



Zoning Case No. C814-01-0114

RESTRICTIVE COVENANT

OWNERS: Robert H. Theriot
Shirley Shaw
Brownstone Gallery, Inc., a Texas corporation

ADDRESS: 6535 Comanche Trail, Austin, Texas 78732

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: A 470.60 acre tract of land, more or less, in Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 1.0 acre tract of land, more or less, out of the D&W Railroad Company Survey in Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant.

WHEREAS, the Owners 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 Owners 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. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
2. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "C". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "D", may not be included.


1-29-04

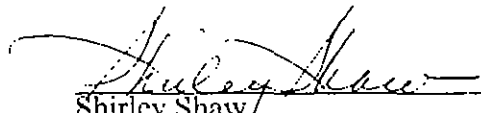
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4. All development on the Property shall comply with the most current City of Austin Green Building Program Standards. Single family and multifamily residential development shall meet a minimum one-star rating. Commercial development shall meet a minimum one-star rating.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this agreement or covenant 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.
7. 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.
8. 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 subject to the modification, amendment or termination at the time of such modification, amendment or termination.

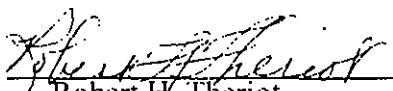
EXECUTED this the 16th day of January, 2004.

OWNERS:


Robert H. Theriot


Shirley Shaw

Brownstone Gallery, Inc.,
a Texas corporation

By: 
Robert H. Theriot,
President

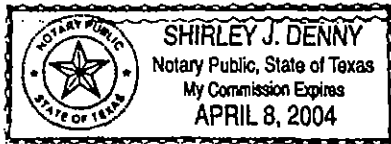
APPROVED AS TO FORM:

Deborah Thomas
Assistant City Attorney
City of Austin

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 16 day of January, 2004, by Robert H. Theriot.

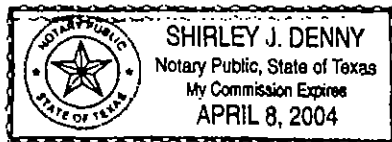


Shirley J. Denny
Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 16 day of January, 2004, by Shirley Shaw.

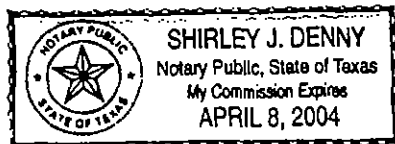


Shirley J. Denny
Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 16 day of January, 2004, by Robert H. Theriot, President of Brownstone Gallery, Inc., a Texas corporation, on its behalf.



Shirley J. Denny
Notary Public, State of Texas

METES AND BOUNDS DESCRIPTION

BEING TWO (2) TRACTS OF LAND CONTAINING A TOTAL OF 470.60 ACRES OF LAND LOCATED IN THE S. BULLOCK SURVEY NO. 76, ABSTRACT 2601, THE S. BULLOCK SURVEY NO. 76, ABSTRACT NO. 2624, THE D.J. RIORDAN SURVEY NO. 76, ABSTRACT 2618, AND JAMES P. DUNLAP SURVEY NO. 594, ABSTRACT NO. 239, IN TRAVIS COUNTY, TEXAS; THE TRACT OF LAND HEREINAFTER REFERRED TO AS TRACT NO. 1 CONTAINING 106.14 ACRES AND BEING ALL OF THAT CERTAIN CALLED 12.006 ACRE TRACT CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13396, PAGE 20, AND ALL OF THOSE CERTAIN LOTS NUMBERED 16-25 AND UNDEDICATED OASIS VIEW SHOWN ON UNRECORDED PLAT OF COMANCHE PASS SECTION 2 CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13246, PAGE 952 OF THE REAL PROPERTY RECORDS, AND A REMAINDER PORTION OF THOSE CERTAIN TRACTS CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND THE TRACT OF LAND HEREINAFTER REFERRED TO AS TRACT NO. 2 CONTAINING 364.46 ACRES AND BEING ALL OF THAT CERTAIN CALLED 16.00 ACRE TRACT CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13396, PAGE 24 AND A REMAINDER PORTION OF THOSE CERTAIN TRACTS CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND THE UNDEDICATED PORTIONS OF COMANCHE TRAIL AS USED UPON THE GROUND; SAID 470.60 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT NO. 1

BEGINNING at a 1/2-inch iron rod found for the southeast corner of the aforementioned 12.006 acre tract, same being an angle point in the east line of that certain called 537.332 acre tract conveyed to the Lower Colorado River Authority by deed recorded in Volume 526, Page 284 of the Deed Records of Travis County, Texas, said iron rod also being in the north line of Comanche Trail (60' ROW);

THENCE N 27°42'28" E along the common line between said 537.332 acre tract and the herein described tract a distance of 904.06 feet to a 1/2-inch iron rod found for the southwest corner of that certain 1.00 acre tract described in deed to Theriot Family Partnership No. 1, Ltd. by deed recorded in Volume 13089, Page 195 of the Real Property Records of Travis County, Texas;

THENCE N 26°46'40" E along the common line between said 537.332 acre tract and 1.00 acre tract a distance of 86.90 feet to a 1/2-inch iron rod found for the northwest corner of said 1.00 acre tract, same being the southwest corner of that certain called 1.00 acre tract conveyed to Ross and Ramona

Headifen by deed recorded in Volume 13175, Page 1199 of the Real Property Records of Travis County, Texas;

THENCE S 63°00'14" E along the common line between said 1.00 acre tracts a distance of 502.14 feet to a 1/2-inch iron rod found for the common east corner of said 1.00 acre tracts;

THENCE N 27°38'16" E along the east line of those certain four (4) 1.00 acre tracts conveyed to Ross and Ramona Headifen, Stephanie Bradley, Cynthia J. Atwood and Kin Shing Vincent Lee by deeds recorded in Volume 13175, Page 1199, Volume 13244, Page 1391, Volume 13262, Page 1376 and Volume 12337, Page 537 respectively of the Real Property Records of Travis County, Texas a distance of 347.46 feet to a 1/2-inch iron rod found for corner in the south line of that certain called 12.607 acre tract conveyed to Robert K. and Marcy L. Garriott by deed recorded in Document No. 2000073952 of the Office Public Records of Travis County, Texas;

THENCE easterly and northerly along the common line between said 12.607 acre tract and the herein described tract the following two (2) courses:

1. S 63°10'04" E a distance of 563.14 feet to a 1/2-inch iron rod found for corner;
2. N 27°06'52" E a distance of 324.25 feet to a 1/2-inch iron rod found for corner in the south line of that certain 124.547 acre tract conveyed to Travis County by deed recorded in Document No. 1999020211 of the Official Public Records of Travis County, Texas;

THENCE easterly along the common line between said 129.13 acre tract and the herein described tract the following two (2) courses:

1. S 61°58'21" E a distance of 200.87 feet to a 1/2-inch iron rod found for corner;
2. S 62°57'15" E a distance of 630.60 feet to a 1/2-inch iron rod found for the southeast corner of said 129.13 acre tract, same being the southwest corner of that certain 4.26 acre tract conveyed to Peter C. Strickland by deed recorded in Volume 11076, Page 733 of the Real Property Records of Travis County, Texas;

THENCE easterly along the common line between said 4.26 acre tract and 1.65 acre tract conveyed to John K. Strickland by deed recorded in Volume 11076, Page 739 and remainder of a

12.95 acre tract conveyed to John K. Strickland by deed recorded in Volume 5429, Page 1658 and 1.52 acre tract conveyed to Edwin L. Strickland III by deed recorded in Volume 11076, Page 730 of the Real Property Records of Travis County, Texas and the herein described tract the following two (2) courses:

1. S 63°16'13" E a distance of 1,333.96 feet to a 1/2-inch iron rod found for corner;
2. N 47°46'46" E a distance of 67.71 feet to a 1/2-inch iron rod found for corner in the south line of Bullick Hollow Drive (ROW Varies);

THENCE easterly along said south line of Bullick Hollow Drive the following two (2) courses:

1. S 41°53'29" E a distance of 39.91 feet to the point of curvature of a curve to the left;
2. a distance of 65.54 feet along the arc of said curve to the left having a central angle of 04°12'38", a radius of 891.08 feet and a chord which bears S 40°36'39" E a distance of 65.52 feet to a 1/2-inch iron rod found for the intersection of said south line of Bullick Hollow Drive with the west line of Oasis Bluff Drive (80' ROW);

THENCE southerly along said west line of Oasis Bluff Drive the following ten (10) courses:

1. S 44°00'45" W a distance of 55.41 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
2. a distance of 251.61 feet along the arc of said curve to the right having a central angle of 31°20'21", a radius of 460.00 feet and a chord which bears S 59°42'24" W a distance of 248.48 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
3. S 75°21'39" W a distance of 158.95 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
4. a distance of 369.87 feet along the arc of said curve to the right having a central angle of 39°14'40", a radius of 540.00 feet and a chord which bears S 55°48'37" W a distance of 362.68 feet to a 1/2-inch iron rod found for the end of said curve;

5. S 36°00'21" W a distance of 124.98 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
6. a distance of 270.96 feet along the arc of said curve to the right having a central angle of 33°44'58", a radius of 460.00 feet and a chord which bears S 53°05'33" W a distance of 267.06 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
7. S 69°54'39" W a distance of 990.93 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
8. a distance of 515.91 feet along the arc of said curve to the left having a central angle of 54°44'23", a radius of 540.00 feet and a chord which bears S 42°35'04" W a distance of 496.51 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
9. S 15°19'22" W a distance of 210.32 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
10. a distance of 308.85 feet along the arc of said curve to the right having a central angle of 38°28'08", a radius of 460.00 feet and a chord which bears S 34°20'22" W a distance of 303.08 feet to a 1/2-inch iron rod found for the intersection of said west line of Oasis Bluff Drive with the northeast line of Comanche Trail (60' ROW);

THENCE N 35°36'36" W along said northeast line of Comanche Trail a distance of 140.95 feet to a 1/2-inch iron rod set for the beginning of a curve to the right;

THENCE continuing along said northeast line of Comanche Tract a distance of 66.26 feet along said curve to the right having a central angle of 08°56'48", a radius of 424.35 feet and a chord which bears N 31°52'20" W a distance of 66.19 feet to a point in the east line of Oasis Pass a private road in Comanche Pass Section 2 (an unrecorded subdivision);

THENCE northerly and westerly along said east line of Oasis Pass the following two (2) courses:

1. N 00°34'31" W a distance of 74.18 feet to a 1/2-inch iron rod set for corner;

2. N 16°17'41" E a distance of 96.22 feet to a 1/2-inch iron rod found for the southwest corner of that certain 0.09 acre tract conveyed to W. Thad Gilliam by deed recorded in Volume 10781, Page 1882 of the Real Property Records of Travis County, Texas;

THENCE easterly, northerly and westerly along the common line between said 0.09 acre tract and the herein described tract the following three (3) courses:

1. S 86°25'06" E a distance of 61.72 feet to a 1/2-inch iron rod found for corner;
2. N 00°53'46" W a distance of 69.46 feet to a 1/2-inch iron rod found for corner;
3. N 89°48'45" W a distance of 61.24 feet to a 1/2-inch iron rod found for corner in the aforementioned east line of Oasis Pass;

THENCE northerly along said east line of Oasis Pass the following nine (9) courses:

1. N 13°22'43" W a distance of 60.46 feet to a 1/2-inch iron rod found for corner;
2. N 27°37'46" W a distance of 113.33 feet to a 1/2-inch iron rod set for corner;
3. N 14°36'38" W a distance of 179.25 feet to a 1/2-inch iron rod found for corner;
4. N 05°20'14" E a distance of 40.70 feet to a 1/2-inch iron rod found for corner;
5. N 04°55'40" E a distance of 188.69 feet to a 1/2-inch iron rod set for corner;
6. N 01°11'27" E a distance of 80.34 feet to a 1/2-inch iron rod found for corner;
7. N 04°49'54" W a distance of 28.74 feet to a 1/2-inch iron rod found for corner;
8. N 05°12'56" W a distance of 57.58 feet to a 1/2-inch iron rod found for corner;
9. N 23°59'28" W a distance of 311.61 feet to a 1/2-inch iron rod found for corner in the south line of Bullick Bluff (private street);

THENCE easterly along said east line of Bullick Bluff the following two (2) courses:

1. N 61°30'40" E a distance of 143.97 feet to a 1/2-inch iron rod found for corner;
2. N 27°53'07" E a distance of 50.96 feet to a 1/2-inch iron rod found for corner in the north line of the aforementioned Comanche Pass Section 2 unrecorded subdivision;

THENCE S 82°27'40" W along said north line a distance of 584.00 feet to a 1/2-inch iron rod found for the southeast corner of the aforementioned 12.006 acre tract, said iron rod also being in the north line of the aforementioned Comanche Trail (60' ROW);

THENCE westerly along said north line of Comanche Trail the following five (5) courses:

1. N 03°12'10" E a distance of 105.02 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
2. a distance of 189.58 feet along the arc of said curve to the left having a central angle of 58°12'27", a radius of 186.61 feet and a chord which bears N 29°18'47" W a distance of 181.53 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
3. N 57°23'32" W a distance of 193.67 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
4. a distance of 197.42 feet along the arc of said curve to the left having a central angle of 39°00'39", a radius of 289.95 feet and a chord which bears N 76°46'37" W a distance of 193.63 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
5. S 83°24'32" W a distance of 102.74 feet to the POINT OF BEGINNING of the herein described Tract No. 1 and containing 106.14 acres of land, more or less.

TRACT NO. 2

BEGINNING at a 1/2-inch iron rod found for the northwest corner of that certain 42.00 acre tract conveyed to John

Joseph and John M. Joseph by deed recorded in Volume 11175, Page 150 of the Real Property Records of Travis County, Texas, same being the northeast corner of that certain called 393.0463 acre tract conveyed to the Comanche Canyon Conservation Fund by deed recorded in Volume 11960, Page 1072 of the Real Property Records of Travis County, Texas;

THENCE N 62°23'00" W along the common line between said 393.0463 acre tract and the herein described tract a distance of 3,114.32 feet to a 1/2-inch iron rod found for the most southerly corner of Lot 1 Treasury Hill, a subdivision of record in Document No. 200100263 of the Official Public Records of Travis County, Texas, said iron rod also being in the east line of that certain 35.00 foot right-of-way dedication of Comanche Trail by said subdivision plat;

THENCE along said right-of-way dedication of Comanche Trail the following seven (7) courses:

1. N 12°46'32" E a distance of 45.24 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
2. a distance of 255.02 feet along the arc of said curve to the left having a central angle of 74°55'57", a radius of 195.00 feet and a chord which bears N 24°41'26" W a distance of 237.23 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
3. N 62°09'25" W a distance of 251.37 feet to a 1/2-inch iron rod found for corner;
4. S 27°46'12" W a distance of 35.00 feet to a 1/2-inch iron rod found for corner;
5. S 62°09'25" E a distance of 251.33 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
6. a distance of 209.25 feet along the arc of said curve to the right having a central angle of 74°55'57", a radius of 160.00 feet and a chord which bears S 24°41'26" E a distance of 194.65 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
7. S 12°46'32" W a distance of 35.92 feet to a 1/2-inch iron rod found for corner in the aforementioned north line of a called 393.0463 acre tract;

THENCE N 62°19'28" W along the common line between said 393.0463 acre tract and the herein described tract a distance of 2,242.72 feet to a point in the record location of the original bank of the Colorado River as now inundated by the waters of Lake Travis, same being the southwest corner of the aforementioned 16.00 acre tract;

THENCE N 12°55'26" W along said original bank of the Colorado River a distance of 209.15 feet to a point for the northwest corner of said 16.00 acre tract, same being the southwest corner of that certain 4.28 acre tract conveyed to the City of Austin by deed recorded in Volume 9678, Page 521 of the Real Property Records of Travis County, Texas;

THENCE easterly along the common line between said 4.28 acre tract and 16.00 acre tract the following four (4) courses:

1. S 89°52'51" E a distance of 291.04 feet to a record point as inundated by the waters of Lake Travis;
2. N 09°42'43" W a distance of 31.61 feet to a record point as inundated by the waters of Lake Travis;
3. N 14°34'59" E a distance of 32.00 feet to a record point as inundated by the waters of Lake Travis;
4. N 64°47'32" E a distance of 33.13 feet to a record point as inundated by the waters of Lake Travis for the southwest corner of Lot 3, Oasis Bluff, a subdivision of record in Volume 93, Page 13 of the Plat Records of Travis County, Texas;

THENCE S 62°22'23" E along the common line between said Lot 3 and 16.00 acre tract, at a distance of 947.80 feet passing a 1/2-inch iron rod found for the southeast corner of said Lot 3, continuing for a total distance of 1,001.43 feet to a point for corner in the approximate centerline of asphalt of Comanche Trail as shown on subdivision plat of said Oasis Bluff;

THENCE along said approximate centerline of asphalt of Comanche Trail the following seven (7) courses:

1. a distance of 85.96 feet along the arc of a curve to the left having a central angle of 38°31'12", a radius of 127.85 feet and a chord which bears N 38°17'30" W a distance of 84.34 feet to the point of tangency of said curve;
2. N 57°33'04" W a distance of 125.01 feet to the point of curvature of a curve to the right;

3. a distance of 157.55 feet along the arc of a curve to the right having a central angle of $65^{\circ}17'40''$, a radius of 138.28 feet and a chord which bears $N 24^{\circ}54'39'' W$ a distance of 149.16 feet to the point of compound curvature between said curve and another curve to the right;
4. a distance of 68.92 feet along the arc of said curve to the right having a central angle of $07^{\circ}39'46''$, a radius of 515.31 feet and a chord which bears $N 11^{\circ}33'40'' E$ a distance of 68.87 feet to the point of tangency of said curve;
5. $N 15^{\circ}23'33'' E$ a distance of 154.58 feet to the point of curvature of a curve to the left;
6. a distance of 180.15 feet along the arc of a curve to the left having a central angle of $42^{\circ}44'39''$, a radius of 241.48 feet and a chord which bears $N 05^{\circ}58'46'' W$ a distance of 176.00 feet to a point for corner;

THENCE $N 30^{\circ}18'52'' W$ a distance of 79.08 feet to a 1/2-inch iron rod found in the south line of Oasis Bluff Drive (80' ROW) for the beginning of a curve to the left;

THENCE $N 56^{\circ}43'22'' E$ along said south line of Oasis Bluff Drive a distance of 23.05 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;

THENCE continuing along said south line a distance of 214.38 feet along the arc of a curve to the left having a central angle of $22^{\circ}44'46''$, a radius of 540.00 feet and a chord which bears $N 42^{\circ}28'50'' E$ a distance of 212.97 feet to a 1/2-inch iron rod found for the westerly corner of that certain 0.998 acre tract conveyed to the City of Austin by deed recorded in Volume 9678, Page 505 of the Deed Records of Travis County, Texas;

THENCE along the common line between said City of Austin tract and the herein described tract the following four (4) courses:

1. $S 71^{\circ}45'28'' E$ a distance of 309.61 feet to a 1/2-inch iron rod set for corner;
2. $N 18^{\circ}17'23'' E$ a distance of 144.92 feet to a 1/2-inch iron rod set for corner;
3. $N 25^{\circ}14'21'' W$ a distance of 302.61 feet to a 1/2-inch iron rod found for corner;

4. N 74°42'27" W a distance of 99.97 feet to a 1/2-inch iron rod found for corner in the aforementioned south line of Oasis Bluff Drive;

THENCE along said south line of Oasis Bluff Drive the following eight (8) courses:

1. a distance of 439.32 feet along the arc of a curve to the right having a central angle of 54°43'12", a radius of 460.00 feet and a chord which bears N 42°33'33" E a distance of 422.81 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
2. N 69°55'39" E a distance of 991.16 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
3. a distance of 317.95 feet along the arc of a curve to the left having a central angle of 33°44'07", a radius of 540.00 feet and a chord which bears N 53°02'57" E a distance of 313.37 feet to a 1/2-inch iron rod set for the point of tangency of said curve;
4. N 36°11'17" E a distance of 125.74 feet to a 1/2-inch iron rod set for the point of curvature of a curve to the right;
5. a distance of 315.07 feet along the arc of a curve to the right having a central angle of 39°14'38", a radius of 460.00 feet and a chord which bears N 55°48'38" E a distance of 308.95 feet to a 1/2-inch iron rod set for the point of tangency of said curve;
6. N 75°27'46" E a distance of 158.38 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
7. a distance of 295.38 feet along the arc of a curve to the left having a central angle of 31°20'25", a radius of 540.00 feet and a chord which bears N 59°44'18" E a distance of 291.71 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
8. N 44°05'05" E a distance of 56.09 feet to a 1/2-inch iron rod found in the southwest line of Bullick Hollow Drive (ROW Varies):

THENCE along said southwest line of Bullick Hollow Drive the following eighteen (18) courses:

1. a distance of 223.57 feet along the arc of a curve to the left having a central angle of $14^{\circ}21'49''$, a radius of 891.80 feet and a chord which bears S $59^{\circ}41'14''$ E a distance of 222.98 feet to a 1/2-inch iron rod set for the point of reverse curvature between said curve to the left and a curve to the right;
2. a distance of 575.42 feet along the arc of a curve to the right having a central angle of $30^{\circ}04'27''$, a radius of 1,096.26 feet and a chord which bears S $51^{\circ}58'50''$ E a distance of 568.84 feet to a 1/2-inch iron pipe found for the point of compound curvature between said curve and another curve to the right;
3. a distance of 72.92 feet along the arc of a curve to the right having a central angle of $06^{\circ}03'42''$, a radius of 689.29 feet and a chord which bears S $33^{\circ}12'00''$ E a distance of 72.89 feet to a 1/2-inch iron rod found for the point of compound curvature between said curve and another curve to the right;
4. a distance of 354.61 feet along the arc of a curve to the right having a central angle of $13^{\circ}40'55''$, a radius of 1,485.01 feet and a chord which bears S $23^{\circ}05'00''$ E a distance of 353.77 feet to a 1/2-inch iron pipe found for the end of said curve;
5. S $16^{\circ}17'07''$ E a distance of 171.24 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
6. a distance of 341.61 feet along the arc of said curve to the left having a central angle of $15^{\circ}14'02''$, a radius of 1,284.83 feet and a chord which bears S $23^{\circ}59'10''$ E a distance of 340.61 feet to a 1/2-inch iron rod found for the end of said curve;
7. S $42^{\circ}12'37''$ E a distance of 105.49 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;
8. a distance of 209.03 feet along the arc of a curve to the left having a central angle of $12^{\circ}01'57''$, a radius of 995.37 feet and a chord which bears S $45^{\circ}56'41''$ E a distance of 208.65 feet to a 1/2-inch iron pipe found for the end of said curve;

9. S 51°09'41" E a distance of 238.99 feet to a 1/2-inch iron rod found for corner;
10. S 60°38'30" E a distance of 255.66 feet to a 1/2-inch iron rod found for corner;
11. S 71°53'42" E a distance of 93.11 feet to a 1/2-inch iron rod found for corner;
12. S 65°00'13" E a distance of 394.55 feet to a 1/2-inch iron rod found for corner;
13. S 51°43'37" E a distance of 124.10 feet to a 1/2-inch iron rod found for corner;
14. S 58°00'50" E a distance of 183.54 feet to a 1/2-inch iron rod found for corner;
15. S 45°19'14" E a distance of 117.74 feet to a 1/2-inch iron rod found for corner;
16. S 60°04'16" E a distance of 200.04 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;
17. a distance of 286.21 feet along the arc of a curve to the left having a central angle of 31°12'37", a radius of 525.42 feet and a chord which bears S 50°30'04" E a distance of 282.68 feet to a 1/2-inch iron rod found for the end of said curve;
18. S 60°13'20" E a distance of 96.30 feet to a 1/2-inch iron rod found for the northwest corner of that certain 34.69 acre tract conveyed to Eda L. Montandon & Richard Buratti, trustees for the Montandon Community Property Management Trust by deed recorded in Document No. 2000130039 of the Official Public Records of Travis County, Texas;

THENCE along the common line between said 34.69 acre tract and the herein described tract the following two (2) courses:

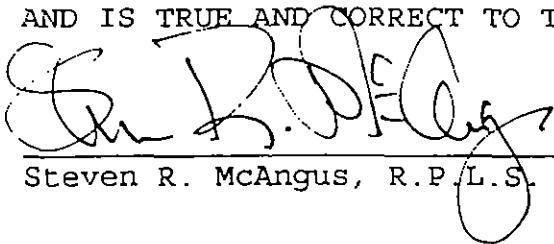
1. S 27°12'49" W a distance of 1,499.63 feet to a 1/2-inch iron rod found for corner;
2. S 61°47'45" E a distance of 337.28 feet to a 1/2-inch iron pipe found for the northwest corner of that certain 0.0574 acre tract conveyed to the Comanche Canyon Conservation Fund by deed recorded in Volume 11960, Page 1072 of the Real Property Records of Travis County, Texas;

THENCE S 26°58'03" W along the common line between said 0.0574 acre tract and the herein described tract, at a distance of 50.01 feet passing a 1/2-inch iron rod found for the southwest corner of said 0.0574 acre tract, same being an exterior ell corner of the aforementioned 42.00 acre Joseph tract, continuing for a total distance of 1,260.37 feet to a 1/2-inch iron rod found for corner;

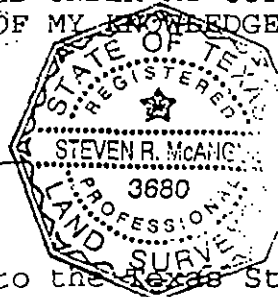
THENCE N 62°23'09" W continuing along the common line between said 42.00 acre tract and the herein described tract a distance of 693.50 feet to the POINT OF BEGINNING of the herein described Tract No. 2 and containing 364.46 acres of land, more or less.

And containing within the two (2) tracts of land described herein a total of 470.60 acres, more or less.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Steven R. McAngus, R.P.L.S. No. 3680



(The bearings herein are referenced to the Texas State Plane Coordinate System, Central Zone (NAD 1927) based upon City Austin Electric Utility Department Monument No. EUD-108.

Description of 1.00 acre
Tract No. 5

May 7, 1996
Job No. 0604

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE D. & W. RAIL ROAD COMPANY SURVEY NO. 76 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 528.85 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO ROBERT H. THERIOT RECORDED IN VOLUME 7185, PAGE 2295 OF THE DEED RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a one half inch diameter iron rod found on the west line of said D. & W. Rail Road Company Survey No. 76, being the east line of that certain D. & W. Rail Road Company Survey No. 75, being the west line of said 528.85 acre tract, at the most northerly corner of that certain 12.00 acre tract of land described in a Warranty Deed with Vendor's Lien to Robert H. Theriot recorded in Volume 8423, Page 695 of said Deed Records for the most westerly corner and PLACE OF BEGINNING hereof

THENCE with said west line, North 27 degrees 40 minutes 40 seconds East, a distance of 86.72 feet to a one half inch diameter iron rod found at the most westerly corner of that certain 1.0 acre tract of land described in a Cash Warranty Deed to Karnig Kantartian recorded in Volume 9147, Page 361 of said Deed Records for the most northerly corner hereof

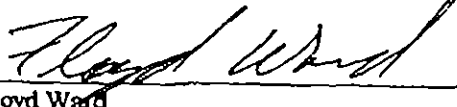
THENCE with the south line of said Kantartian tract, South 63 degrees 14 minutes 03 seconds East, a distance of 502.19 feet to a one half inch diameter iron rod set on a west line of that certain 488.207 acre tract of land described in a Warranty Deed to Robert H. Theriot recorded in Volume 8359, Page 824 of said Deed Records, at the most southerly corner of said Kantartian tract for the most easterly corner hereof

THENCE with a west line of said 488.207 acre tract, South 27 degrees 36 minutes 14 seconds West, a distance of 86.91 feet to a one half inch diameter iron rod found at the northeast corner of said 12.0 acre tract, for the most southerly corner hereof

THENCE with the north line of said 12.0 tract, North 63 degrees 12 minutes 44 seconds West, a distance of 502.30 feet to the PLACE OF BEGINNING and containing 1.00 acre of land, more or less, subject to easements, conditions or restrictions of record, if any.

BEARING OF LINES referred to in this description refer to the location of a City of Austin Electric Utility Department GPS Monument found (EUD 108) and an L.C.R.A. GPS Monument found (Station A-045) NAD 1983.

I, the undersigned, a Registered Professional Land Surveyor, do hereby state that the above description accompanied by a survey plat represents a survey made on the ground during April and May of 1996 and said description is a true and correct representation of said survey and this survey is a retracement of a survey designated as Tract 5 made on December 2, 1981 by Clinton P. Rippey, Registered Professional Land Surveyor No. 1453.


Floyd Ward
Registered Professional Land Surveyor
No. 3991 - State of Texas

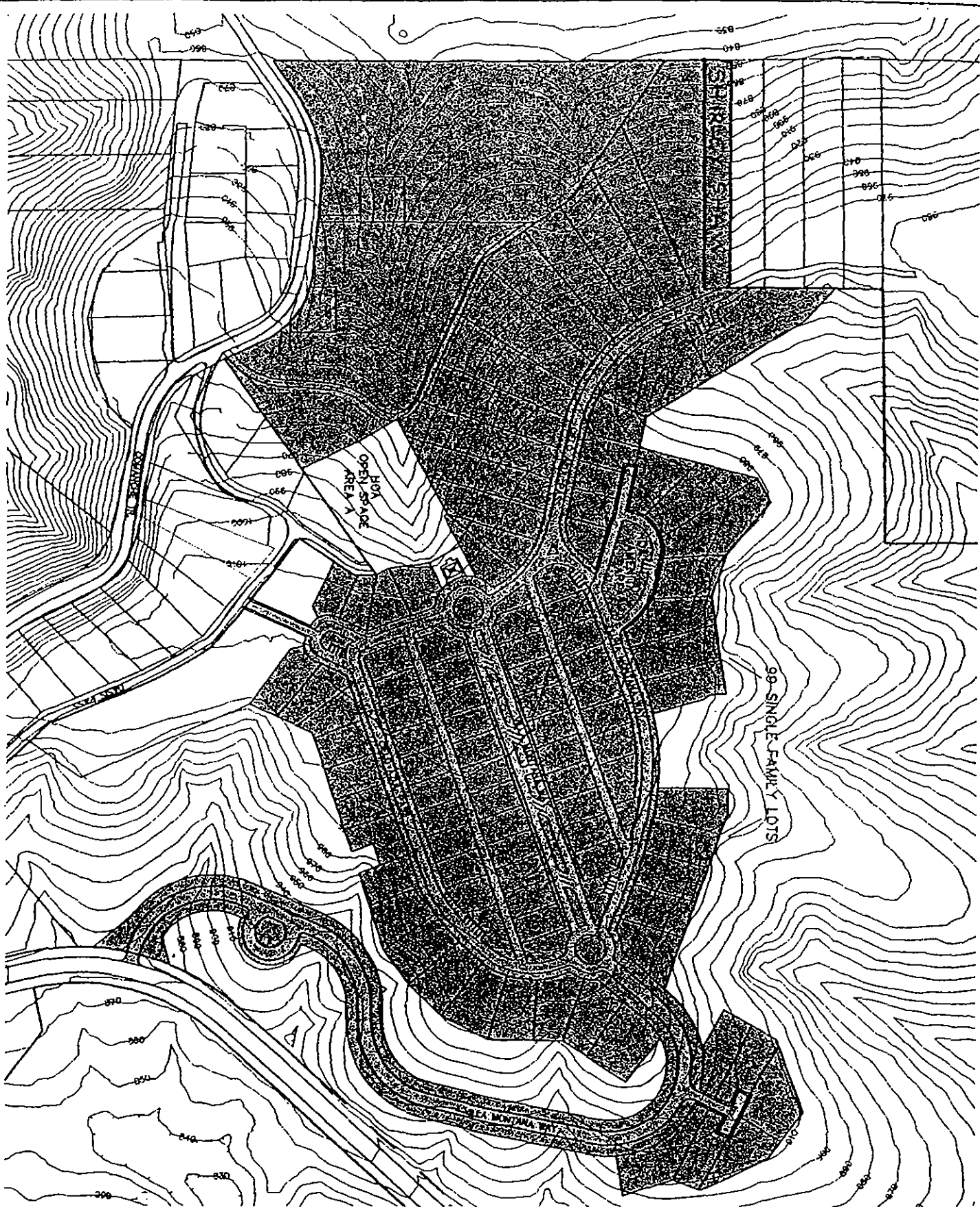
ACCUTEX SURVEY SYSTEMS, INC.
P. O. Box 14672
Austin, Texas 78761

Telephone: (512) 453-6699

Ex604C.doc

AREA 1

48.64 ACRES



COMANCHE CANYON RANCH
DEVELOPMENT CONSULTANTS



COMANCHE CANYON RANCH

Exhibit "B"

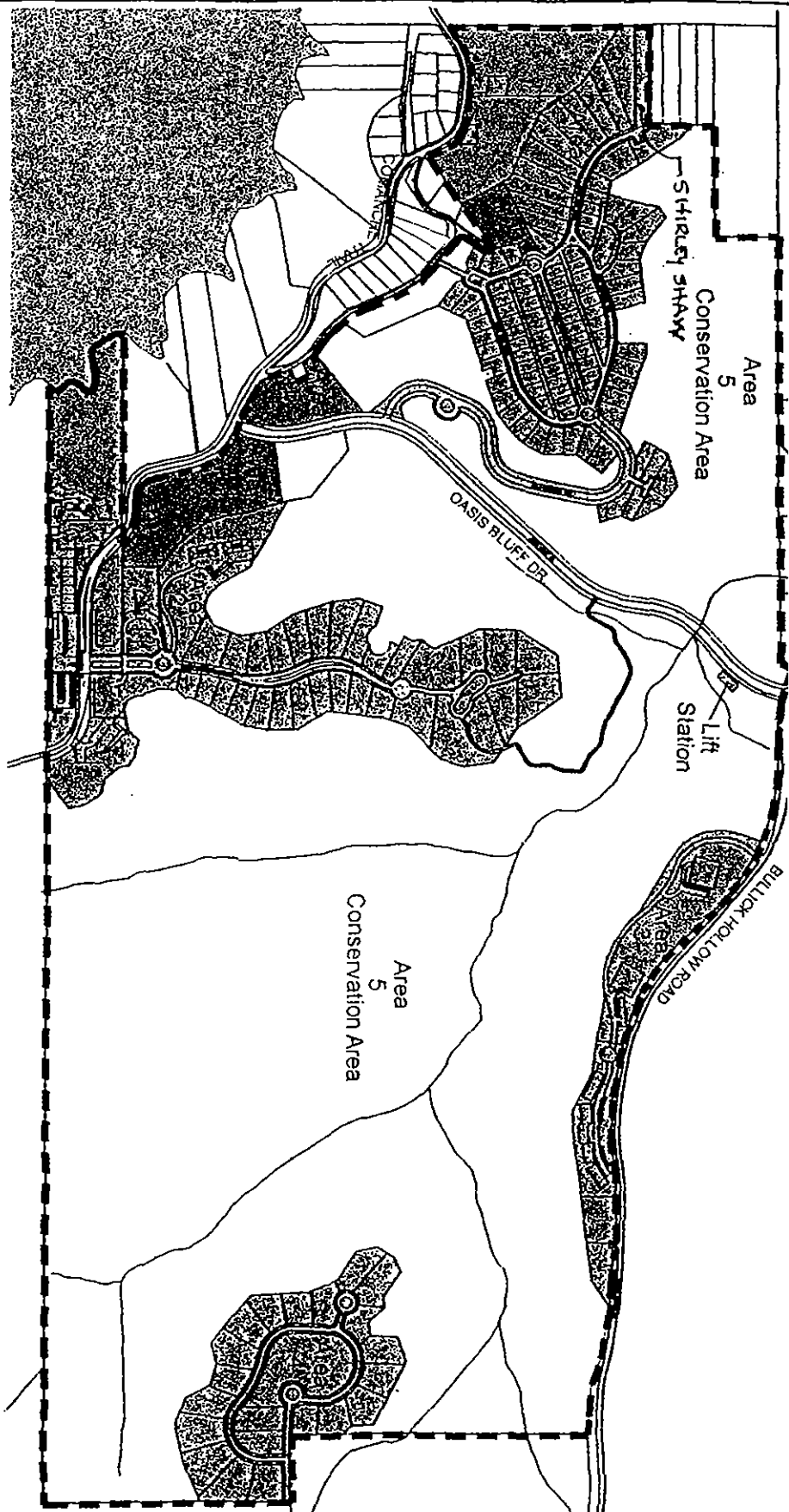
Page 3 of 4

HOLDFORD GROUP
DEVELOPMENT CONSULTANTS

4022 Sycamore Springs Rd. Suite 200
Austin, Texas 78759 Tel: 512-336-7777 Fax: 512-336-7778

WINKLEY ENGINEERING, INC.

CIVIL ENGINEERING & CONSULTING SERVICES
701 Hwy 280 South - Building 3, Suite 100
Austin, Texas 78746 Tel: 512-336-7778 Fax: 512-336-7778



COMANCHE CANYON RANCH 469.2 Total Acres	
AREA	ACREAGE
1 Residential: 99 Single Family Home Sites	48.84 ac.
2 Residential: 30 Single Family Lots Commercial/Office: 5 Bldgs- 48,000 Sq Ft Total Restaurant: 2800 seats Retail: 40,000 Sq Ft Parking Structure: 350 spaces	50.18 ac.
3 Residential: 2 Single Family Lots 40 Condo Units 24 Town Home Units	12.05 ac.
4 Residential: 21 Single Family Lots	20.35 ac.
5 Conservation Area Lift Station	327.70 ac.
6 Vineyard (5.21 ac) Wetland Quality Re-Integration (1.31 ac) Open Space (2.78 ac)	9.28 ac.



COMANCHE CANYON RANCH

Exhibit "B"
Page 4 of 4

HOLFORD GROUP
DEVELOPMENT CONSULTANTS
4625 Greenwood Springs Rd. Suite 300
Austin, Texas 78729
Tel: 781-244-0000 Fax: 781-244-0001

WINKLEY ENGINEERING, INC.
CIVIL ENGINEERING & CONSULTING SERVICE
1701 Hwy 280 South - Building A, Suite 100
Austin, Texas 78704
Tel: 512-325-3246 Fax: 512-325-3247

EXHIBIT C

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchit Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Unghadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Caolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

Abelia, Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica</i> 'Compacta nana' 'Gulf Stream'
Agarita <i>Berberis trifoliata</i>	Oleander <i>Nerium oleander</i>
Agave (Century Plant) <i>Agave sp.</i>	Palmetto <i>Sabal minor</i>
American Beartyberry <i>Callicarpa americana</i>	Prickly Pear <i>Opuntia engelmannii</i> var. <i>lindheimeri</i>
Artemisia <i>Artemisia</i> 'Powis Castle'	Rose, Belinda's Dream <i>Rosa</i> 'Belinda's Dream'
Barbados Cherry <i>Malpighia glabra</i>	Rose, Lamarne <i>Rosa</i> 'Lamarne'
Barberry, Japanese <i>Berberis thunbergii</i> 'Atropurpurea'	Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy'
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie'
Black Dalea <i>Dalea frutescens</i>	Rose, Martha Gonzales <i>Rosa</i> 'Martha Gonzales'
Bush Germander <i>Teucrium fruticans</i>	Rose, Mutabilis <i>Rosa</i> 'Mutabilis'
Butterfly Bush <i>Buddleja davidii</i>	Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild'
Butterfly Bush, Woolly <i>Buddleja marrubifolia</i>	Rose, Old Blush <i>Rosa</i> 'Old Blush'
Coralberry <i>Symphoricarpos orbiculatus</i>	Rose, Perle d'or <i>Rosa</i> 'Perle d'or'
Cotoneaster <i>Cotoneaster sp.</i>	Rock Rose <i>Pavonia lasiopetala</i>
Eleagnus <i>Eleagnus pungens</i>	Rosemary <i>Rosmarinus officinalis</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Sage, Mountain <i>Salvia reglia</i>
Flame Acanthus <i>Anisacanthus quadrifidus</i> var. <i>wrightii</i>	Sage, Texas (Cenizo) <i>Leucophyllum frutescens</i>
Fragrant Mimosa <i>Mimosa borealis</i>	Senna, Lindheimer <i>Cassia lindheimeriana</i>
Holly, Burford <i>Ilex cornuta</i> 'Burfordii'	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Dwarf Chinese <i>Ilex cornuta</i> 'Rotunda nana'	Sumac, Evergreen <i>Rhus virens</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria</i> 'Nana'	Sumac, Fragrant (Aromatic) <i>Rhus aromatica</i>
Jasmine, Primrose <i>Jasminum mesnyi</i>	Texas Sotol <i>Dasyilirion texanum</i>
Kidneywood <i>Eysenhardtia texana</i>	Turk's Cap <i>Malvaviscus arboreus</i>
Lantana, Native <i>Lantana horrida</i>	Yucca, Paleleaf <i>Yucca pallida</i>
Mistflower, Blue (Blue Boneset) <i>Eupatorium coelestinum</i>	Yucca, Red <i>Hesperaloe parviflora</i>
Mistflower, White (Shrubby White Boneset) <i>Ageratina havanense</i>	Yucca, softleaf <i>Yucca recurvifolia</i>
Mock Orange <i>Philadelphus coronarius</i>	Yucca, Twistleaf <i>Yucca rupicola</i>

Perennials

Black-eyed Susan <i>Rudbeckia hirta</i>	Lantana, Trailing <i>Lantana montevidensis</i>
Bulbine <i>B. frutescens</i> or <i>caulescens</i>	Marigold, Mexican Mint <i>Tagetes lucida</i>
Bush Morning Glory <i>Ipomoea fistulosa</i>	Obedient Plant, Fall <i>Physostegia virginiana</i>
Butterfly Weed <i>Asclepias tuberosa</i>	Oregano, Mexican <i>Poliomintha longiflora</i>
Butterfly Weed 'Mexican' <i>Asclepias curassivica</i>	Penstemon <i>Penstemon</i> sp.
Cast Iron Plant <i>Aspidistra elatior</i>	Phlox, Fragrant <i>Phlox pilosa</i>
Chile Pequin <i>Capsicum annuum</i>	Pink Skullcap <i>Scutellaria suffrutescens</i>
Cigar Plant <i>Cuphea micropetala</i>	Plumbago <i>Plumbago auriculata</i>
Columbine, Red <i>Aquilegia canadensis</i>	Poinciana, Red Bird of Paradise, Pride of Barbados
Columbine, Yellow <i>Aquilegia chrysantha</i> 'Texas Gold'	<i>Caesalpinia pulcherrima</i>
Coreopsis <i>Coreopsis lanceolata</i>	Primrose, Missouri <i>Oenothera macrocarpa</i>
Daisy, Blackfoot <i>Melampodium leucanthum</i>	Purple Coneflower <i>Echinacea purpurea</i>
Daisy, Copper Canyon <i>Tagetes lemmonii</i>	Ruellia <i>Ruellia brittoniana</i>
Damianta <i>Crysactina mexicana</i>	Sage, Cedar <i>Salvia roemeriana</i>
Fall Aster <i>Aster oblongifolius</i>	Sage, Jerusalem <i>Phlomis fruticosa</i>
Fern, River <i>Thelypteris kunthii</i>	Sage, Majestic <i>Salvia guaranitica</i>
Firebush <i>Hamelia patens</i>	Sage, Mealy Blue <i>Salvia farinacea</i>
Gaura <i>Gaura lindeheimeri</i>	Sage, Mexican Bush <i>Salvia leucantha</i>
Gayfeather <i>Liatris mucronata</i>	Sage, Penstemon, Big Red Sage <i>Salvia penstemonoides</i>
Gregg Dalea <i>Dalea greggii</i>	Sage, Russian <i>Perovskia atricplifolia</i>
Hibiscus, Perennial <i>Hibiscus moscheutos</i> , <i>Hibiscus coccineus</i>	Sage, Scarlet or 'Tropical' <i>Salvia coccinea</i>
Honeysuckle, Mexican <i>Justicia spicigera</i>	Salvia, Gregg (Cherry Sage) <i>Salvia greggii</i>
Hymenoxys (Four Nerve Daisy) <i>Tetranneuris scaposa</i>	Shrimp Plant <i>Justicia brandegeana</i>
Indigo Spires <i>Salvia</i> 'Indigo Spires'	Texas Betony <i>Stachys coccinea</i>
Iris, Bearded <i>Iris albicans</i>	Verbena, Prairie <i>Verbena bipinnatifida</i>
Iris, Butterfly/Bicolor (African) <i>Dietes</i> sp.	Yarrow <i>Achillea millefolium</i>
Lamb's Ear <i>Stachys byzantina</i>	Zexmenia <i>Wedelia texana</i>
Lantana <i>Lantana x hybrida</i> (many varieties)	

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2004 Feb 12 10:56 AM 2004026540

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DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded