



Zoning Case No. C14-04-0074

RESTRICTIVE COVENANT

OWNER: Lumbermen's Investment Corporation, Inc., a Delaware corporation

ADDRESS: 1300 South MoPac Expressway, Austin, Texas 78746

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: Lots 1 and 2, Block A, Onion Creek, Section 100 Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Document No. 200200221, Official Public Records of Travis County, Texas, SAVE AND EXCEPT the property described as Tract Two in this covenant; and

Tract Two: A 3,000 square foot tract of land, more or less, out of Lot 1, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

Tract Three: Lot 3, Block A, Onion Creek, Section 100 Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Document No. 200200221, Official Public Records of Travis County, Texas.

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 WHM Transportation Engineering Consultants, Inc., dated April 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 September 1, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

9-30-04
7-3

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.
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 15 day of September, 2004.

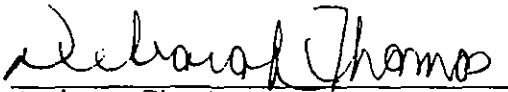
OWNER:

Lumbermen's Investment Corporation,
a Delaware corporation

By: 

Robert M. Mann,
Senior Vice-President

APPROVED AS TO FORM:



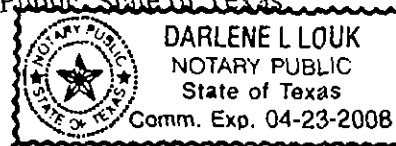
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 15th day of September, 2004, by Robert M. Mann, Senior Vice-President of Lumbermen's Investment Corporation, a Delaware corporation, on behalf of the corporation.

Darlene L Louk
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

3,000 Sq. Ft.
CS - Zoning Description
Lot 1, Onion Creek, Section 100

PD04-004 (SCO)
May 5, 2004
JOB NO. 050594.001, 1.0010

PROPERTY DESCRIPTION

C14-04-0074
TRACT 2
CS-1-CO ZONING

BEING 3,000 SQUARE FEET OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS. SAID 3,000 SQUARE FEET BEING A PORTION OF LOT 1, BLOCK A OF ONION CREEK, SECTION 100, A SUBDIVISION, RECORDED IN DOCUMENT NUMBER 200200221, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. SAID 3,000 SQUARE FEET AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point for the northeast corner of the herein described tract, from which an iron rod found for the northeast corner of said Lot 1 bears, N 29°21'28" E, a distance of 411.39 feet and an iron rod found for the southeast corner of said Lot 1 bears, S 21°19'04" E, a distance of 309.59 feet;

THENCE, over and across said Lot 1 the following seven (7) courses:

1. S 16°32'16" W, a distance of 17.48 feet;
2. S 30°18'26" E, a distance of 3.10 feet;
3. S 59°41'34" W, a distance of 60.00 feet;
4. N 30°18'26" W, a distance of 20.46 feet;
5. N 06°51'43" W, a distance of 41.05 feet;
6. N 16°32'16" E, a distance of 11.71 feet;
7. S 73°27'44" E, a distance of 70.00 feet to the **POINT OF BEGINNING** and containing 3,000 Square Feet;

BASIS OF BEARINGS: Bearing Basis based on G.P.S. observations in the Texas State Plane Coordinate System, Texas Central Zone, (N.A.D. 83).

THE STATE OF TEXAS

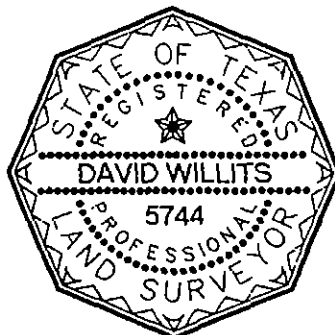
KNOW ALL MEN BY THESE PRESENTS:


COUNTY OF TRAVIS

That I, David Willits, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein is based upon public record.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 5th day of May, 2004 A.D.

Carter & Burgess, Inc.
2705 Bee Cave Road, Suite 300
Austin, Texas 78746




David Willits
Registered Professional Land Surveyor
No. 5744 - State of Texas

SANTIAGO DEL VALLE GRANT

LOT 2, BLOCK A
0.9696 ACRES

LOT 1, BLOCK A
4.0873 ACRES

ONION CREEK
SECTION 100
DOC. 200200221
O.P.R.T.C.T.

LOT 3, BLOCK A
4.5967 ACRES

INTERSTATE HIGHWAY 35
(R-O-W VARIES)

N16°32'16"E
11.71

N06°51'43"W
41.05

N30°18'26"W
20.46

S73°27'44"E
70.00

3,000
Sq. Ft.

S59°41'34"W
60.00

N29°21'20"E
411.43

S21°19'04"E
309.59

P.O.B.
S16°32'16"W
17.48
S30°18'26"E
3.10

N07°50'42"E
(N10°22'59"E
653.12
653.07)

15' WATERLINE EASEMENT
VOL. 4860, PG. 167
D.R.T.C.T.

ONION CREEK PARKWAY
(120' R-O-W)



SCALE : 1" = 100'
MAY, 2004
TRAVIS COUNTY, TEXAS

LEGEND

- IRON ROD FOUND
- () RECORD CALL
- P.O.B. POINT OF BEGINNING
- D.R.T.C.T. DEED RECORDS OF
TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS
OF TRAVIS COUNTY, TEXAS

Bearing Basis based on G.P.S. observations
in the Texas State Plane Coordinate System,
Texas Central Zone, (N.A.D. 83).

SKETCH to ACCOMPANY DESCRIPTION No. PD04-004

Carter & Burgess
Consultants in Surveying,
Engineering, Architecture,
Construction Management,
and Related Services

Carter & Burgess, Inc.
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Suite 300
Austin, Texas 78748
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Fax: 512.328.8672
info@c-b.com
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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

A handwritten signature in black ink, reading "Dana DeBeauvoir", is written over the official text.

2004 Oct 06 03:23 PM 2004191620

FERGUSONL \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS