RESTRICT 2006029976
8 PGS

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Zoning Case No. C14-05-0120

RESTRICTIVE COVENANT

OWNER: G & G Venture Number One, a Texas general partnership

ADDRESS: 3207-B Twinberry Cove, Austin, Texas 78746

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 12.463 acre tract of land, more or less, out of the James Manor Survey No. 40, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, whether one or more, 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, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated January 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. 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 January 11, 2006. 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.

2-16-06
#7-1

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 14th day of Feb, 2006.

OWNER:

G & G Venture Number One,
a Texas general partnership

By: Thomas A. Goebel
Thomas A. Goebel,
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 14th day of Feb, 2006, by Thomas A. Goebel, Managing Partner, on behalf of G & G Venture Number One, a Texas general partnership.

Nancy VanHemert
Notary Public, State of Texas

NANCY VANHEMERT
Notary Public, State of Texas
My Commission Expires
March 28, 2009

Bury+Partners
ENGINEERING SOLUTIONS

12.463 ACRE TRACT
(542,874 Sq. Ft.)
50198-06ex1.dwg

FN NO. 50198-06-2
JULY 18, 2005
JOB NO. 50198-06

EXHIBIT A

FIELD NOTE DESCRIPTION

OF A 12.463 ACRE TRACT OF LAND SITUATED IN THE JAMES MANOR SURVEY NO.40, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 12.609 ACRE TRACT OF LAND AS CONVEYED TO G & G VENTURE NUMBER ONE, A TEXAS GENERAL PARTNERSHIP IN VOLUME 8534, PAGE 457 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 12.463 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND CONCRETE MONUMENT LOCATED IN THE NORTHWESTERLY LINE OF THE BUTLER FAMILY PARTNERSHIP TRACT AS DESCRIBED IN VOLUME 12271, PAGE 872 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE SOUTHERLY CORNER OF THAT CERTAIN 0.073 ACRE TRACT, CONVEYED TO THE STATE OF TEXAS, AS DESCRIBED IN VOLUME 13105, PAGE 799 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

THENCE, S 27°51'03" W, ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE SAID BUTLER FAMILY PARTNERSHIP TRACT, A DISTANCE OF 256.91 FEET TO A FOUND CONCRETE MONUMENT FOR THE NORTHEASTERLY CORNER OF THAT CERTAIN SAVE & EXCEPT 3.366 ACRE TRACT, STATE OF TEXAS PARCEL 1216;

THENCE, S 27° 44′ 23″ W, ALONG THE EASTERLY LINE OF SAID 3.366 ACRE TRACT, A DISTANCE OF 393.47 FEET TO A FOUND ½ INCH IRON ROD IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. STATE HIGHWAY 290 (R.O.W. VARIES), MARKING THE NORTHEASTERLY CORNER OF THAT CERTAIN RIGHT OF WAY EASEMENT OF RECORD IN VOLUME 2246, PAGE 380 AND VOLUME 3144, PAGE 1018 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, SOUTHWESTERLY, ALONG THE NORTHERLY LINE OF SAID RIGHT OF WAY EASEMENT OF RECORD, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 5879.65 FEET, A CENTRAL ANGLE OF 05° 23′ 53″, AN ARC LENGTH OF 553.94 FEET AND A CHORD BEARING: S 67° 54′ 05″ W, A DISTANCE OF 553.75 FEET TO A FOUND ½ INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 5.26 ACRE TRACT CONVEYED TO JOHN CHAPMAN OF RECORD IN VOLUME 12881, PAGE 2279 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, N 09°34'39" E, ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE 5.26 ACRES, PASSING AT A DISTANCE OF 260.25 FEET A FOUND CONCRETE MONUMENT, AND CONTINUING FOR A TOTAL DISTANCE OF 800.24 FEET TO A FOUND ½ INCH IRON ROD FOR THE NORTHESTERLY CORNER OF THE SAID 5.26 ACRES, SAME BEING THE SOUTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., AS DESCRIBED IN VOLUME 13100, PAGE 1, THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

THENCE, N 28°00'42" E, ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE SAID AUSTIN HB RESIDENTIAL PROPERTIES LTD. TRACT, A DISTANCE OF 501.13 FEET TO A FOUND CONCRETE MONUMENT LOCATED IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF E. PARMER LANE;

THENCE, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF E. PARMER LANE, THE FOLLOWING COURSES:

S 48°09'45" E, A DISTANCE OF 391.13 FEET TO A FOUND CONCRETE MONUMENT

SOUTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1332.32 FEET, CENTRAL ANGLE OF 10°29'35", AN ARC LENGTH OF 244.00 FEET AND A CHORD BEARING: S 39°54'46" E, 243.66 FEET, TO **THE POINT OF BEGINNING**, AND CONTAINING 12.463 ACRES, MORE OR LESS.

I, JAMES W. RUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

James W Russell 7/18/05

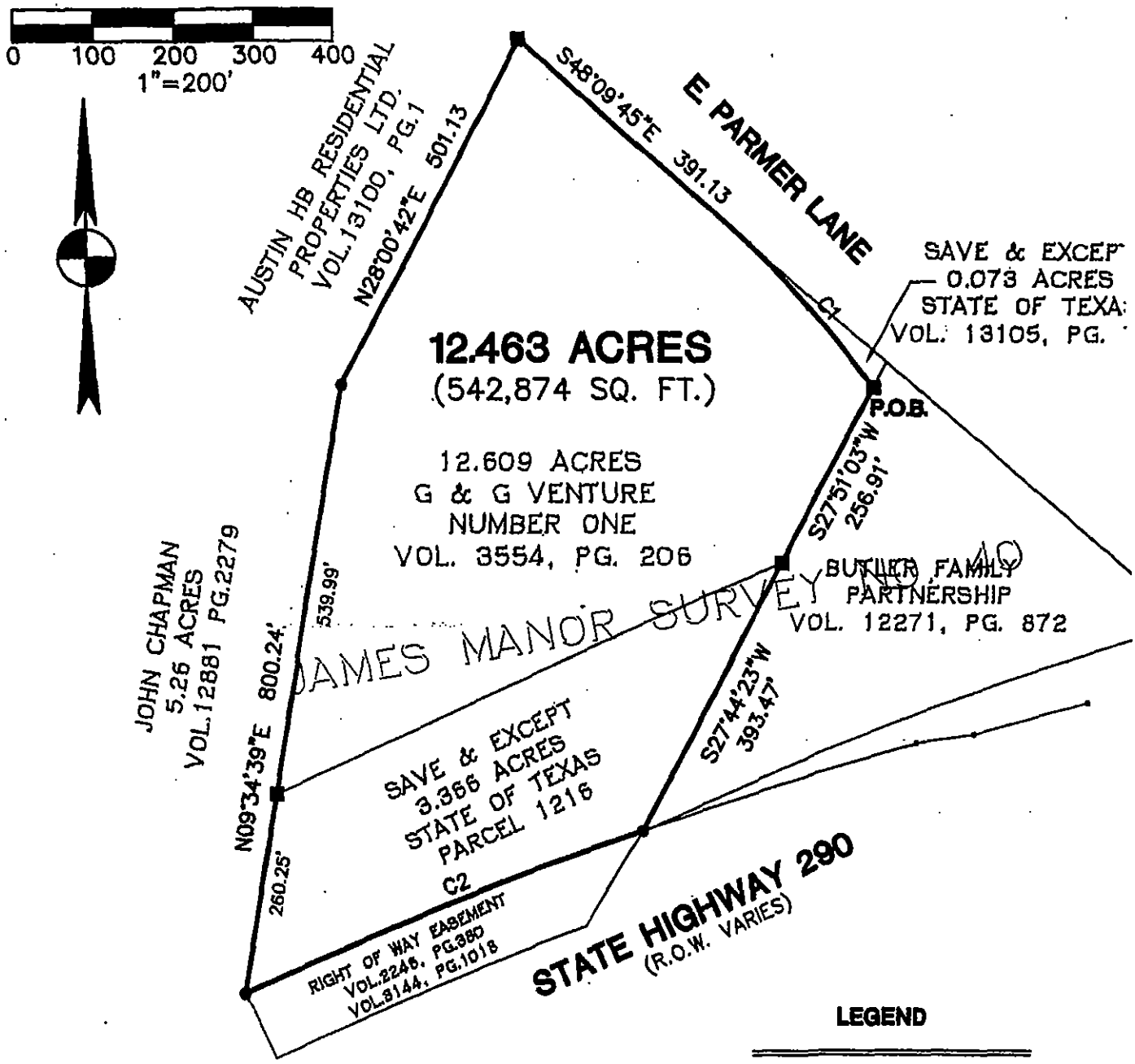
BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
10000 SAN PEDRO, SUITE #100
SAN ANTONIO, TEXAS 78216

JAMES W. RUSSELL DATE
R.P.L.S #4230
STATE OF TEXAS

STATE OF TEXAS REGISTERED JAMES W. RUSSELL 4230 PROFESSIONAL LAND SURVEYOR

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD
C1	10°29'35"	1332.32	244.00	S39°54'46"E	243.66
C2	5°23'53"	5879.65	553.94	S67°54'05"W	553.75



LEGEND

●	1/2" IRON ROD FOUND
■	MONUMENT FOUND
P.O.B.	POINT OF BEGINNING

Bury+Partners
ENGINEERING SOLUTIONS
10806 San Pedro Avenue, Suite 100
San Antonio, TX 78216
Tel. (210)525-8000 Fax (210)525-0529
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SKETCH TO ACCOMPANY DESCRIPTION OF
OF A 12.463 ACRE TRACT OF LAND SITUATED IN THE JAMES MANOR SURVEY NO.40, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 12.609 ACRE TRACT OF LAND AS CONVEYED TO G & G VENTURE NUMBER ONE, A TEXAS GENERAL PARTNERSHIP IN VOLUME 8534, PAGE 457 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

PARMER LANE • U.S. 290 AUSTIN, TEXAS

DATE: 07/18/05	DRAWN BY: MTH	FILE: H:\50198\06\50198-06ex1.dwg	FN NO. 50198-06-2	PROJECT No.50198-06

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828
Attention: Diana Minter, Legal Assistant

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Feb 21 02:24 PM 2006029976

BENAVIDESV $36.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

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.