

**RESTRICTIVE COVENANT**

**OWNER:** Permanent School Fund of the State of Texas

**ADDRESS:** 1700 N. Congress Avenue, Room 720, Austin, TX 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:** A 6.453 acre tract of land, more or less, out of the Santiago del Valle Grant Abstract No. 24, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

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

1. Site Access and Parking.
  - A. A No Left Turn sign shall be installed at the egress point of the Property and Brandt Road.
  - B. Owner agrees that any automotive sales use will have a policy of no testdriving of vehicles on Brandt Road.
  - C. Owner agrees to provide adequate parking onsite for employees and visitors.
  - D. A neighborhood petition to eliminate parking along Brandt Road shall not be opposed by the Owner.
2. Landscaping and Buffers.
  - A. A landscape plan shall be developed using native plants and materials.
  - B. A landscape plan shall be made available to the Parkside Homeowner's Association for review.
  - C. A 25-foot wide vegetative buffer, that includes an approximately four-foot high vegetative berm, shall be provided along Brandt Road between the driveway on Brandt Road and the southeast corner of the Property.

**D. The following provisions shall be addressed at site plan:**

- 1. The site plan shall comply with City of Austin landscape criteria.**
- 2. Tree replacement may be accomplished through relocation of some of the existing trees on the Property. Replacement trees shall include Class 1 native trees.**

**3. Signs.**

**Any sign constructed on the Property shall comply with City of Austin sign regulations for the IH-35 corridor.**

**4. Lighting.**

**A. A photometric study that shows the maximum, minimum, and average foot candles for the site shall be provided to the Parkside Homeowner's Association.**

**B. Illumination levels across the entire property shall average:**

- 18.3 foot candles during business hours;**
- 8.17 foot candles for two hours after closing; and**
- 3.87 foot candles at night.**

**C. Lights along the perimeter of the Property shall be partially-shielded fixtures installed to manufacturing specifications.**

**D. A minimum of scattered and spill-over lighting shall occur beyond the property line.**

**E. Searchlights are not allowed to be used on the Property.**

**5. Site and Building Requirements**

**A. The service area entrance shall be located on the north side of the building.**

**B. Water quality pond(s) shall be located in the southeast corner of the Property.**

**C. Stormwater and water quality ponds shall be of earth or stacked rock construction. Vertical concrete walls are not allowed, except in connection with a control point.**

**D. "Luxury dealership" construction standards shall be used for the building. These standards shall include a 100 percent masonry façade on part of the building facing**

the south elevation. The remaining façade facing the south elevation shall be either masonry or screened with landscaping.

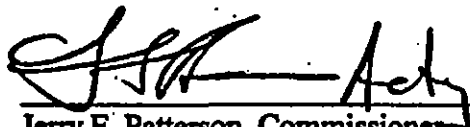
- E. Owner shall participate in the City of Austin Green Building Program, within Owner's budgetary constraints in Owner's sole discretion.
  - F. The use of exterior speakers, paging systems, or other sound devices, is not permitted on the Property, with the exception of security devices.
  - G. Outdoor music or live music from the Property shall conform to City of Austin noise regulations.
  - H. Any vending machines shall be indoors.
  - I. Any onsite body shop repair use shall be an accessory use.
  - J. Site utilities under Owner's control shall be underground.
  - K. Hours of operation for any business on the Property shall conform to State law.
  - L. No vehicle fueling facilities will be constructed on the property in connection with an automotive sales use.
  - M. Trash dumpsters shall be located on the north end of the Property.
  - N. Servicing of trash dumpsters is not permitted between the hours of 10:00 p.m. and 6:00 a.m.
  - O. Refuse, trash, and garbage shall be kept in covered containers at all times. The containers shall be kept in an enclosed structure or screened from public view.
  - P. Mechanical, solid waste, and utility-related equipment shall be screened from public view.
  - Q. Loading docks and service activity areas shall be located on the north and east sides of the building.
  - R. Large inflatable objects or vehicles that are suspended from a crane shall not be displayed above the Property for more than five consecutive days.
6. 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 and to prevent the person or entity from such actions.

7. 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.
8. 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.
9. 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.

Witness my hand and seal of office this 17<sup>th</sup> day of February, 2005.

The STATE OF TEXAS, on behalf and for the benefit of the PERMANENT SCHOOL FUND

By:

  
Jerry E. Patterson, Commissioner,  
Texas General Land Office, and Chairman,  
School Land Board

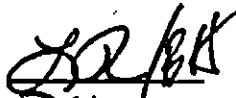

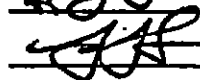
APPROVED:

Contents

Legal Services

Deputy Comm.

Chief Clerk

  
DKR  
  
BSO  
  
JH

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

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

STATE OF TEXAS           §  
                                 §  
COUNTY OF TRAVIS       §

**FIELDNOTE DESCRIPTION** of a 6.453 acre tract of land in the Santiago Del Valle Grant Abstract No. 24, Travis County, Texas, and being a part of that 6.713 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund, by deed recorded as Document No. 2003023072 and also being a part of that 26.238 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund by deed recorded as Document No. 2003023073, both of the Official Public Records of Travis County, Texas; said 6.453 acre tract of land is more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod with "M & S 1838" plastic cap found at the intersection of the northerly right-of-way line of Brandt Road with the easterly right-of-way line of Interstate Highway No. 35 and being the southwest corner of the aforesaid 6.713 acre tract;

**THENCE**, N12°57'31"E, with the westerly line of said 6.713 acre tract, same being the easterly right-of-way line of Interstate Highway No. 35 (300.0 feet wide right-of-way at this point) at 213.37 feet passing a ½" iron rod with "M & S 1838" plastic cap found for the common northwest corner of the 6.713 acre tract and southwest corner of the aforesaid 26.238 acre tract, and continuing with the westerly line of the 26.238 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set for the northwest corner of the herein described tract from which a 5/8" iron rod found for an angle point (record highway centerline station 1293+38.40 BK - 150.0 feet left) bears N12°57'31"E, 113.28 feet;

**THENCE**, leaving the common westerly line of said 26.238 acre tract and easterly right-of-way line of Interstate Highway No. 35, across the 26.238 acre tract, the following two (2) courses:

- 1) S62°26'45"E, a distance of 721.81 feet to a ½" iron rod with TxDOT aluminum cap set for the northeast corner of the herein described tract;
- 2) S12°57'31"W, at 146.46 feet passing the common line between the 26.238 acre tract and the aforesaid 6.713 acre tract, and continuing across the 6.713 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set on the northerly right-of-way line of Brandt Road for the southeast corner of the herein described tract, from which a 5/8" iron rod

found for an angle point in said right-of-way line, bears S62°26'45"E,  
351.87;

THENCE, N62°26'45"W, with the northerly right-of-way line of Brandt Road,  
same being the southerly line of said 6.713 acre tract, a distance of 721.81 feet to the  
POINT OF BEGINNING, CONTAINING within these metes and bounds 6.453 acres of  
land area, more or less.

BEARING BASIS: Grid Bearings Texas State Plane Coordinate System  
Central Zone - NAD 83.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify  
that the above description is true and correct to the best of my knowledge and that the  
property described herein was determined by a survey made on the ground under my  
direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 31  
day of JULY, 2003.



  
GEORGE E. HOPKINS  
Registered Professional Land Surveyor  
No. 4685 - State of Texas

**SKETCH TO ACCOMPANY  
FIELDNOTE DESCRIPTION  
OF 6.453 ACRES OUT OF THE  
SANTIAGO DEL VALLE GRANT  
ABSTRACT No. 24  
TRAVIS COUNTY, TEXAS**

INTERSTATE HWY. 95  
(R.O.W. VARIES)  
14.733 AC.  
THE STATE OF TEXAS  
V. 1440 P. 378  
T.C.D.R.

SCALE: 1" = 200'

BASHARA SUBDIVISION  
TRACT B  
Bk. 18 P. 70  
T.C.P.R.

26.238 AC.  
THE STATE OF TEXAS  
Doc. No. 2003023073  
O.P.R.T.C.

RECORD & STATION  
PT. 1295+38.40 BK.  
1293+86.20 FWD.  
150.0' LT.

SANTIAGO DEL  
VALLE GRANT  
ABST. No. 24

SEE DETAIL  
SHEET 4 OF 4

ASPHALT  
DRIVE

TWO  
STORY  
GARAGE &  
HOUSE

ONE  
STORY  
HOUSE

GRAVEL  
DRIVE

CONC.  
DRIVE

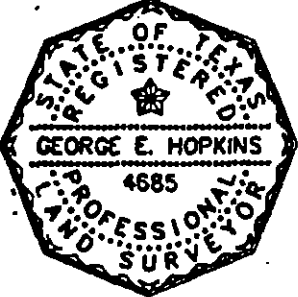
ONE  
STORY  
GARAGE

POINT OF  
BEGINNING

CITY OF AUSTIN  
5' x 34' ELECTRIC AND  
TELEPHONE ESMT.  
V. 3943 P. 801  
T.C.D.R.

6.713 AC.  
THE STATE OF TEXAS  
Doc. No. 2003023072  
O.P.R.T.C.

9.09 AC.  
SARAH I. PENICK  
V. 13221 P. 187  
T.C.D.R.



*George E. Hopkins*  
GEORGE E. HOPKINS  
Registered Professional  
Land Surveyor  
DATE 7/31/02

C.S.C.I. DWG. No. 0181951

SHEET NO.: 3 OF 4

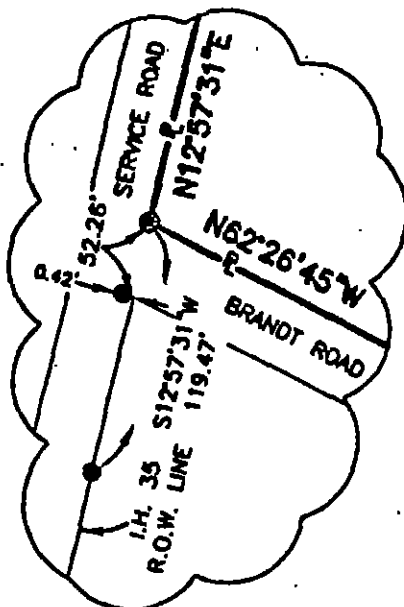
**CSCI**

1101 Capital at Texas Highway South  
Austin, Texas 78746

CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED  
Building & Suite 110  
(512) 327-0008

THIS SKETCH AND ACCOMPANYING  
FIELDNOTE DESCRIPTION WERE PREPARED  
WITHOUT THE BENEFIT OF A CURRENT  
TITLE REPORT.

**SKETCH TO ACCOMPANY  
FIELDNOTE DESCRIPTION  
OF 6.453 ACRES OUT OF THE  
SANTIAGO DEL VALLE GRANT  
ABSTRACT No. 24  
TRAVIS COUNTY, TEXAS**



DETAIL:  
NOT TO SCALE

**LEGEND**

O.P.R.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
T.C.P.R.	TRAVIS COUNTY PLAT RECORD
T.C.D.R.	TRAVIS COUNTY DEED RECORD
R.O.W.	RIGHT OF WAY
SW	SIDEWALK
⊙	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "M & S 1838"
●	5/8" IRON ROD FOUND UNLESS OTHERWISE NOTED
○	1/2" IRON ROD SET WITH TXDOT ALUMINUM CAP
▲	CALCULATED POINT
—X—	WIRE FENCE
—//—	CHAIN LINK FENCE
—OHE/T—	OVERHEAD ELECTRIC/TELEPHONE LINE

C.S.C.I. DWG. No. 01819S1

SHEET NO.: 4 OF 4

**CSCI**

CAPITAL  
SURVEYING  
COMPANY  
INCORPORATED

1901 Capital of Texas Highway South  
Austin, Texas 78746

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