 5, Page 19 of the Plat Records of Travis County, and Lot 1, Wilder Addition Section 2 subdivision, a subdivision in Travis County, Texas, as recorded in Volume 85, Page 138D of the Plat Records of Travis County, Texas, and;

Tract 2:
Lots 13 and 14, Wilder Addition Section 1 subdivision, a subdivision in Travis County, Texas, as recorded in Volume 5, Page 19 of the Plat Records of Travis County, Texas (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.

- I. 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 and Associates, dated July 7, 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 April 14, 2017, 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 8th day of May, 2017.

Owner:

Hardeman Family Joint Venture, Ltd., a Texas limited partnership

By:

Bryan Hardeman
Bryan Hardeman
General Partner

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

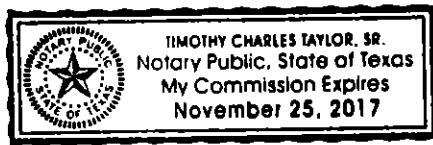
§

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the 6th day of MAY, 2017, by Bryan Hardeman, as General Partner of Hardeman Family Joint Venture, Ltd., a Texas limited partnership, on behalf of said partnership.



Timothy Charles Taylor, Sr.
Notary Public, State of Texas

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

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

May 19, 2017 04:39 PM

2017080534

WILLIAMSJ: \$34.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS