



Zoning Case No. C14-04-0018

RESTRICTIVE COVENANT

OWNER: Riddell Family Limited Partnership, a Texas limited partnership

ADDRESS: 2028 East Ben White Blvd., Suite 508, Austin, TX 78741

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 27.964 acre tract of land, more or less, out of the S.F. Slaughter league No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

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, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Wilbur Smith Associates, dated February 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All 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 June 16, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. The minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.
3. 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.
4. 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.
5. 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.

6-17-04
= 7-6

6. 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 14th day of June, 2004.

OWNER:

Riddell Family Limited Partnership,
a Texas limited partnership

By: Wayne J. Riddell
Wayne J. Riddell,
General Partner

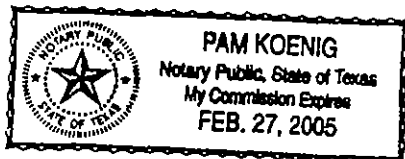
APPROVED AS TO FORM:

Deborah Thomas
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14th day of June, 2004 by Wayne J. Riddell, General Partner on behalf of Riddell Family Partnership, a Texas limited partnership.



Pam Koenig
Notary Public, State of Texas

EXHIBIT A
DESCRIPTION

C14-04-0018
GR-CO DISTRICT zoning,
with conditions!

OF A 27.964 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.964 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the northerly line of F.M. 1626 (R.O.W. varies - Hwy. Sta. 107+01.3), being the southeasterly corner of the remaining portion of said "Tract One", for the southeasterly corner hereof;

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 861.72 feet to a 1/2 inch iron rod with cap set at the intersection of the northerly line of F.M. 1626 with the easterly line of South First Street (120' R.O.W.), for the southwesterly corner hereof;

THENCE, leaving the northerly line of F.M. 1626, along a portion of the easterly line of South First Street, along a curve to the right having a radius of 30.00 feet, a central angle of 50°43'12", an arc length of 26.56 feet and a chord which bears N50°45'33"W, a distance of 25.70 feet to a 1/2 inch iron rod with cap found at the southeasterly corner of that certain 0.380 acre tract of land conveyed to the City of Austin by deed of record in Document No. 2000101517 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE, along the easterly line of said 0.380 acre tract, being the westerly line hereof, the following ten (10) courses and distances:

- 1) N17°34'51"E, a distance of 149.60 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N18°18'33"E, a distance of 100.18 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N20°43'32"E, a distance of 98.79 feet to a 1/2 inch iron rod with cap found for an angle point;
- 4) N14°53'19"E, a distance of 101.78 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N11°30'51"E, a distance of 91.70 feet to a 1/2 inch iron rod with cap set for an angle point;
- 6) N18°59'26"E, a distance of 98.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N22°15'57"E, a distance of 99.98 feet to a 1/2 inch iron rod with cap set for an angle point;

- 8) N18°50'00"E, a distance of 100.16 feet to a 1/2 inch iron rod with cap found for an angle point;
- 9) N20°09'06"E, a distance of 100.03 feet to a 1/2 inch iron rod with cap found for an angle point;
- 10) N20°28'36"E, a distance of 156.34 feet to a 1/2 inch iron rod with cap found in the easterly line of South First Street, being the most northerly corner of said 0.380 acre tract for the point of curvature of a curve to the left;

THENCE, along the easterly line of South First Street, being a portion of the westerly line hereof, along said curve to the left having a radius of 1060.00 feet, a central angle of 09°44'30", an arc length of 180.23 feet and a chord which bears N17°23'05"E, a distance of 180.01 feet to a 1/2 inch iron rod with cap set at the southwesterly corner of the remaining portion of that certain 51.126 acre tract of land conveyed to the Austin Independent School District by deed of record in Document No. 2000022808 of said Official Public Records, for the northwesterly corner hereof;

THENCE, S60°13'41"E, leaving the easterly line of South First Street, along the southerly line of the remaining portion of said 51.126 acre tract, being the northerly line hereof, a distance of 1157.19 feet to a 1/2 inch iron rod found in the westerly line of Old San Antonio Road (R.O.W. varies), being the southeasterly corner of the remaining portion of said 51.126 acre tract, for the northeasterly corner hereof;


THENCE, S26°30'11"W, along the westerly line of Old San Antonio Road, being the easterly line of the remaining portion of said "Tract One" and the easterly line hereof, a distance of 912.56 feet to a concrete monument found at the intersection of the westerly line of Old San Antonio Road with the northerly line of F.M. 1626;

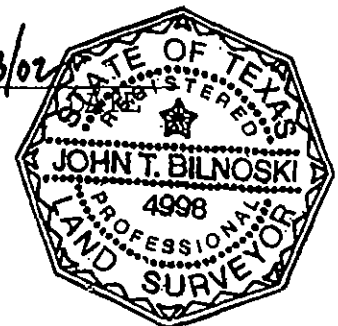
THENCE, S68°34'49"W, along the westerly right-of-way cut-back line of F.M. 1626, being the easterly line of the remaining portion of said "Tract One" and a portion of the easterly line hereof, a distance of 156.54 feet to the **POINT OF BEGINNING**, containing an area of 27.964 acres (1,218,118 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS IS TEXAS CENTRAL ZONE NAD83. CONTROL MONUMENTS USED FOR THIS SURVEY ARE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY MONUMENTATION.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI
NO. 4998
STATE OF TEXAS



OLD SAN ANTONIO ROAD
(R.O.W. VARIES)

0 300 600 900 1200
1"=600'

EDWIN TABB HARREL
VOL. 13125, PG. 503

EDWIN TABB HARREL
VOL. 13125, PG. 503

APPROXIMATE
CENTERLINE
MEANDERS OF
SLAUGHTER CREEK

EDWIN TABB HARREL
VOL. 13125, PG. 503

APPROXIMATE
CENTERLINE
MEANDERS OF
SLAUGHTER CREEK

169.808 ACRES
PULTE HOMES OF
TEXAS, L.P.
DOC. NO. 1998112072

STABLEWOOD AT
SLAUGHTER CREEK
SECTION FOUR
DOC. NO. 199900386

TRACT TWO
REM. OF 92.678 AC.
THE RIDDELL FAMILY
LIMITED PARTNERSHIP
VOL. 12246, PG. 585

WAYNE
RIDDELL
LOOP
(64' R.O.W.)

SOUTH FIRST STREET
(120' R.O.W.)

EDWIN TABB HARREL
VOL. 13125, PG. 503

0.97 AC
MARGARET
EVERS

13.00 ACRES
WALTER MILLER
VOL. 1442, PG. 2

2.764 ACRES
JACKLINE THORNTON
VOL. 12320, PG. 712

5.938 ACRES
AUSTIN INDEPENDENT
SCHOOL DISTRICT
VOL. 13330, PG. 319

REM. OF 30.365 ACRES
STABLEWOOD
DOC. NO. 2000039224

SAN VALLE DEL
GRANT

TRACT 1
77.824 ACRES

0.335 ACRE
LOUELLA M. ROLLINS
DOC. NO. 2000097088

LOT A RICHARD
MARSHALL ADDITION
VOL. 78, PG. 131

MORRIS DALE
SUBDIVISION
BK. 14, PG. 17

0.81 AC
BARNARD
DOC. NO.
2001121431

TRACT THREE
REM. OF 125.714 AC.
THE RIDDELL FAMILY
LIMITED PARTNERSHIP
VOL. 12246, PG. 585

18.03 ACRES
PATTON G. LOCHRIDGE
VOL. 8536, PG. 209

TRACT THREE
VOL. 12246, PG. 585

8.41 ACRES
JOHN G. ADAMS
VOL. 10024,
PG. 547

REM. OF 51.126 ACRES
AUSTIN INDEPENDENT
SCHOOL DISTRICT
DOC. NO. 2000022808

0.519 ACRES
CITY OF AUSTIN, TEXAS
DOC. NO. 1999117966

27.964 ACRES

0.380 ACRES
CITY OF AUSTIN, TEXAS
DOC. NO. 2000101517

TRACT ONE
REM. OF 229.899 AC.
THE RIDDELL FAMILY
LIMITED PARTNERSHIP
VOL. 12246, PG. 585

P.O.B.

FM 1626

1626 PARK ADDITION
VOL. 99, PG. 290

INTERSTATE HIGHWAY 35 (R.O.W. VARIES)

Bury+ Partners

Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0811 Fax 512/328-0323
Bury+Partners, Inc. ©Copyright 2002

SKETCH TO ACCOMPANY DESCRIPTION
OF 27.964 ACRES OF LAND OUT OF THE S.F.
SLAUGHTER LEAGUE NO. 1, SITUATED IN TRAVIS
COUNTY, TEXAS, BEING A PORTION OF THAT
CERTAIN TRACT OF LAND CALLED "TRACT ONE" OF
RECORD IN VOLUME 12246, PAGE 585 OF THE REAL
PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**RIDDELL
FAMILY
PARTNERSHIP**

DATE: 11/08/02 FILE: H:\652\39\65239EX7.dwg FN No.: FN02-320(MJJ) DRAWN BY: MJJ PROJ. No: 652-39.08

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 28 10:05 AM 2004122665

GONZALES \$24.00

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.