



Zoning Case No. C14-03-0147

RESTRICTIVE COVENANT

OWNER: Mickey Rich Plumbing and Heating, Inc., Texas corporation

ADDRESS: P.O. Box 150758, Austin, TX 78715

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 One: A 2.5737 acre tract of land, more or less, out of the William Cannon Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

Tract Two: An 8.5823 acre tract of land, more or less, out of the William Cannon Survey No. 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant, and

Tract Three: A 2.1020 acre tract of land, more or less, out of the William Cannon Survey No. 19 and the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" 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 Robert J. Halls and Associates, and Greear and Associates, dated April 16, 2004, 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 May 4, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department
2. 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.

5-27-04

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3. 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.
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 subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 24th day of May, 2004.

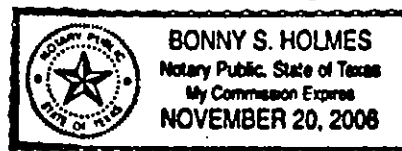
OWNER:

Mickey Rich Plumbing and Heating, Inc.,
a Texas corporation

By: Mickey Rich
Mickey Rich,
President

APPROVED AS TO FORM:

Debraugh Thomas
Assistant City Attorney
City of Austin



THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 24th day of May, 2004, by Mickey Rich, President of Mickey Rich Plumbing and Heating, Inc., a Texas corporation, on behalf of the corporation.

Bonny S. Holmes
Notary Public, State of Texas

C14-03-0147
TRACT 1
SF-6 district zoning

Exhibit "A"

TRACT "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.5737 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19, Travis County, Texas, and being out of and part of that certain 12.419 acre tract as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR), and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron rod found marking the Northeast corner hereof, same being the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Southeast corner hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCRPR, same being in the West line of said 12.419 acre tract;

THENCE, North 13 37' East, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 275.00 feet to an iron rod found marking the Northwest corner hereof, same being the Northwest corner of said 12.419 acre tract, same being the Northeast corner of said PHASE IV SECTION C, same being also in the South line of BUCKINGHAM ESTATES PHASE III, SECTION 2-A, according to the map or plat thereof recorded in Volume 80, Page 173, TCRPR;

THENCE, South 71 33' East, with the North line of said 12.419 acre tract and the South line of said PHASE III SECTION ONE and said PHASE III SECTION 2-A, a distance of 706.55 feet to the POINT OF BEGINNING and containing 2.5737 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
April 30, 2004
GEO Job No.0410979

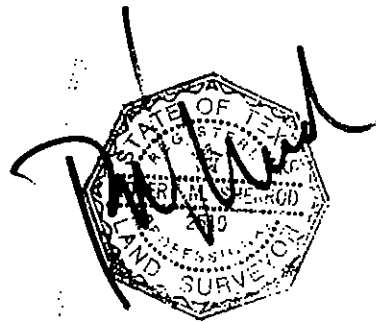


Exhibit "B"

METES AND BOUNDS DESCRIPTION

Being all that certain 8.5823 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 8.5823 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 135.00 feet to a point for the Northeast corner and POINT OF BEGINNING hereof;

THENCE, North 73 48'50" West, a distance of 450.87 feet to a point for corner hereof;

THENCE, South 77 20'05" West, a distance of 240.00 feet to a point for the Southwest corner hereof, same being located in the East line of BUCKINGHAM ESTATES PHASE IV SECTION C, according to the map or plat thereof recorded in Volume 84, Page 61C, TCPR, same being in the West line of said 12.419 acre tract;

THENCE, South 13 37' West, with the said East line of PHASE IV SECTION C and the said West line of the 12.419 acre tract, a distance of 751.16 feet to an iron rod found marking the Southwest corner of said 12.419 acre tract, same being the Southeast corner of said PHASE IV SECTION C, same being the Northwest corner of said 0.371 acre tract;

THENCE, South 00 26'50" West, with the West line of said 0.371 acre tract, a distance of 35.00 feet to a point marking the Southwest corner hereof, same being the Southwest corner of said 0.371 acre tract, and being also located in the North line of Lot 3, SLAUGHTER/SOUTH FIRST SECTION TWO, a subdivision according to the map or plat thereof recorded in Volume 96, Page 362, TCPR;

THENCE, South 89 29'50" East, with the South line hereof and the North line of said SLAUGHTER/SOUTH FIRST SECTION TWO, passing at a distance of 459.60 feet to a point marking the common South corner of said 0.371 acre tract and said 0.224 acre tract, passing at a distance of 498.50 feet the common South corner of said 0.224 acre and said 0.143 acre tract, passing at a distance of 537.40 feet the common South corner of said 0.143 acre tract and said 0.044 acre tract, and continuing a total distance of 593.56 feet to a point for the Southeast corner hereof, same being the Northeast corner of said SLAUGHTER/SOUTH FIRST SECTION TWO, and being also located in the Westerly right-of-way line of South 1st Street (90 feet in width);

THENCE, with the said Westerly right-of-way line of South 1st Street, a distance of 124.47 feet to a point of curvature;

THENCE, with the said Westerly right-of-way line of South 1st Street along the arc of a curve to the right, said curve having a radius of 494.12 feet, a chord bearing and distance of North 02 31'30" East-73.38 feet to a point for corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner hereof;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner hereof;

THENCE, North 76 09'50" East, a distance of 309.63 feet to a point for corner hereof located in the said West right-of-way line of South 1st Street;

THENCE, North 30 10' East, with the said West right-of-way line of South 1st Street, a distance of 205.00 feet to the POINT OF BEGINNING and containing 8.5823 acres of land.

BASIS OF BEARINGS: Vol. 10129, Page 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
April 30, 2004
GEO Job No.0410979



Exhibit "C"

TRACT "C"

METES AND BOUNDS DESCRIPTION

Being all that certain 2.1020 acre tract or parcel of land situated in the WILLIAM CANNON SURVEY NO. 19 and the S. F. SLAUGHTER LEAGUE SURVEY NO. 1, Travis County, Texas, and being out of and part of that certain 13.2580 acre tract(s) same being comprised of six (6) tracts: (a) 12.419 acres as described in Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 10129, Page 851, Travis County Real Property Records (TCRPR); and (b) 0.371 acres, 0.224 acres, 0.143 acres, 0.057 acres and 0.044 acres as conveyed by Deed to Mickey Rich Plumbing and Heating, Inc. as recorded in Volume 12923, Page 173, TCRPR; said 2.1020 acre tract being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the Northeast corner of said 12.419 acre tract, same being the Southeast corner of Lot 1, Block G, BUCKINGHAM ESTATES PHASE III SECTION ONE, a subdivision according to the map or plat thereof recorded in Volume 77, Page 350, Travis County Plat Records (TCPR), same being located in the West right-of-way line of South 1st Street (75 feet in width);

THENCE, South 30 10' West, with the said West right-of-way line of South 1st Street, a distance of 340.00 feet to a point for the Northeast corner and the POINT OF BEGINNING hereof;

THENCE, continue, South 30 10" West, with the said West right-of-way line of South 1st Street, a distance of 237.07 feet to a point of curvature;

THENCE, in a Southwesterly direction along the arc of a curve to the left and with the said Westerly right-of-way line of South 1st Street, said curve having a radius of 494.12 feet, a chord bearing and distance of South 13 52'20" West-121.44 feet to a point for the Southeast corner hereof;

THENCE, North 76 09'50" West, a distance of 240.00 feet to a point for corner;

THENCE, North 13 21'45" East, a distance of 349.00 feet to a point for corner;

THENCE, South 76 09'50" East, a distance of 309.63 feet to the POINT OF BEGINNING hereof and containing 2.1020 acres of land.

BASIS OF BEARINGS: Vol. 10129, Pg. 851, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
April 30, 2004
GEO Job No.0410979



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 Jun 03 10:27 AM 2004105965

GONZALES \$26.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recording 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.