



## Zoning Case No. C14-05-0175

RESTRICTIVE COVENANT

OWNER: Riddell Family Limited Partnership, a Texas limited partnership  
ADDRESS: 2028 East Ben White Blvd., #508, Austin, Texas 78741  
OWNER: 1626 Willows, L.P., a Texas limited partnership  
ADDRESS: 4833 Spicewood Springs Road, #100, Austin, Texas 78759  
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: Two tracts of land, being a 3.266 acre tract and a 27.310 acre tract, out of the S.F. Slaughter League No. 1, in Travis County, the tracts being more particularly described by metes and bounds in Exhibits "A" and "B" 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. 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 September 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 January 9, 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.

3-23-06  
# 7-2

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.
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 15<sup>th</sup> day of March, 2006.

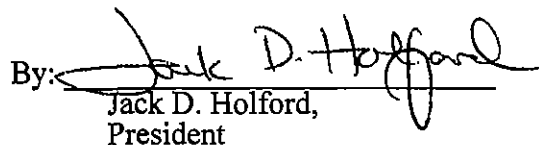
**OWNER:**

**Riddell Family Limited Partnership,  
a Texas limited partnership**

By:   
Wayne J. Riddell,  
General Partner

**1626 Willows, L.P.,  
a Texas limited partnership**

By: Holford Project Management, L.L.C.,  
a Texas limited liability company,  
its sole general partner

By:   
Jack D. Holford,  
President

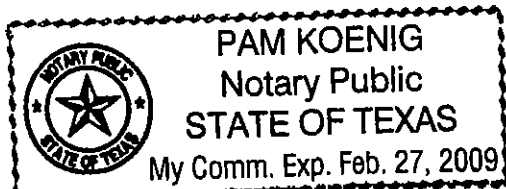
**APPROVED AS TO FORM:**

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 15 day of March, 2006, by Wayne J. Riddell, General Partner of Riddell Family Limited Partnership, a Texas limited partnership, on behalf of the partnership.

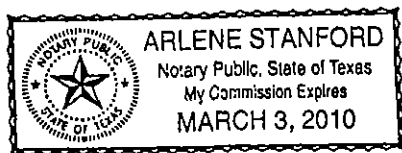


Pam Koenig  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14<sup>th</sup> day of March, 2006, by Jack D. Holford, President of Holford Project Management, L.L.C., a Texas limited liability company, General Partner of 1636 Willows, L.P., a Texas limited partnership, on behalf of the partnership.



Arlene Stanford  
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

27.310 ACRES  
PORTION OF RIDDELL TRACT  
ZONING TRACT 1

C14-05-0175  
TRACT 2  
FN. NO. 05-658 (MJJ)  
DECEMBER 20, 2005  
BPI JOB NO. 1559-03.08

#### DESCRIPTION

OF A 27.310 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.310 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod with cap found in the northerly line of F.M. 1626 (R.O.W. varies), being the southeasterly corner of that certain 169.808 acre tract of land conveyed to Pulte Homes of Texas, L.P. by deed of record in Document No. 1999112072 of the Official Public Records of Travis County, Texas and the southwesterly corner of the remaining portion of said "Tract One", for the southwesterly corner hereof;

**THENCE**, leaving the northerly line of F.M. 1626, along a portion of the easterly line of said 169.808 acre tract, being a portion of the westerly line of the remaining portion of said "Tract One" and a portion of the westerly line hereof, the following nine (9) courses and distances:

- 1) N23°50'44"E, a distance of 142.30 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N24°32'47"E, a distance of 50.84 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N18°35'15"E, a distance of 195.31 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N03°43'16"W, a distance of 168.47 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N22°42'02"W, a distance of 96.29 feet to a 1/2 inch iron rod with cap found for an angle point;
- 6) N45°40'22"W, a distance of 60.83 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N17°56'28"W, a distance of 129.22 feet to a 1/2 inch iron rod with cap found for an angle point;
- 8) N13°04'21"W, a distance of 109.74 feet to a 1/2 inch iron rod with cap found for an angle point;
- 9) N45°56'08"W, a distance of 201.95 feet to a 1/2 inch iron rod found in the easterly line of Lot 58, Block VV Stablewood at Slaughter Creek Section Three, a subdivision of record in Document No. 199900385 of said Official Public Records, for an angle point hereof;

FN NO. 05-659(MJJ)  
DECEMBER 20, 2005  
PAGE 2 OF 2

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being a portion of the southerly line of the remaining portion of said "Tract One", for the southerly line hereof, a distance of 470.00 feet to the POINT OF BEGINNING, containing an area of 3.266 acres (142,245 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS IS TEXAS CENTRAL ZONE NAD83. CONTROL MONUMENTS USED FOR THIS SURVEY ARE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY MONUMENTATION.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

*Mark J. Jezisek*  
MARK J. JEZISEK  
NO. 5267  
STATE OF TEXAS



C14-05-0175  
TRACT 1

3.266 ACRES  
PORTION OF RIDDELL TRACT  
ZONING TRACT 2

FN. NO. 05-659(MJJ)  
DECEMBER 20, 2005  
BPI JOB NO. 1559-03.08

#### DESCRIPTION

OF A 3.266 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.266 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, at a 1/2 inch iron rod with cap found in the northerly line of F.M. 1626 (R.O.W. varies), being the southeasterly corner of that certain 169.808 acre tract of land conveyed to Pulte Homes of Texas, L.P. by deed of record in Document No. 1999112072 of the Official Public Records of Travis County, Texas and the southwesterly corner of the remaining portion of said "Tract One";

**THENCE**, S75°06'11"E, along the northerly line of F.M. 1626, being a portion of the southerly line of the remaining portion of said "Tract One", a distance of 356.66 feet to a 1/2 inch iron rod with cap set for the **POINT OF BEGINNING** and southwesterly corner hereof;

**THENCE**, leaving the southerly line of F.M. 1626, over and across said "Tract One", for the westerly and northerly lines hereof, the following five (5) courses and distances:

- 1) N14°53'10"E, a distance of 220.00 feet to a 1/2 inch iron rod with cap set for the westernmost northwesterly corner hereof;
- 2) S75°06'11"E, a distance of 246.34 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N59°55'30"E, a distance of 75.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N14°53'10"E, a distance of 101.40 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S75°06'11"E, a distance of 200.00 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street (120' R.O.W.), for the northeasterly corner hereof;

**THENCE**, along the westerly line of South First Street, being the easterly line hereof, the following two (2) courses and distances:

- 1) S14°53'10"W, a distance of 345.12 feet to the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 30.00 feet, a central angle of 89°45'49", an arc length of 47.00 feet and a chord which bears S60°00'33"W, a distance of 42.34 feet to a point in the northerly line of F.M. 1626, for the southeasterly corner hereof;

**THENCE**, along a portion of the easterly line of said Lot 58, being the westerly line of the remaining portion of said "Tract One" and a portion of the westerly line hereof, the following two (2) courses and distances:

- 1) N37°57'44"E, a distance of 209.65 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N35°37'50"E, a distance of 16.86 feet to a 1/2 inch iron rod with cap set for the northwesterly corner hereof;

**THENCE**, leaving the easterly line of said Lot 58, over and across said "Tract One", along the northerly line hereof, the following three (3) courses and distances:

- 1) N68°44'05"E, a distance of 154.05 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S87°05'03"E, a distance of 675.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S63°25'10"E, a distance of 496.84 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street (120' R.O.W.), for the northeasterly corner hereof;

**THENCE**, along the westerly line of South First Street, being a portion of the easterly line hereof, the following two (2) courses and distances:

- 1) S12°30'48"W, a distance of 15.76 feet to a 1/2 inch iron rod with cap set for the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 940.00 feet, a central angle of 05°57'31", an arc length of 97.76 feet and a chord which bears S15°29'34"W, a distance of 97.71 feet to a 1/2 inch iron rod with cap set at the northeasterly corner of that certain 0.254 acre tract of land conveyed to the City of Austin, Texas by deed of record in Document No. 2000101517 of said Official Public Records, for an angle point hereof;

**THENCE**, leaving the westerly line of South First Street, along the northerly, westerly and southerly lines of said 0.254 acre tract, being a portion of the easterly line hereof, the following five (5) courses and distances:

- 1) N71°31'43"W, a distance of 30.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S67°15'19"W, a distance of 103.30 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S22°15'19"W, a distance of 224.68 feet to a 1/2 inch iron rod with cap set for an angle point;

- 4) S22°44'45"E, a distance of 106.10 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S67°44'13"E, a distance of 30.00 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street, being the southeasterly corner of said 0.254 acre tract, for an angle point hereof;

THENCE, along the westerly line of South First Street, being a portion of the easterly line hereof, the following three (3) courses and distances:

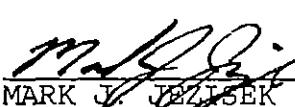
- 1) S22°15'19"W, a distance of 214.87 feet to a 1/2 inch iron rod with cap set for the point of curvature of a curve to the left;
- 2) Along said curve to the left having a radius of 1060.00 feet, a central angle of 07°22'09", an arc length of 136.33 feet and a chord which bears S18°34'14"W, a distance of 136.24 feet to a 1/2 inch iron rod with cap set for the end of said curve;
- 3) S14°53'10"W, a distance of 85.01 feet to an angle point;

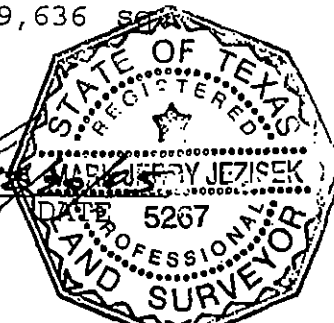
THENCE, leaving the westerly line of South First Street, over and across said "Tract One", for a portion of the easterly line hereof, the following five (5) courses and distances:

- 1) N75°06'11"W, a distance of 200.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S14°53'10"W, a distance of 101.40 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S59°55'30"W, a distance of 75.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N75°06'11"W, a distance of 246.34 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S14°53'10"W, a distance of 220.00 feet to a 1/2 inch iron rod with cap set, in the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One", for the southeasterly corner hereof;

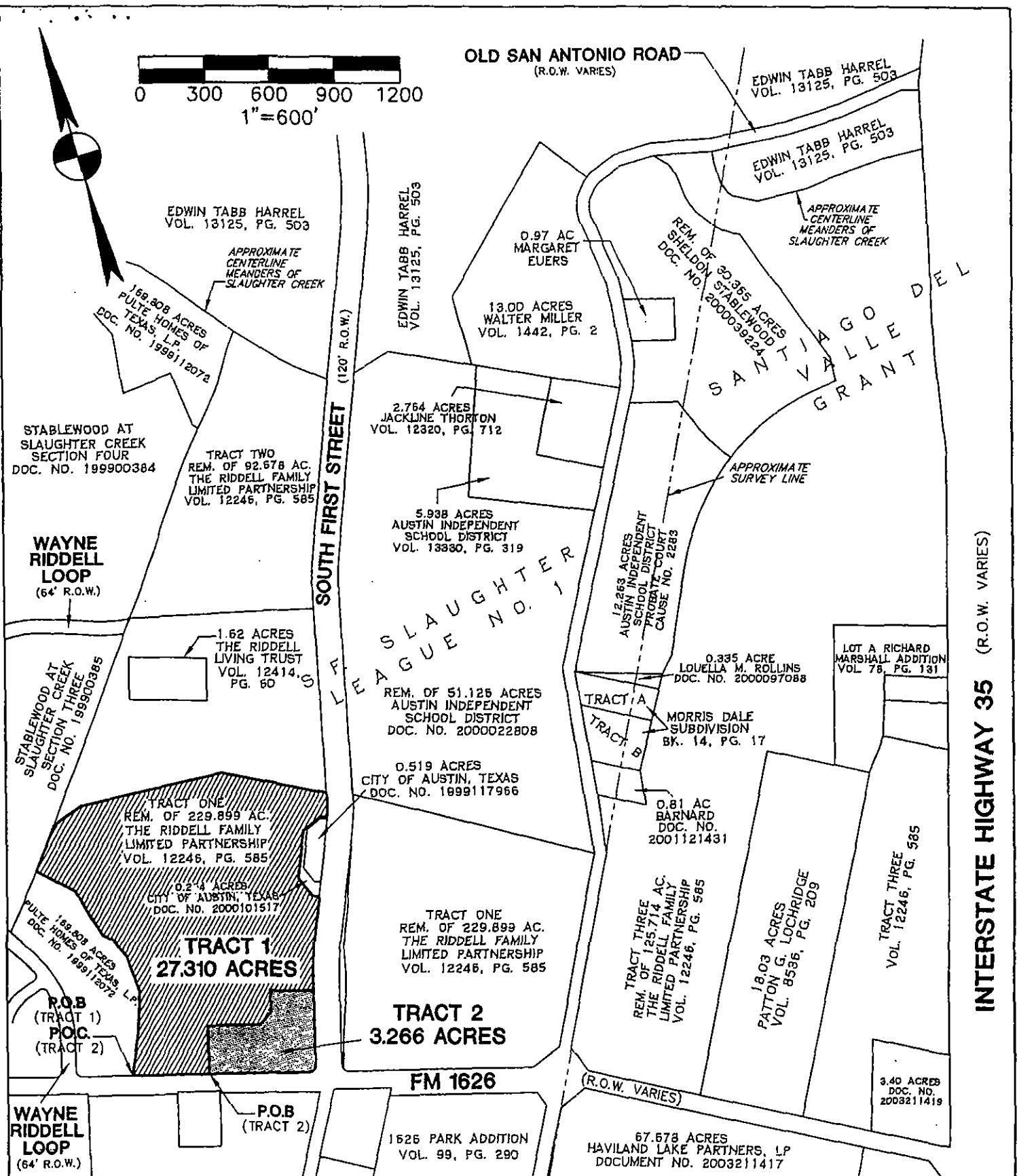
THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 356.66 feet to the POINT OF BEGINNING, containing an area of 27.310 acres (1,189,636 sq. ft.) of land, more or less, within these metes and bounds.

BURY & PARTNERS, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

  
MARK J. JEZISEK  
NO. 5267  
STATE OF TEXAS







**Bury+Partners**  
ENGINEERING SOLUTIONS  
3845 Bee Caves Road, Suite 200  
Austin, Texas 78746  
Tel. (512)326-0011 Fax (512)326-0325  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
OF TWO (2) TRACTS OF LAND OUT OF THE RIDDELL  
FAMILY LIMITED PARTNERSHIP TRACT DESCRIBED AS  
"TRACT ONE", OF RECORD IN VOLUME 12246, PAGE  
585 OF THE REAL PROPERTY RECORDS OF TRAVIS  
COUNTY, TEXAS.

**NEWMARK  
HOMES**  
**TRACT ONE**

DATE: 12/20/05 FILE: H:\1559\03\155903EX2.dwg FN No.: 05-658/659(MJJ) DRAWN BY: MJJ PROJ. No: 1559-03.08

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

A handwritten signature in black ink, reading "Dana DeBeauvoir", is written over the official text.

2006 Apr 03 03:50 PM 2006060136

CORTEZY \$52.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS