

**Zoning Case No. C14-05-0168****RESTRICTIVE COVENANT**

OWNER: FC Properties One, Ltd., a Texas limited partnership

ADDRESS: c/o First City Servicing Corporation, P.O. Box 8216, Waco, TX 78714-8216

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 1.473 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract 24, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 9, 2005.
2. Unless a Traffic Impact Analysis is submitted by the Owner and approved by the City of Austin, the total traffic generated by the existing or previously authorized development and uses of the Property may not exceed 700 trips per day.
3. 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.
4. 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.
5. 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.

2-9-06 # 33

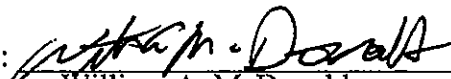
6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED to be effective the 1 day of February, 2006.

**OWNER:**

FC Properties One, Ltd.,  
a Texas limited partnership

By: FC Assets One Corp.,  
a Texas corporation,  
its general partner

By:   
William A. McDonald,  
Senior Vice-President

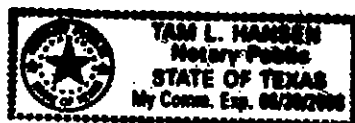
APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 1st day of February, 2006, by William A. McDonald, Senior Vice-President, of FC Assets One Corp., a Texas corporation, general partner of FC Properties One, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.



  
Notary Public, State of Texas

FC Properties One  
Restrictive Covenant

**EXHIBIT A**

**DESCRIPTION OF A 1.473 ACRE TRACT OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 275.015 ACRE REMAINDER TRACT OF LAND CONVEYED IN THE DEED TO FC PROPERTIES ONE, LTD., A TEXAS LIMITED PARTNERSHIP AS RECORDED IN VOLUME 13147, PAGE 1555 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.473 ACRE TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found on the east line of said remainder tract and the east line of Springfield Phase 'B', Section Six as recorded in Document No. 200300063 of the Plat Records of Travis County, Texas, same being the east right-of-way (R.O.W.) line of Salt Springs Drive, from which a 1/2-inch iron rod found with a cap stamped "L/JA Inc. RPLS 4532" bears N 28° 53' 32" E, passing at a distance of 53.91 feet a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found on said R.O.W. line continuing for a total distance of 54.99 feet, for the **POINT OF BEGINNING** of the tract described herein;

**THENCE** leaving said R.O.W. line with a north line of said remainder tract, same being a south line of said Springfield Phase 'B', S 61° 07' 12" E, a distance of 200.92 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found for the northeast corner of the tract described herein;

**THENCE** leaving said north and south lines with an east line of said remainder tract, same being a west line of said Springfield Phase 'B', S 28° 53' 26" W, a distance of 318.88 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found on the north R.O.W. line of Thaxton Road, as described in a final plat of Thaxton Road Street Dedication, as recorded in Volume 87, Page 24D of the Plat Records of Travis County, Texas, same being the southeast corner of the tract described herein for a point of curvature;

**THENCE** with the north R.O.W. line of said Thaxton Road the following four (4) courses and distances:

- 1) with the arc of said curve to the right a distance of 21.27 feet, through a central angle of 00° 40' 39", having a radius of 1798.18 feet and whose chord bears N 63° 04' 57" W, a distance of 21.27 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found,
- 2) N 61° 06' 17" W, a distance of 100.01 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found,
- 3) N 62° 54' 49" W, a distance of 53.99 feet to a calculated point, and
- 4) with the arc of a curve to the right a distance of 40.08 feet, through a central angle of 91° 51' 36", having a radius of 25.00 feet and whose chord bears N 16° 59' 02" W, a distance of 35.92 feet to an "X" in concrete found on the east R.O.W. line of said Salt Springs Drive;

**THENCE** with the east R.O.W. line of said Salt Springs Drive, same being the west line of said remainder tract, the following two (2) courses and distances:

- 1) N 28° 56' 46" E, a distance of 101.74 feet to a 1/2-inch iron rod with a "Lenz & Associates, Inc." cap found, and

1.473 Acres  
Santiago Del Valle A-24  
Travis County, Texas  
Zoning: GR

FN 2934(ALG)  
May12, 2003  
SAM, Inc. Job No. 23142-20

- 2) N 28° 53' 32" E, a distance of 194.51 feet to the POINT OF BEGINNING and containing 1.473 acres of land, more or less.

BEARING BASIS: 1/2-inch iron rods at the southwest and southeast corners of Springfield Phase "C", a subdivision of record in Document No. 200000045 of the Official Public Records of Travis County, Texas. Called bearing and distance between these iron rods is N 60° 03' 41" W a distance of 2172.32 feet. Held called bearing of N 60° 04' 00" W as shown in Volume 2312, Page 155 of the Deed Records of Travis County, Texas and found actual distance to be 2172.33 feet.

NOTE: This Document does not reflect the results of a recent on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

THE STATE OF TEXAS

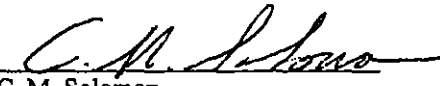
KNOW ALL MEN BY THESE PRESENTS:

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 July and August 2002 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 2<sup>nd</sup> day of June, 2003 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



# LEGEND

- △ CALCULATED POINT  
 ⊕ 1/2" IRON ROD WITH "LENZ & ASSOCIATES, INC."  
 PLASTIC CAP FOUND (UNLESS NOTED)  
 X "X" IN CONCRETE FOUND  
 D.R.T.C.Tx. DEED RECORDS TRAVIS COUNTY, TEXAS  
 R.P.R.T.C.Tx. REAL PROPERTY RECORDS  
 TRAVIS COUNTY, TEXAS  
 P.R.T.C.Tx. PLAT RECORDS TRAVIS COUNTY, TEXAS  
 P.O.B. POINT-OF-BEGINNING  
 ( ) RECORD INFORMATION



## GRAPHIC SCALE

SCALE: 1" = 100 FEET

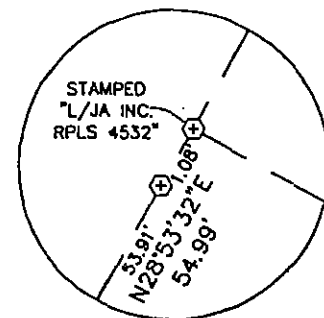
MAY 2003

SANTIAGO DEL VALLE GRANT,  
 ABSTRACT NO. 24  
 TRAVIS COUNTY, TEXAS

C1  
 Δ=00°40'39"  
 R=1798.18'  
 L=21.27'  
 T=10.63'  
 CB=N63°04'57"W  
 C=21.27'  
 (C1)  
 (A=21.19')

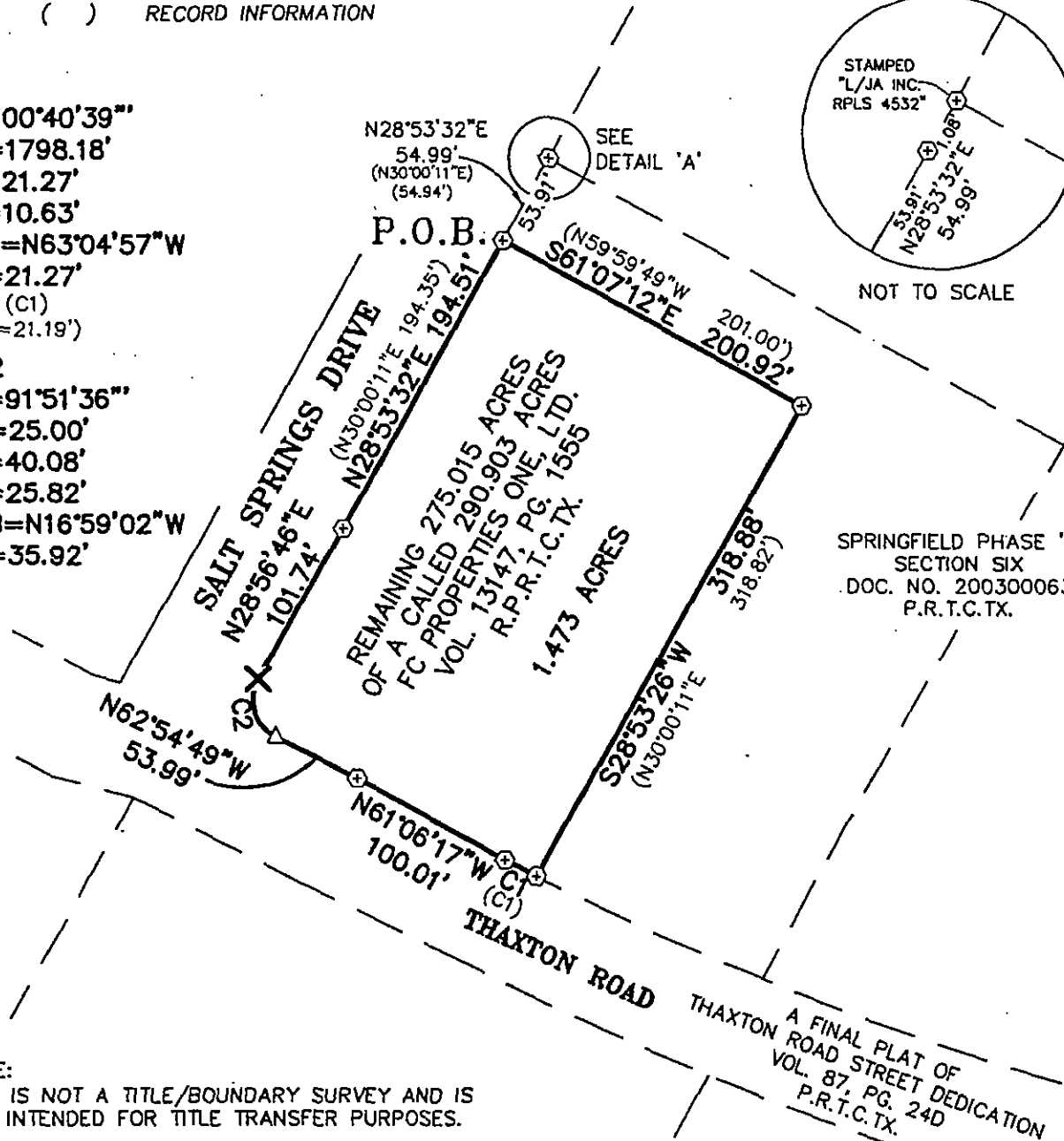
C2  
 Δ=91°51'36"  
 R=25.00'  
 L=40.08'  
 T=25.82'  
 CB=N16°59'02"W  
 C=35.92'

## DETAIL 'A'



NOT TO SCALE

SPRINGFIELD PHASE 'B'  
 SECTION SIX  
 DOC. NO. 200300063  
 P.R.T.C.TX.



NOTE:  
 THIS IS NOT A TITLE/BOUNDARY SURVEY AND IS  
 NOT INTENDED FOR TITLE TRANSFER PURPOSES.

BEARING BASIS: 1/2" IRON RODS AT THE SOUTHWEST AND SOUTHEAST CORNERS OF SPRINGFIELD PHASE "C" A  
 SUBDIVISION OF RECORD IN DOCUMENT NO. 200000045 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
 TEXAS. CALLED BEARING AND DISTANCE BETWEEN THESE IRON RODS IS N60°03'41"W - 2172.32 FEET. HELD  
 CALLED BEARING OF N60°04'00"W AS SHOWN IN VOLUME 2312, PAGE 155 OF THE D.R.T.C.TX. AND FOUND ACTUAL  
 DISTANCE TO BE 2172.33 FEET.

PROJECT:	KB ZONING 230
JOB NUMBER:	23142-20
DATE:	MAY 12, 2003
SURVEYOR:	CMS
PARTY CHIEF:	NA
FIELDBOOK:	NA
FIELDNOTE:	TH2934
TECHNICIAN:	ALG
DRAWING:	TH2934.DWG
SCALE:	1" = 100'



5508 WEST HIGHWAY 290  
 BUILDING B  
 AUSTIN TEXAS, 78735  
 (512) 447-0575  
 FAX: (512) 326-3029  
 EMAIL: SAM@SAMINCAUS.COM

SKETCH  
 TO  
 ACCOMPANY FIELD  
 NOTE No. 2934  
 PAGE 3 OF 3

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Legal Assistant

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

*Dana DeBeauvoir*

2006 Feb 14 03:15 PM 2006026183

RANEYJ \$36.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS

FC Properties One  
Restrictive Covenant