



## Zoning Case No. C14-05-0135

RESTRICTIVE COVENANT

OWNER: JHX2/Lampting Joint Venture, a Texas joint venture

ADDRESS: P.O. Box 26676, Austin, Texas 78755-0676

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 60.052 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, Save and Except a 28.989 acre tract of land out of the Santiago del Valle Grant, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owners 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 Owners 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 Owners 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 November 2005, 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 November 18, 2005. 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.

12-15-05

2-1

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 24 day of December, 2005.

**OWNER:**

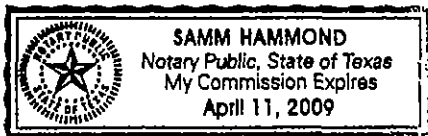
**JHX2/Lampting Joint Venture,  
a Texas joint venture**

By: Lampting, Inc.,  
a Texas corporation,  
Managing Venturer

By: C.W. Hetherly, Jr.  
C.W. Hetherly, Jr.,  
President

**THE STATE OF TEXAS           §**  
**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the 24 day of December, 2005, by C.W. Hetherly, Jr., President, of Lampting, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this covenant as Managing Venturer, on behalf of JHX2/Lampting Joint Venture, a Texas joint venture.



SMM HAMMOND  
Notary Public, State of Texas

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney  
City of Austin

Restrictive covenant  
Lampting Tract



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

60.052 ACRES  
SANTIAGO DEL VALLE GRANT

A DESCRIPTION OF A 60.052 ACRE TRACT OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT, BEING A PORTION OF A 60.289 ACRE TRACT OF LAND CONVEYED TO BETTY HILL COOK IN A GENERAL WARRANTY DEED, DATED NOVEMBER 18, 1998 AND RECORDED IN VOLUME 13317, PAGE 63 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 60.052 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the northwest right-of-way line of Dalton Lane (right-of-way width varies), being the east corner of the said 60.289 acre tract, being also the south corner of a 27.610 acre tract of land described in Volume 12606, Page 1471 of the Real Property Records of Travis County, Texas;

THENCE with the northwest right-of-way line of Dalton Lane and the southeast line of the said 60.289 acre tract the following two (2) courses:

1. South 42°41'29" West, a distance of 70.58 feet to a 1/2" rebar found;
2. South 42°47'36" West, a distance of 1663.94 feet to a TxDot type II disk found in the southeast line of the said 60.289 acre tract, being also the east corner of a 0.256 acre tract of land described in Document No. 2003072561 of the Official Public Records of Travis County, Texas;

THENCE with the northwest right-of-way line of Dalton Lane, the northwest line of the said 0.256 acre tract and over and across the said 60.289 acre tract the following three (3) courses:

1. South 47°39'24" West, a distance of 231.21 feet to a TxDot type II disk found;
2. South 42°58'45" West, a distance of 43.09 feet to a TxDot type II disk found;
3. South 79°06'15" West, a distance of 32.86 feet to a TxDot type II disk found for the intersection point of Dalton Lane and U. S. Highway No. 183 (right-of-way width varies);

THENCE with northeast right-of-way line of U. S. Highway No. 183, the northeast line of the said 0.256 acre tract and over and across the said 60.289 acre tract, along a curve to the left, an arc length of 225.19 feet, having a radius of 1295.24 feet and a chord which bears North 69°57'26" West, a distance of 224.91 feet to a 1/2" rebar with cap set in the southwest line of the said 60.289 acre tract, being also the west corner of the said 0.256 acre tract;

THENCE North 56°04'17" West with the northeast right-of-way line of U. S. Highway No. 183 and the southwest line of the said 60.289 acre tract, a distance of 25.28 feet to a concrete highway monument found for the intersection point of U. S. Highway No. 183 and Old State Highway No. 71;

THENCE with the northeast right-of-way line of Old State Highway No. 71 and the southwest line of the said 60.289 acre tract the following two (2) courses:

1. Along a curve to the right, arc length of 290.11 feet, having a radius of 1468.16 feet and a chord which bears North 33°22'58" West, a distance of 289.64 feet to a concrete highway monument found;
2. North 27°36'32" West, a distance of 377.82 feet to a 1/2" rebar found for a west corner of the said 60.289 acre tract, being the south corner of a 2.983 acre tract of land described in Volume 10129, Page 590 of the Real Property Records of Travis County, Texas;

THENCE with the common line of the said 60.289 acre tract and the said 2.983 acre tract, the following two (2) courses:

1. North 62°12'19" East, a distance of 484.92 feet to a 1/2" rebar found for an interior corner of the said 60.289 acre tract, being the east corner of the said 2.983 acre tract;
2. North 27°47'40" West, a distance of 656.18 feet to a 1/2" rebar found for a west corner of the said 60.289 acre tract, being the north corner of the said 2.983 acre tract, being also in the southeast line of a 5.762 acre tract of land described in Volume 8338, Page 553 of the Deed Records of Travis County, Texas;

THENCE North 43°11'28" East with the northwest line of the said 60.289 acre tract and the southeast line of the said 5.762 acre tract, a distance of 444.39 feet to a 1/2" rebar found for an angle point in the northwest line of the said 60.289 acre tract, being the east corner of the said 5.762 acre tract, being also the south corner of a 26.04 acre tract of land described in Volume 9665, Page 120 of the Real Property Records of Travis County, Texas;

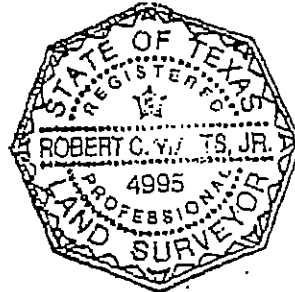
THENCE North 42°35'03" East with the northwest line of the said 60.289 acre tract and the southeast line of the said 26.04 acre tract, a distance of 1088.57 feet to a 1" square bolt found for the north corner of the said 60.289 acre tract, being an angle point in the southeast line of the said 26.04 acre tract, being also the west corner of the said 27.610 acre tract;

THENCE South 35°40'26" East with the northeast line of the said 60.289 acre tract and the southwest line of the said 27.610 acre tract, a distance of 1395.42 feet to the POINT OF BEGINNING, and containing 60.052 acres of land, more or less.

Surveyed on the ground June 21, 2000 and updated March 26, 2004. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA control network. Attachments: Survey Drawing 014-090-T1.



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



4-1-04

**SAVE AND EXCEPT  
THE FOLLOWING 28.989 ACRES**

FIELD NOTES  
FOR

28.989 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 60.289 ACRE TRACT OF LAND DESCRIBED IN VOLUME 13317, PAGE 63 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pin found at the Southeast corner of said 60.289 acre tract, being in the North r.o.w. line of Dalton Lane for the Southeast corner and PLACE OF BEGINNING hereof;

THENCE along the South line of said 60.289 acre tract, being along the North r.o.w. line of Dalton Lane, S 42°41'29" W for a distance of 70.58 feet to a ½ inch iron pin found and S 42°49'28" W for a distance of 735.00 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described tract for the following courses:

S 76°07'50"W for a distance of 22.95 feet to an angle point

N 73°00'00" W for a distance of 100.00 feet to an angle point

N 80°00'00" W for a distance of 73.00 feet to an angle point

N 71°20'00" W for a distance of 60.00 feet to an angle point

N 63°20'00" W for a distance of 57.50 feet to an angle point

N 55°50'00" W for a distance of 62.00 feet to an angle point

N 43°10'00" W for a distance of 80.00 feet to an angle point

N 34°30'00" W for a distance of 193.00 feet to an angle point

N 42°15'00" W for a distance of 65.00 feet to an angle point

N 35°10'00" W for a distance of 119.00 feet to an angle point

N 38°20'00" W for a distance of 182.00 feet to an angle point

N 29°30'00" W for a distance of 45.00 feet to an angle point

N 03°30'00" W for a distance of 23.00 feet to an angle point

N 25°10'00" E for a distance of 25.00 feet to an angle point

FIELD NOTES  
FOR

28.989 ACRES OF LAND

N 35°50'00" E for a distance of 85.00 feet to an angle point

N 33°30'00" E for a distance of 224.00 feet to an angle point

N 30°45'00" E for a distance of 128.00 feet to an angle point

N 18°00'00" E for a distance of 20.00 feet to an angle point

N 42°10'00" W for a distance of 14.00 feet to an angle point

N 73°45'00" W for a distance of 22.00 feet to an angle point

N 81°00'00" W for a distance of 117.00 feet to an angle point

N 65°45'00" W for a distance of 25.00 feet to an angle point .

N 48°45'00" W for a distance of 23.50 feet to an angle point

N 24°55'00" W for a distance of 31.50 feet to an angle point

N 19°40'00" W for a distance of 50.00 feet to a point in the North line of said 60.289 acre tract for the Northwest corner hereof;

THENCE along the North line of said 60.289 acre tract, N 42°35'03" E for a distance of 675.00 feet to an iron bolt found at the Northeast corner of said 60.289 acre tract, for the Northeast corner hereof;

THENCE along the East line of said 60.289 acre tract, S 35°40'26" E for a distance of 1395.42 feet to the PLACE OF BEGINNING and containing 28.989 of land, more or less.

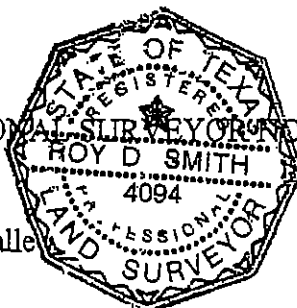
SURVEYED BY:

Roy D. Smith Surveyors, P.C.

  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094  
June 29, 2005

28.989 ac. - Santiago del Valle



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*

2005 Dec 21 01:42 PM 2005234895

BENAVIDESV \$44.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Restrictive Covenant  
Lampting Tract