



## Zoning Case No. C14-04-0127

RESTRICTIVE COVENANT

OWNER: Mitch Wright and Bobbie Lee Wolfe, Trustee of the Everett Mitchell Wright Irrevocable Trust

ADDRESS: 1010 Land Creek Cove, Austin, Texas 75746

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 1.645 acre tract of land, more or less, out of the Memucan Hunt Survey No. 88, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached to and 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, generate 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, dated September 10, 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 October 13, 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.
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.

11-18-04

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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 18 day of November, 2004.

**OWNER:**

**Mitch Wright and Bobbie Lee Wolfe, Trustees of  
the Everett Mitchell Wright Irrevocable Trust**

By:   
Mitch Wright, Trustee

By:   
Bobbie Lee Wolfe, Trustee

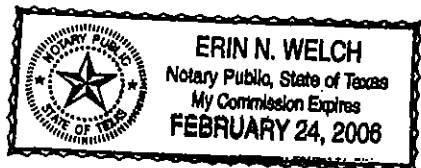
APPROVED AS TO FORM:


  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 16<sup>th</sup> day of November, 2004 by Mitch Wright, Trustee of the Everett Mitchell Wright Irrevocable Trust.

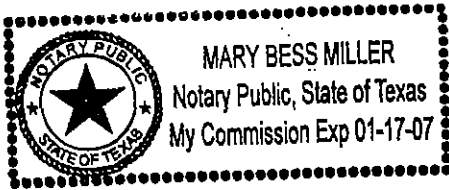


  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 18 day of November, 2004 by Bobbie Lee Wolfe, Trustee of the Everett Mitchell Wright Irrevocable Trust.



Mary Bess Miller  
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

1.645 Acres  
Memucan Hunt Survey No. 88  
Travis County, Texas

*EXHIBIT A*

FN 2797R(MLQ)  
August 10, 2004  
SAM, Inc. Job No. 24038-03

DESCRIPTION OF A 1.645 ACRE TRACT OF LAND LOCATED IN THE MEMUCAN HUNT SURVEY NO. 88, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THE REMAINDER OF A CALLED 56.458 ACRE TRACT OF LAND, PARCEL 1, TRACT 3, CONVEYED TO MITCH WRIGHT AND BOBBIE LEE WOLFE, TRUSTEE OF THE EVERETT MITCHELL WRIGHT IRREVOCABLE TRUST BY DEED OF RECORD IN DOCUMENT NO. 2003035749 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.645 ACRE TRACT OF LAND, AS SHOWN ON SAM, INC. DRAWING No. L017-24038-03 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found in the north right-of-way (ROW) line of Howard Lane, a varying width ROW, a called 6.746 acre tract of land described in Volume 13314, Page 706 and Volume 13284, Page 1373 of the Real Property Records of Travis County, Texas, for an ell corner of the remainder of said 56.485 acre tract, same being the southeast corner of a called 2.932 acre tract conveyed to Thom Farrell, Trustee of the Rollingwood Trust by deed of record in Volume 11998, Page 1377 of the Real Property Records of Travis County, Texas, for the southwest corner of the tract described herein and the **POINT OF BEGINNING**, from which a 1/2-inch iron rod found in said north ROW line for the southwest corner of said 2.932 acre tract, same being a southeast corner of said 56.845 acre tract bears, N 60° 11' 20" W, a distance of 133.96 feet;

**THENCE** leaving said north ROW line with common line of said called 56.458 acre tract and said called 2.932 acre tract, N 29° 47' 01" E, a distance of 349.98 feet (called N 29° 44' 18" E, a distance of 350.00 feet) to a 1/2-inch iron rod found in the south ROW line of Howard Lane East (Fish Lane), a varying width ROW, for a northwest corner of said 56.485 acre tract, same being the northeast corner of said 2.932 acre tract, and the northwest corner of the tract described herein;

**THENCE** leaving said common line with said south ROW line, same being a north line of said 56.458 acre tract the following two (2) courses and distances:

1. S 60° 13' 29" E, a distance of 181.54 feet to a 1/2-inch iron rod found, and
2. S 39° 13' 44" E, a distance of 29.88 feet to a 1/2-inch iron rod found for the intersection of said south ROW line and the west ROW line of Dessau Road, a varying width ROW, for the northeast corner of said 56.458 acre tract and the tract described herein;

1.645 Acres  
Memucan Hunt Survey No. 88  
Travis County, Texas

FN 2797R(MLQ)  
August 10, 2004  
SAM, Inc. Job No. 24038-03

**THENCE** leaving said south ROW line with said west ROW line, same being the east line of said 56.458 acre tract, S 29° 54' 22" W, a distance of 285.75 feet to a 1/2-inch iron rod with "SAM, INC." plastic cap set for the northeast corner of said Howard Lane, same being the southeast corner of the tract described herein, from which a 5/8-inch iron rod found in the west ROW line of said Dessau Road, for a southeast corner of said 6.746 acre tract, same being a northeast corner of a called 24.27 acre tract conveyed to Continental 134 Fund Limited Partnership by deed of record in Document 2001121162 of the Official Public Records of Travis County, Texas, bears, S 29° 54' 22" W, a distance of 256.12 feet;

**THENCE** leaving said west ROW line with said north ROW line of Howard Lane the following two (2) courses and distances:

1. S 74° 07' 18" W, a distance of 75.56 feet to a 1/2-inch iron rod with "SAM, INC." plastic cap set, and
2. N 60° 02' 21" W, a distance of 156.02 feet (called N 62° 09' 16" W, a distance of 155.87 feet) to the **POINT OF BEGINNING** and containing 1.645 acres of land, more or less.

**BEARING BASIS:** Two 1/2-inch iron rods found for the northeast and southeast corners of the remainder of a called 56.458 acre tract of land described in Volume 12038, Page 1581 of the R.P.R.T.C.Tx. same being on the west ROW line of Dessau Road, called S29°54'22"W, a distance of 803.79 feet. Held called bearing between the found iron rods and found the distance to be 803.75 feet.

THE STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, C. M. Solomon, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during February 2003.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 10th day of August, 2004 A. D.

SURVEYING AND MAPPING, Inc.  
5508 West Highway 290, Building B  
Austin, Texas 78735

  
C. M. Solomon  
Registered Professional Land Surveyor  
No. 5734 - State of Texas



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2004 Dec 10 01:04 PM 2004229282

GONZALES \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS