



Zoning Case No. C14-05-0199

RESTRICTIVE COVENANT

OWNER: Texan Markets, Inc., a Texas corporation

ADDRESS: 1100 Gattis School Rd., Suite 300-C, Round Rock, Texas 78664

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 0.13 acre tract of land (5850 square feet), more or less, out of Lot 1, Block A, Village at Walnut Creek Phase 2, Section 11 Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached 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. Hours of operation for a business located on the Property are limited to the hours of 6:00 a.m. to 10:00 p.m.
2. An eight-foot high masonry wall shall be provided and maintained east of the improvements in a location beginning at the pavement area and continuing approximately 49 feet in a southerly direction as shown on the attached Exhibit "B".
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.
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.

3-2-06
#2-3

EXECUTED this the 27th day of FEBRUARY, 2006.

OWNER:

Texan Markets, Inc.,
a Texas corporation

By: William Longshore
William Longshore,
President

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 27th day of FEBRUARY, 2006, by William Longshore, President of Texan Markets, Inc., a Texas corporation, on behalf of the corporation.



Joe A Flores
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

FIELD NOTES

WALNUT A

JOB NO: Z:\Projects_Eng\2005_PROJECTS\50309_VILLAGE_AT_WALNUT_CREEK_2-11\DOCUMENTS\METES&BOUNDS\50309_REZONING_021006.doc

DATE: February 10, 2006

PAGE: 1 OF 2 (Exhibit Attached)

0.13 ACRE (5850 sq. ft)

All that certain tract or parcel of land situated in Travis County, Texas and being a portion of Lot 1, Block "A" of the Village at Walnut Creek Phase 2, Section 11, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 83, Pages 217D-218A, Plat Records of Travis County, Texas, and further described in metes and bounds as follows:

BEGINNING at a calculated point in the interior of said Lot 1 for the northwest corner of this tract, from which an $\frac{1}{4}$ " iron pin found in the west line of Metric Boulevard, a public road of varying right-of-way width, for the most westerly northwest corner of said Lot 1 bears N 07°55'58" E 181.27 feet;

THENCE: S 77°56'23" E 160.00 feet with the north line of this tract to a calculated point, for the northeast corner of this tract;

THENCE: S 12°03'37" W 39.00 feet with the east line of this tract to a calculated point, for the southeast corner of this tract;

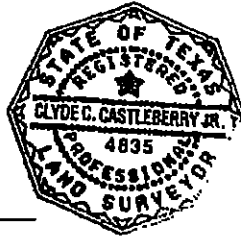
THENCE: N 77°56'23" W 150.00 feet with the south line of this tract to a calculated point, for the southwest corner of this tract;

THENCE: N 12°03'37" E 39.00 feet with the west line of this tract to the Point of Beginning and containing 0.13 acre (5850 sq. ft).

Bearings based on site plan information provided by the City of Austin, Texas, File No. SP-95-0600S, Date of Release - February 23, 1996.

This document was prepared under 22 TAC §883.21, does not reflect the results of an 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.

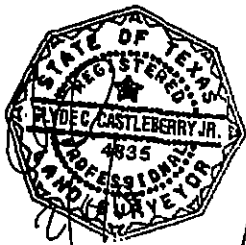
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



C. Castleberry Jr.
Clyde C. Castleberry, Jr.
Registered Professional Land Surveyor No. 4835

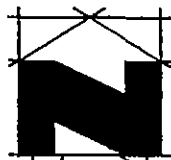
CCC/adm/fto

"EXHIBIT"
0.13 ACRE (5850 SQ.FT.) OUT OF LOT 1, BLOCK A, VILLAGE OF WALNUT CREEK PHASE TWO, SECTION ELEVEN, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 83, PAGES 217D-218A, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



CEDAR BEND DRIVE
(PAVED - 70' R.O.W.)

N 53°55'06" E
22.94' TIE



SCALE: 1"=30'

BEARINGS BASED ON SITE PLAN
INFORMATION PROVIDED BY THE CITY OF
AUSTIN, TEXAS, FILE No. SP-95-0500C.
DATE OF RELEASE - 02/23/98

METRIC BLVD.
(PAVED - R.O.W. VARIES)

N 07°55'58" E 181.27' TIE

CONCRETE PARKING

0.13 ACRE
5850 SQ. FT.

N 12°03'37" E
39.00'

S 77°56'23" E
150.00'

N 77°56'23" W
150.00'

S 12°03'37" W
39.00'

LEGEND	
●	1/2" IRON PIN FOUND
+	CALCULATED POINT
P.R.T.C.	PLAT RECORDS TRAVIS CO., TX

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FIELD NOTES ATTACHED



Castleberry Surveying Ltd.
3613 Williams Drive, Suite 903 - Georgetown, Texas 78626
(512) 930-1600/(512) 930-9389 fax
www.castleberrysurveying.com

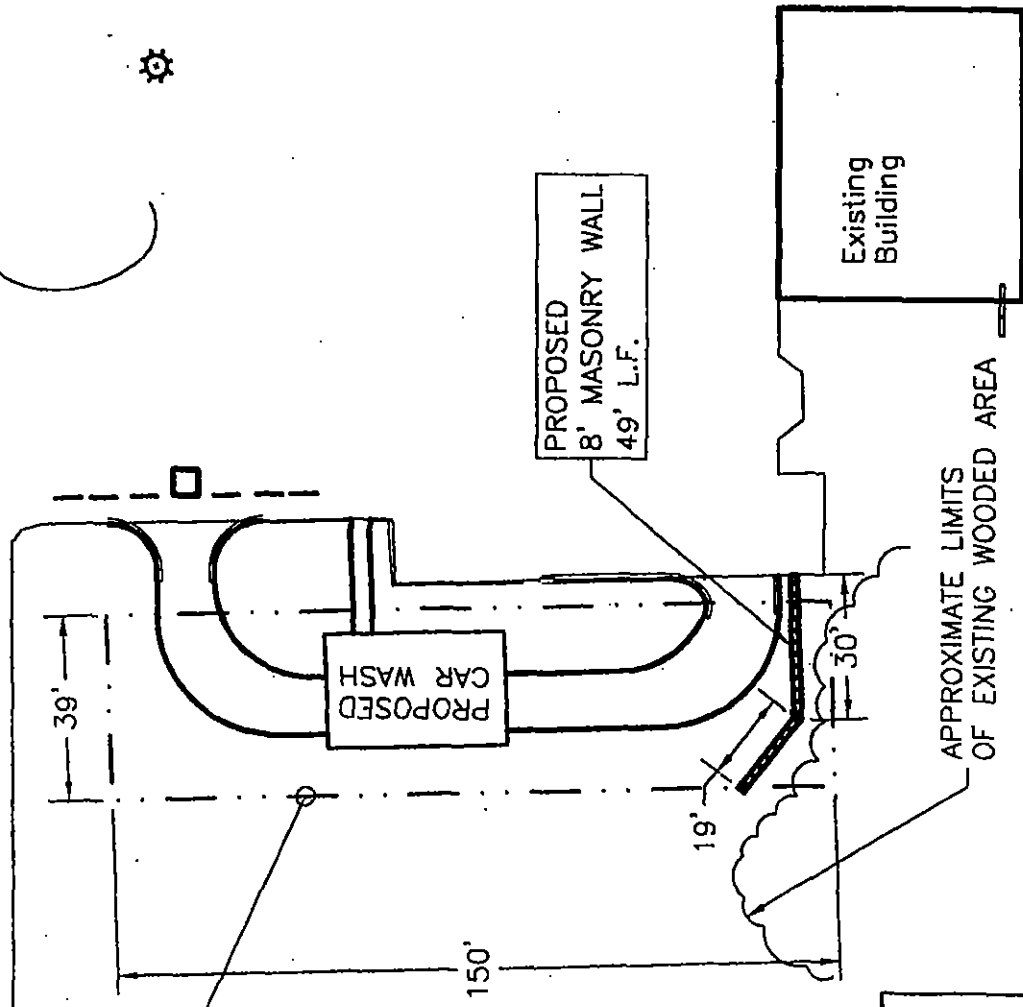
SHEET

2

OF

2

Metric Blvd.



AREA TO BE RE-ZONED
FROM LR TO GR
150'x39' (5,850 S.F.)



EXHIBIT B

Smith-Western Engineering, Inc.

3613 Williams Drive, Suite 901 Georgetown, Texas 78628
Phone 512.869.1168 info@smithwestern.com Fax 512.819.4677

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

2008 Mar 03 03:25 PM 2006038500

HERRERAM \$38.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS