

RESTRICTIVE COVENANT

OWNER: Austin I-35 South L.L.C., a Texas limited liability company.

ADDRESS: 126 White Sands Drive, Austin, TX 78734

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 0.882 acre tract of land, more or less, out of Lot 1, Block A, The Waters at Bluff Springs Subdivision, 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 building opening for ingress/egress that faces the east property line is for emergency use only.
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.

10-7-04

Z-1D

EXECUTED this the 5TH day of OCTOBER, 2004.

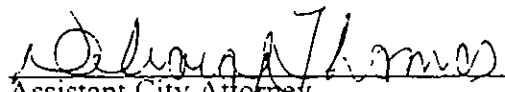
OWNER:

Austin I-35 South L.L.C.,
a Texas limited liability company

By: 

George D. Conn, Managing Partner

APPROVED AS TO FORM:

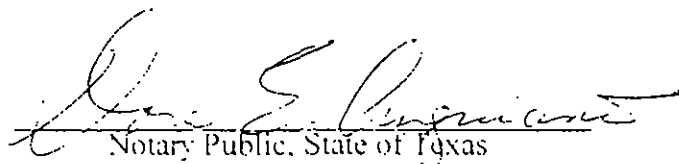

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

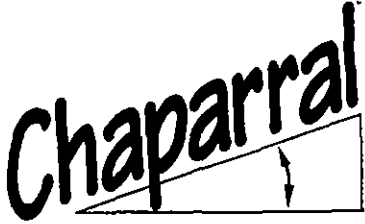
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 5 day of October, 2004
by George D. Conn, Managing Partner, of Austin I-35 South L.L.C., a Texas limited liability
company, on behalf of the company.




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

**THE WATERS AT BLUFF SPRINGS
ZONING DESCRIPTION**

A DESCRIPTION OF 0.882 ACRES, BEING A PART OF LOT 1, BLOCK A, THE WATERS AT BLUFF SPRINGS. A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT No. 200100047 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.882 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the north line of said Lot 1, Block A, being also the south line of a 2.215 acre tract, being the remainder of a 119.82 acre tract, recorded in Volume 3559, Page 639 of the Deed Records of Travis County, Texas, from which a ½" rebar found bears North 67°44'25" West, a distance of 201.15 feet, being the northwest corner of said Lot 1, being also the southwest corner of said 2.215 acre tract, and being also in the east right-of-way of Interstate Highway No. 35 (right-of-way width varies);

THENCE South 67°44'25" East, along the common line of said Lot 1 and the 2.215 acre tract, a distance of 73.79 feet to a ½" rebar found for the northeast corner of said Lot 1, being also a point in the south line of said 2.215 acre tract, and being also a northwestern corner of Lot 2, Block A of The Waters at Bluff Springs;

THENCE with the common line of Lot 1 and Lot 2, the following two (2) courses:

1. South 22°15'29" West, a distance of 412.90 feet to a ½" rebar found;
2. North 67°50'29" West, a distance of 100.61 feet to a calculated point, from which a ½" rebar found bears North 67°50'29" West, a distance of 0.66 feet;

THENCE over and across said Lot 1, the following two (2) courses:

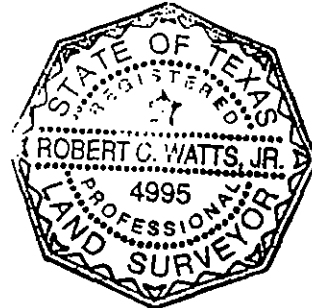
1. North 21°13'14" East, a distance of 140.14 feet to a calculated point;
2. North 28°23'48" East, a distance of 274.53 feet to the **POINT OF BEGINNING**, containing 0.882 acres of land, more or less.

Lot 1, Block "A"
The Waters at Bluff Springs
Page 2 of 2

Surveyed on the ground May, 2004. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from the LCRA Control Network. Attachments: Survey Drawing 101-015-ZN.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



6-3-04

Chaparral

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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2004 Oct 22 03:29 PM 2004200906

BENAVIDESV \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS