



## Zoning Case No. C14-03-0137

RESTRICTIVE COVENANT

OWNER: Galaxie Corporation, a Texas corporation

ADDRESS: 6850 Austin Center Blvd., Suite 180, Austin, TX 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: A 10.823 acre tract of land, more or less, out of the Isaac Decker League 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 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, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis (TIA) prepared by WHM Transportation Engineering Consultants, Inc., dated August 2003, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated January 29, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. 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.
3. 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.
4. 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 "B". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C", may not be included.

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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 14 day of April, 2004.

**OWNER:**

Galaxie Corporation,  
a Texas corporation

By: Robert L. Armstrong  
Robert L. Armstrong  
Vice President

**APPROVED AS TO FORM:**

Deborah Thomas  
Assistant City Attorney  
City of Austin

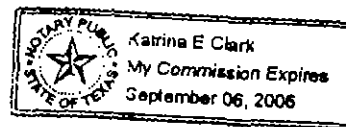
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14<sup>th</sup> day of April, 2004, by Robert L. Armstrong, Vice President of Galaxie Corporation, a Texas corporation, on behalf of the corporation.

Katrina E Clark  
Notary Public, State of Texas

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





**Professional Land Surveying, Inc.  
Surveying and Mapping**

**EXHIBIT A**

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

**ZONING DESCRIPTION  
10.823 ACRES  
ISAAC DECKER LEAGUE**

A DESCRIPTION OF 10.823 ACRES (471,446 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 10.823 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a calculated point in the west line of the 16.094 acre tract, being also in the east line of Block A, Twin Oaks Industrial Subdivision, a subdivision of record in Volume 37, Page 23, of the Plat Records of Travis County, Texas, from which a 1/2" rebar found in the west line of the 16.094 acre tract, being also the northwest corner of a 1.115 acre tract recorded in Volume 13129, Page 443, of the Real Property Records of Travis County, Texas, in the north right-of-way line of US Highway 290, the northeast corner of a 0.619 acre tract recorded in Volume 11616, Page 699, of the Real Property Records of Travis County, Texas and being the southeast corner of the remainder of Lot 1, Block A, Twin Oaks Industrial Subdivision, bears South 27°06'19" West, a distance of 266.18 feet;

**THENCE** North 27°06'19" East, with the west line of the 16.094 acre tract and the east line of Block A, Twin Oaks Industrial Subdivision, passing at 1048.18 feet a 1/2" rebar found for the southeast corner of the termination of Alpine Road (80' right-of-way width), and continuing for a total distance of 1128.53 feet to a 1/2" rebar found in the west line the 16.094 acre tract, being also the northeast corner of the termination of Alpine Road and the southeast corner of the Twin Oaks Associates tract recorded in Volume 10201, Page 185, of the Real Property Records of Travis County, Texas, from which a 1/2" iron pipe found bears North 57°33'25" West, a distance of 271.00 feet;

**THENCE** leaving the northeast corner of Twin Oaks Industrial Subdivision, North 27°00'21" East along the west line of the 16.094 acre tract and the east line of the Twin Oaks Associates tract, a distance of 169.41 feet to a 1/2" iron pipe found for the northwest corner of the 16.094 acre tract, being also the northeast corner of the Twin Oaks Associates tract and in the southwest line of Lot 1, Resubdivision of a Portion of Tract 2, Penick Subdivision, a subdivision of record in Volume 101, Page 41 of the Plat Records of Travis County, Texas, from which a 1/2" rebar found bears North 57°25'42" West, a distance of 61.22 feet;

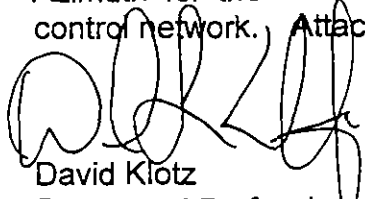
**THENCE** with the north line of the 16.094 acre tract and the south line of the Resubdivision of a Portion of Tract 2, Penick Subdivision, the following two (2) courses:

1. South 57°34'42" East, a distance of 319.83 feet to a 60d nail found;
2. South 22°57'22" East, a distance of 65.77 feet a 1/2" rebar with cap set for the northeast corner of the remainder of the 16.094 acre tract, being also in the south line of the Resubdivision of a Portion of Tract 2, the northwest corner of Payload Pass and the northwest corner of a 25 foot wide strip of land recorded in Volume 2944, Page 2231 of the Deed Records of Travis County, Texas, from which a 1/2" rebar set bears South 22°57'22" East, a distance of 65.38 feet;

**THENCE** South 27°04'53" West, crossing the 16.094 acre tract, a distance of 1225.93 feet to a calculated point, from which a 1/2" rebar with cap set for the intersecting cutback for the west right-of-way line of Payload Pass and the north right-of-way line of US Highway 290 bears South 27°04'53" West, a distance of 261.03 feet;

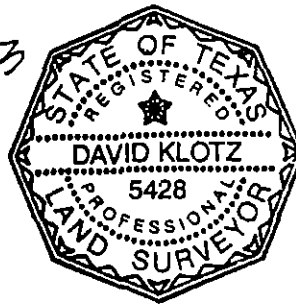
**THENCE** North 62°55'07" West, leaving the west right-of-way line of Payload Pass and the west line of the said 25 foot wide strip of land, over and across the remainder of the 16.094 acre tract, a distance of 369.11 feet to the **POINT OF BEGINNING**, containing an area of 10.823 acres of land, more or less.

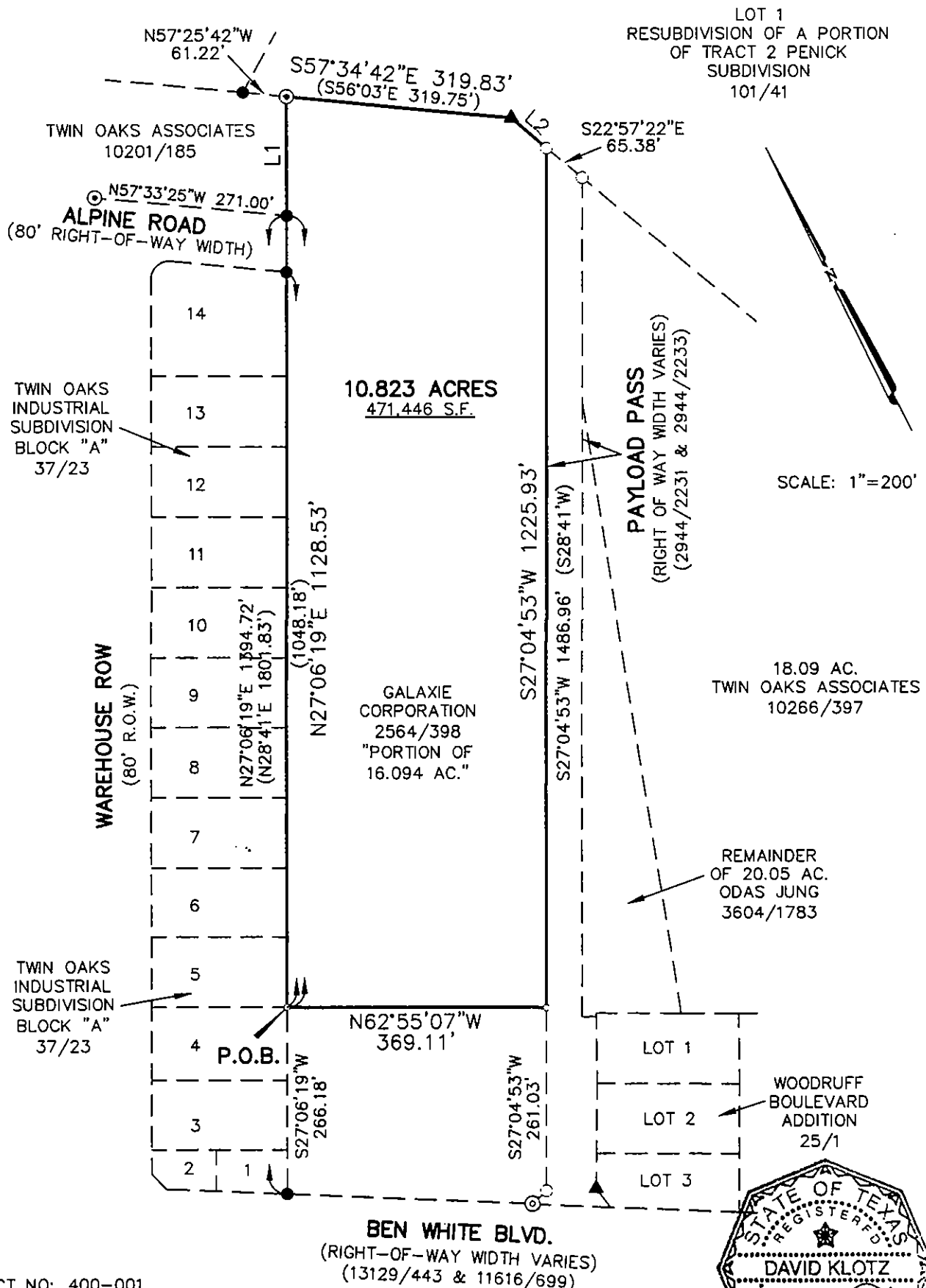
Prepared from a survey made on the ground May, 2003. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 400-001-ZN.



David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428

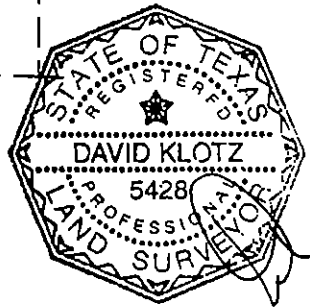
07/31/03





PROJECT NO: 400-001  
 DRAWING NO: 400-001-ZN  
 PLOT DATE: 07/28/03  
 DRAWN BY: DK  
 PAGE 1 OF 2

*Chaparral*

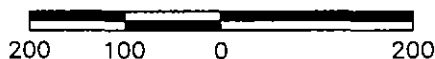


A SKETCH TO ACCOMPANY A DESCRIPTION OF 10.823 ACRES (471,446 S.F.) OF LAND OUT OF THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 16.094 ACRE TRACT CONVEYED TO GALAXIE CORPORATION IN A WARRANTY DEED DATED DECEMBER 28, 1962, RECORDED IN VOLUME 2564, PAGE 398, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

# LEGEND

⊙	1/2" PIPE FOUND
◦	CALCULATED POINT
▲	60D NAIL FOUND
●	1/2" REBAR FOUND
○	1/2" REBAR W/CAP SET

## SCALE IN FEET



LINE TABLE		
No.	BEARING	LENGTH
L1	N27°00'21"E	169.41'
L2	S22°57'22"E	65.77'



PROJECT NO: 400-001  
DRAWING NO: 400-001-ZN  
PLOT DATE: 07/28/03  
DRAWN BY: DK  
PAGE 2 OF 2

*Chaparral*

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 400-001-ZN.DOC

## EXHIBIT B

# Grow Green Native and Adapted Landscape Plants

### Trees

Ash, Texas *Fraxinus texensis*  
 Arizona Cypress *Cupressus arizonica*  
 Big Tooth Maple *Acer grandidentatum*  
 Cypress, Bald *Taxodium distichum*  
 Cypress, Montezuma *Taxodium mucronatum*  
 Elm, Cedar *Ulmus crassifolia*  
 Elm, Lacebark *Ulmus parvifolia*  
 Honey Mesquite *Prosopis glandulosa*  
 Oak, Bur *Quercus macrocarpa*  
 Oak, Chinquapin *Quercus muhlenbergii*  
 Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*  
 Oak, Lacey *Quercus glaucooides*  
 Oak, Monterey (Mexican White) *Quercus polymorpha*  
 Oak, Shumard *Quercus shumardii*  
 Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)  
 Pecan *Carya illinoensis*  
 Soapberry *Sapindus drummondii*

### Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*  
 Buckeye, Mexican *Ungnadia speciosa*  
 Buckeye, Rec *Aesculus pavia*  
 Caolina Buckthorn *Rhamnus caroliniana*  
 Cherry Laurel *Prunus caroliniana*  
 Crape Myrtle *Lagerstroemia indica*  
 Desert Willow *Chilopsis linearis*  
 Dogwood, Roughleaf *Cornus drummondii*  
 Escarpment Black Cherry *Prunus serotina* var. *eximia*  
 Eve's Necklace *Sophora affinis*  
 Goldenball Leadtree *Leucaena retusa*  
 Holly, Possumhaw *Ilex decidua*  
 Holly, Yaupon *Ilex vomitoria*  
 Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*  
 Pistachio, Texas *Pistacia texana*  
 Plum, Mexican *Prunus mexicana*  
 Pomegranate *Punica granatum*  
 Redbud, Mexican *Cercis canadensis* 'mexicana'  
 Redbud, Texas *Cercis canadensis* var. 'texensis'  
 Retama Jerusalem Thorn *Parkinsonia aculeata*  
 Senna, Flowering *Cassia corymbosa*  
 Smoke Tree, American *Cotinus obovatus*  
 Sumac, Flameleaf *Rhus lanceolata*  
 Viburnum, Rusty Blackhaw *Viburnum rufidulum*  
 Viburnum, Sandankwa *Viburnum suspensum*



## 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 Beautyberry <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 marrubiiifolia</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>Dasyliirion 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 *Rudbeckia hirta*  
 Bulbine *B. frutescens* or *caulescens*  
 Bush Morning Glory *Ipomoea fistulosa*  
 Butterfly Weed *Asclepias tuberosa*  
 Butterfly Weed 'Mexican' *Asclepias curassavica*  
 Cast Iron Plant *Aspidistra elatior*  
 Chile Pequin *Capsicum annuum*  
 Cigar Plant *Cuphea micropetala*  
 Columbine, Red *Aquilegia canadensis*  
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'  
 Coreopsis *Coreopsis lanceolata*  
 Daisy, Blackfoot *Melampodium leucanthum*  
 Daisy, Copper Canyon *Tagetes lemmonii*  
 Damiantia *Crysactina mexicana*  
 Fall Aster *Aster oblongifolius*  
 Fern, River *Thelypteris kunthii*  
 Firebush *Hamelia patens*  
 Gaura *Gaura lindeheimeri*  
 Gayfeather *Liatris mucronata*  
 Gregg Dalea *Dalea greggii*  
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*  
 Honeysuckle, Mexican *Justicia spicigera*  
 Hymenoxys (Four Nerve Daisy) *Tetaneuris scaposa*  
 Indigo Spires *Salvia 'Indigo Spires'*  
 Iris, Bearded *Iris albicans*  
 Iris, Butterfly/Bicolor (African) *Dietes sp.*  
 Lamb's Ear *Stachys byzantina*  
 Lantana *Lantana x hybrida* (many varieties)

Lantana, Trailing *Lantana montevidensis*  
 Marigold, Mexican Mint *Tagetes lucida*  
 Obedient Plant, Fall *Physostegia virginiana*  
 Oregano, Mexican *Poliomintha longiflora*  
 Penstemon *Penstemon sp.*  
 Phlox, Fragrant *Phlox pilosa*  
 Pink Skullcap *Scutellaria suffrutescens*  
 Plumbago *Plumbago auriculata*  
 Poinciana, Red Bird of Paradise, Pride of Barbados  
*Caesalpinia pulcherrima*  
 Primrose, Missouri *Oenothera macrocarpa*  
 Purple Coneflower *Echinacea purpurea*  
 Ruellia *Ruellia brittoniana*  
 Sage, Cedar *Salvia roemeriana*  
 Sage, Jerusalem *Phlomis fruticosa*  
 Sage, Majestic *Salvia guaranitica*  
 Sage, Mealy Blue *Salvia farinacea*  
 Sage, Mexican Bush *Salvia leucantha*  
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*  
 Sage, Russian *Perovskia atricplifolia*  
 Sage, Scarlet or 'Tropical' *Salvia coccinea*  
 Salvia, Gregg (Cherry Sage) *Salvia greggii*  
 Shrimp Plant *Justicia brandegeana*  
 Texas Betony *Stachys coccinea*  
 Verbena, Prairie *Verbena bipinnatifida*  
 Yarrow *Achillea millefolium*  
 Zexmenia *Wedelia texana*

## Ornamental Grasses

Bluestem, Big *Andropogon gerardii*  
 Bluestem, Bushy *Andropogon glomeratus*  
 Bluestem, Little *Schizachyrium scoparium*  
 Fountain Grass, Dwarf *Pennisetum alopecuroides*  
 Indian Grass *Sorghastrum nutans*  
 Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*  
 Muhly, Bamboo *Muhlenbergia dumosa*  
 Muhly, Big *Muhlenbergia lindheimeri*  
 Muhly, Deer *Muhlenbergia rigens*  
 Muhly, Gulf *Muhlenbergia capillaris*  
 Muhly, Seep *Muhlenbergia reverchonii*  
 Sideoats Grama *Bouteloua curtipendula*  
 Wild Rye *Elymus canadensis*

## Vines

Asian Jasmine *Trachelospermum asiaticum*  
 Carolina Jessamine *Gelsemium sempervirens*  
 Coral Vine *Antigonon leptopus*  
 Crossvine *Bignonia capreolata*  
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*  
 Lady Banksia Rose *Rosa banksiae*  
 Passion Vine *Passiflora incarnata*  
 Trumpet Vine *Campsis radicans*  
 Virginia Creeper *Parthenocissus quinquefolia*

## Groundcover

Aztec Grass *Ophiopogon japonicus*  
 Frogfruit *Phyla incisa*  
 Horseherb *Calyptocarpus vialis*  
 Leadwort *Plumbago Ceratostigma plumbaginoides*  
 Liriope *Liriope muscari*  
 Monkey Grass (Mondo Grass) *Ophiopogon japonicus*  
 Oregano *Origanum vulgare*  
 Periwinkle, Littleleaf *Vinca minor*  
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*  
 Santolina (Lavender Cotton) *Santolina chamaecyparissus*  
 Sedge, Berkeley *Carex tumulicola*  
 Sedge, Meadow *Carex perdentata*  
 Sedge, Texas *Carex texensis*  
 Sedum (Stonedrop) *Sedum nuttallianum*  
 Silver Ponyfoot *Dichondra argentea*  
 Woolly Stemodia *Stemodia lanata*  
 (*Stemodia tomentosa*)

## Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'  
 Buffalo '609', 'Stampede', 'Prairie'  
 St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'  
 Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

## EXHIBIT C

### 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

**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.

#### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2004 Apr 27 10:28 AM 2004078295

TORREZR \$36.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS