



Zoning Case No. C14-05-0034SH

**RESTRICTIVE COVENANT**

OWNER: Austin Peaceful Hill, Ltd., a Texas limited partnership

ADDRESS: 824 West 10<sup>th</sup> Street, Suite 101, Austin, Texas 78701

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 13.65 acre tract of land, more or less, out of the William Cannon League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 9.75 acre tract of land, more or less, out of the William Cannon League in 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 site plan or building permit for the Property may not be approved, released, or issued, until the following construction is completed:
  - a) a pedestrian access way between the proposed development and Peaceful Hill Lane; and
  - b) a center turn lane along the Ralph Ablanedo Drive frontage of the Property.
2. A six-foot high solid masonry wall shall be provided and maintained along the property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west.
3. An eight-foot high solid fence shall be provided and maintained along the east property line that abuts an industrial use or industrial zoning district.
4. 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.

12-15-05  
# 96

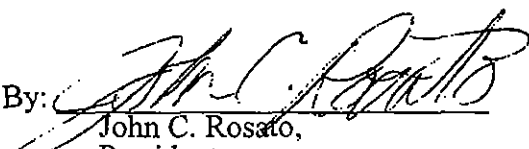
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
6. If at any time the City of Austin fails to enforce 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.
7. 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 to be effective the 17<sup>th</sup> day of NOVEMBER, 2005.


**OWNER:**

Austin Peaceful Hill, Ltd.,  
a Texas limited partnership

By: APH, Inc.,  
a Texas corporation,  
General Partner

By:   
John C. Rosato,  
President

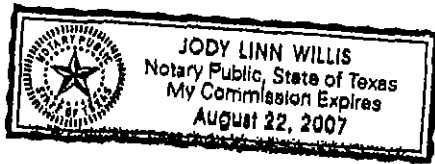
APPROVED AS TO FORM:


  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 17<sup>th</sup> day of November, 2005, by John C. Rosato, President, of APH, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this covenant as General Partner, on behalf of Austin Peaceful Hill, Ltd., a Texas limited partnership.



  
\_\_\_\_\_  
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

13.65 Acres  
Peaceful Hill Zoning  
Peaceful Hill One, Ltd.

PD05-001 (RLM)  
March 8, 2005  
CFE Job No. 2013.002.01

## EXHIBIT A

### PROPERTY DESCRIPTION

DESCRIPTION OF 13.65 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 13.65 ACRES BEING DESCRIBED IN A DEED TO PEACEFUL HILL ONE, LTD. AND RECORDED IN DOCUMENT NO. 2000006614 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**BEGINNING**, at the southwest corner of said 13.65 acre tract, being the northwest corner of Lot 1 of Steel concepts Park Subdivision, a subdivision as recorded in Book 78, Page 69 of the Plat Records of Travis County, Texas, and being the southeast corner of a strip of land dedicated to the City of Austin for additional right-of-way for Peaceful Hill Lane and recorded in Volume 10417, Page 60 of the Real Property Records of Travis County, Texas;

**THENCE**, with the east line of said Peaceful Hill Lane right-of-way strip, being the west line of the herein described 13.65 acre tract, the following three (3) courses:

1. N 05° 45' 46" E, a distance of 335.23 feet,
2. a distance of 228.87 feet with an arc of a curve to the right with a radius of 876.90 feet and whose chord bears N 13° 38' 43" E, a distance of 228.22 feet, and
3. a distance of 17.59 feet with an arc of a curve to the right with a radius of 624.28 feet and whose chord bears N 22° 19' 17" E, a distance of 17.59 feet to the northeast corner of said right-of-way strip, being in the south line of a called 0.4275 acre tract described in a deed to Serena Walsh and recorded in Volume 12562, Page 1525 of the Real Property Records of Travis County, Texas, and being the northwest corner of the herein described 13.65 acre tract;

**THENCE**, leaving said line, with the north line of the herein described 13.65 acre tract, N 81° 56' 01" E, a distance of 364.09 feet to the southeast corner of a called 1.858 acre tract of land described in a deed to John F. Taylor and recorded in Volume 12827, Page 1551 of the Real Property Records of Travis County, Texas, being the southwest corner of a called 7.51 acre tract of land described in a deed to Henry A. Hubach and recorded in Volume 6605, Page 2194 of the Deed Records of Travis County, Texas, for the north corner of the herein described 13.65 acre tract;

**THENCE**, with the south line of said 7.51 acre tract, being the north line of the herein described 13.65 acre tract, and the south and west line of another 7.51 acre tract of land described in a deed to Henry A. Hubach and recorded in Volume 6605, Page 2192 of the Deed Records of Travis County, Texas, being a north and east line of the herein described 13.65 acre tract, the following two (2) courses:

1. S 63° 59' 56" E, a distance of 697.56 feet, and
2. S 06° 01' 46" W, a distance of 160.51 feet to a southwest corner of said 7.51 acre tract, being a northeast corner of a called 7.7256 acre tract of land described in a deed to Mickey Rich Plumbing and Heating, Inc. and recorded in Volume 8855, Page 975 of the Real Property Records of Travis County, Texas;

**THENCE**, continuing with the east line of the herein described 13.65 acre tract, being the west line of said 7.7256 acre tract leaving said line, the following two (2) courses:

1. S 05° 33' 21" W, a distance of 57.78 feet, and

13.65 Acres  
Peaceful Hill Zoning  
Peaceful Hill One, Ltd.

PD05-001 (RLM)  
March 8, 2005  
CFE Job No. 2013.002.01

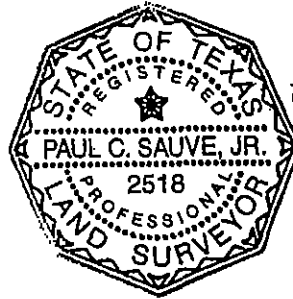
2. S 05° 59' 06" W, a distance of 206.32 feet to the northeast corner of a called 9.75 acre tract of land described in a deed to Austin Peaceful Hill, Ltd. And recorded in Document No. 2003202684 of the Official Public Records of Travis County, Texas for the southwest corner of the herein described 13.65 acre tract;

**THENCE**, leaving said line, with the north line of said 9.75 acre tract, being the south line of the herein described 13.65 acre tract, N 84° 15' 58" W, a distance of 614.46 feet to the northwest corner of said 9.75 acre tract, being the northeast corner of said Lot 1;

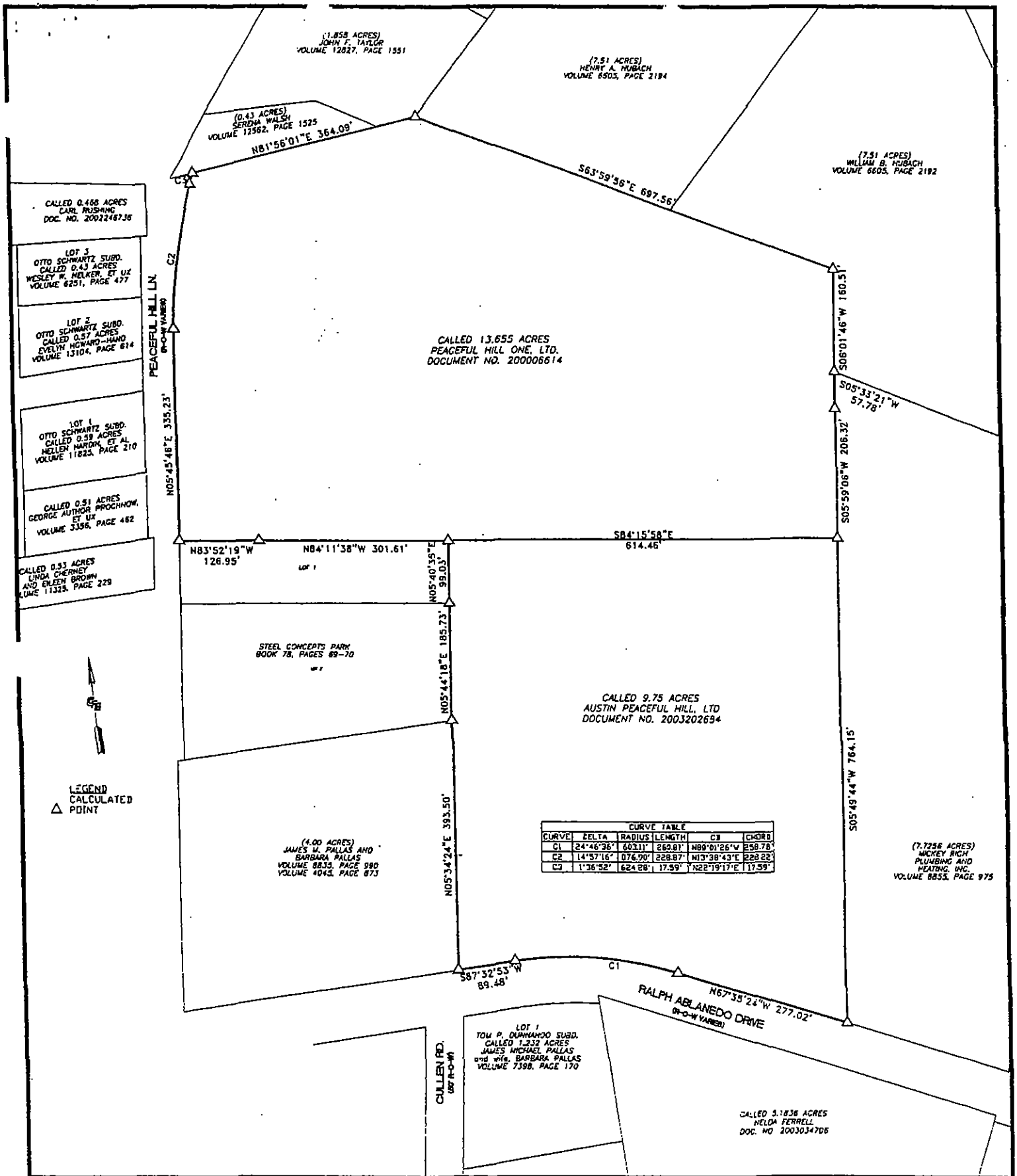
**THENCE**, continuing with the south line of the herein described 13.65 acre tract, being the north line of Lot 1 of said Steel Concept Park, the following two (2) courses:

1. N 84° 11' 38" W, a distance of 301.61 feet, and
2. N 83° 52' 19" W, a distance of 126.95 feet to the **POINT OF BEGINNING** and containing 13.65 acres of land.

Property Description prepared by:  
CFE, L.P.  
400 Bowie St, Suite 250  
Austin, Texas 78703



*Paul C. Sauve, Jr.*  
Paul C. Sauve, Jr.  
Registered Professional Land Surveyor  
No. 2518 - State of Texas  
Date 3/8/05



400 Bowle Street, Suite 250  
 Austin, Texas 78703  
 P: 512.495.9470  
 F: 512.495.9473  
 P.O. Box 1528  
 Austin, Texas 78767-1528  
 www.cfaulknerengineering.com

# TRAVIS COUNTY, TEXAS

DATE: MARCH, 2005  
 SURVEYOR: PAUL C. SAUVE, JR., R.P.S. No. 2516  
 TECHNICIAN: R.L.H.  
 FIELDBOOK: N/A  
 JOB NUMBER: 12013.002.61  
 DESCRIPTION: PD05-001  
 DRAWING: J:\MSH\Projects\Hill County\Sketching\Survey\AC05\Zoning Sketch.dwg

## ZONING SKETCH TO ACCOMPANY PD05-001

PD05-001.dwg

**PROPERTY DESCRIPTION**

DESCRIPTION OF 9.75 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 9.75 ACRES BEING DESCRIBED IN A DEED TO AUSTIN PEACEFUL HILL, LTD. AND RECORDED IN DOCUMENT NO. 2003202684 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**BEGINNING**, at the southwest corner of a called 7.7256 acre tract of land described in a deed to Mickey Rich Plumbing and Heating, Inc. and recorded in Volume 8855, Page 975 of the Real Property Records of Travis County, Texas, being in the north right-of-way of Ralph Ablanado Drive and being the southeast corner of the herein described 9.75 acre tract,

**THENCE**, with the north line of said Ralph Ablanado Drive, being the south line of the herein described 9.75 acre tract, the following three (3) courses:

1. N 67° 35' 24" W, a distance of 277.02 feet,
2. a distance of 260.81 feet with an arc of a curve to the left, with a radius of 603.11 feet and whose chord bears N 80° 01' 26" W, a distance of 258.78 feet, and
3. S 87° 32' 53" W, a distance of 89.48 feet to the east line of a called 4 acre tract of land described in a deed to James M. and Barbara Pallas and recorded in Volume 8835, Page 990 of the Real Property Records of Travis County, Texas, and being the southwest corner of the herein described 9.75 acre tract;

**THENCE**, with the east line of said 4 acre tract, being the west line of the herein described 9.75 acre tract, N 05° 34' 24" E, a distance of 393.50 feet to the northeast corner of said 4 acre tract, being the southeast corner of Lot 2 of Steel Concepts Park Subdivision, a subdivision as recorded in Book 78, Page 69 of the Plat Records of Travis County, Texas;

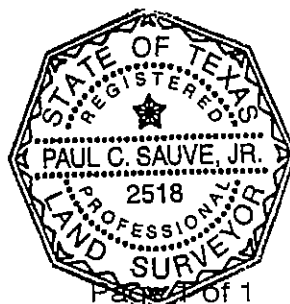
**THENCE**, continuing with the west line of the herein described 9.75 acre tract, being the east line of said Steel Concepts Park Subdivision, the following two (2) courses:

1. N 05° 44' 18" E, a distance of 185.73 feet, and
2. N 05° 40' 35" E, a distance of 99.03 feet to the northeast corner of Lot 1 of said Steel Concepts Park Subdivision, being in the south line of a called 13.655 acre tract of land described in a deed to Peaceful Hill One, Ltd, and recorded in Document No. 2000006614 of the Official Public Records of Travis County, Texas, for the northwest corner of the herein described 9.75 acre tract;

**THENCE**, with the south line of said 13.655 acre tract, being the north line of the herein described 9.75 acre tract, S 84° 15' 58" E, a distance of 614.46 feet to the west line of said 7.7256 acre tract, for the northeast corner of the herein described 9.75 acre tract;

**THENCE**, with the west line of said 7.7256 acre tract, being the east line of the herein described 9.75 acre tract; S 05° 49' 44" W, a distance of 764.15 to the **POINT OF BEGINNING** and containing 9.75 acres of land.

Property Description prepared by:  
CFE, L.P.  
400 Bowie St, Suite 250  
Austin, Texas 78703



*Paul C. Sauve, Jr.*  
Paul C. Sauve, Jr.  
Registered Professional Land Surveyor  
No. 2518 - State of Texas

Date 3/8/05

(1.858 ACRES)  
JOHN F. TAYLOR  
VOLUME 12827, PAGE 1551

(7.51 ACRES)  
HENRY A. HUBACH  
VOLUME 6663, PAGE 2194

(0.43 ACRES)  
SERENA WALSH  
VOLUME 12562, PAGE 1525  
N81°56'01"E 364.09'

(7.51 ACRES)  
WILLIAM B. HUBACH  
VOLUME 6663, PAGE 2192

CALLED 0.488 ACRES  
CARL RUSHING  
DOC. NO. 2002246736

LOT 3  
OTTO SCHWARTZ SUBD.  
CALLED 0.43 ACRES  
WESLEY W. HELKER, ET UX  
VOLUME 6251, PAGE 477

LOT 2  
OTTO SCHWARTZ SUBD.  
CALLED 0.37 ACRES  
EVELYN HOWARD-HAND  
VOLUME 13104, PAGE 614

LOT 1  
OTTO SCHWARTZ SUBD.  
CALLED 0.59 ACRES  
HELEEN HARMON, ET AL  
VOLUME 11825, PAGE 210

CALLED 0.31 ACRES  
GEORGE AUTHOR PROCHNOW,  
ET UX  
VOLUME 3356, PAGE 462

CALLED 0.33 ACRES  
LINDA CHERNEY  
AND EILEEN BROWN  
VOLUME 11323, PAGE 229

CALLLED 13.655 ACRES  
PEACEFUL HILL ONE, LTD.  
DOCUMENT NO. 200006614

S84°15'56"E  
614.46

N83°52'19"W 126.95'  
LOT 1  
N84°11'38"W 301.61'

STEEL CONCEPTS PARK  
BOOK 78, PAGES 69-70

CALLLED 9.75 ACRES  
AUSTIN PEACEFUL HILL, LTD  
DOCUMENT NO. 2003202684

(4.00 ACRES)  
JAMES M. PALLAS AND  
BARBARA PALLAS  
VOLUME 6839, PAGE 990  
VOLUME 4045, PAGE 873

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CB	CHORD
C1	24°46'36"	603.11'	260.81'	N80°01'26"W	259.78'
C2	14°57'16"	876.90'	220.87'	N13°18'43"E	228.22'
C3	1°36'52"	624.28'	17.59'	S22°19'17"E	17.59'

(7.7256 ACRES)  
WACKEY RICH  
PLUMBING AND  
HEATING, INC.  
VOLUME 8853, PAGE 975

CALLLED 5.1835 ACRES  
NELGA FERRELL  
DOC. NO. 2003254706

LOT 1  
TOM P. DUMMAHOOD SUBD.  
CALLED 1.232 ACRES  
JAMES MICHAEL PALLAS  
and wife, BARBARA PALLAS  
VOLUME 7398, PAGE 170

RALPH ABLANEDO DRIVE  
(N-O-W-YAHUA)

CULLEN RD.  
(N-O-W-YAHUA)

LEGEND  
△ CALCULATED  
POINT

# TRAVIS COUNTY, TEXAS

DATE: MARCH, 2005  
SURVEYOR: PAUL C. SAUVE, JR., RPLS No. 251  
TECHNICIAN: RLM  
FIELDBOOK: N/A  
JOB NUMBER: 2013.002.01  
DESCRIPTION: PD05-002  
DRAWING: J:\MSH-Peaceful Hill Long Site Rev.  
Survey\ACAD\Zoning Sketch.dwg

## ZONING SKETCH TO ACCOMPANY PD05-002

PD05-002.dwg

2  
OF 2



400 Bowls Street, Suite 250  
Austin, Texas 78703  
P: 512.495.9470  
F: 512.495.9473  
P.O. Box 1528  
Austin, Texas 78767-1528  
www.cfaulknerengineering.com



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2005 Dec 22 09:54 AM 2005235380

CORTEZY \$48.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS