



## Zoning Case No. C14-05-0091

RESTRICTIVE COVENANT

OWNER: Dittmar Properties, LP, a Texas limited partnership

ADDRESS: 784 Oakdale Drive, Austin, Texas 78745

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 42.029 acre tract of land, more or less, out of the William Cannon League, in 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 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 21, 2005.
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.
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.

4-27-06  
#45

EXECUTED this the 19<sup>th</sup> day of April, 2006.

**OWNER:**

Dittmar Properties, LP,  
a Texas limited partnership

By: Dittmar Properties GP, Inc.,  
a Texas corporation,  
General Partner

By: 

John R. Kleas,  
President

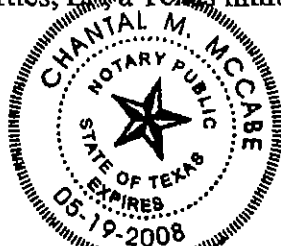
APPROVED AS TO FORM:

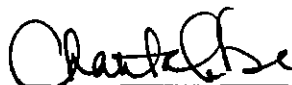
  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 19<sup>th</sup> day of April, 2006, by John R. Kleas, President of Dittmar Properties GP, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this instrument as general partner on behalf of Dittmar Properties, LP, a Texas limited partnership.





Notary Public, State of Texas

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



**Professional Land Surveying, Inc.  
Surveying and Mapping**

EXHIBIT A

C14-05-0091

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

2807 Manchaca Road  
Building One  
Austin, Texas 78704

**42.029 ACRE TRACT  
WILLIAM CANNON LEAGUE**

A DESCRIPTION OF 42.029 ACRES (1,830,771 S.F.) OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A 110.09 ACRE TRACT CONVEYED TO HEALTHCARE REHABILITATION OF AUSTIN, INC., IN THE SPECIAL WARRANTY DEED EXECUTED JULY 24, 1997 OF RECORD IN VOLUME 12988, PAGE 661 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 42.029 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with cap set in the south line of the remainder of the 110.09 acre tract, being also in the west line of a 67.532 acre tract recorded in Document No. 2001186037, of the Official Public Records of Travis County, Texas, in the north line of West Dittmar Road (right-of-way width varies) and the north line of a 0.063 acre tract recorded in Document No. 2003043681 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with cap set bears South 01°58'30" East, a distance of 19.58 feet;

**THENCE** with the south line of the remainder of the 110.09 acre tract, the north line of West Dittmar Road and the north line of the 0.063 acre tract, the following five (5) courses:

1. South 86°28'28" West, a distance of 68.64 feet to a 1/2" rebar with cap set;
2. South 87°15'45" West, a distance of 147.84 feet to a 1/2" rebar found;
3. South 87°57'55" West, a distance of 600.72 feet to a 1/2" rebar found for the beginning of a curve to the left;
4. 28.36 feet along the arc of said curve to the left, having a radius of 1745.00, and through a central angle of 00°55'52", the chord of which bears South 87°27'37" West, a distance of 28.36 feet to a 1/2" rebar found;
5. South 87°01'41" West, a distance of 164.10 feet to a 1/2" rebar with cap set for the southwest corner of the remainder of the 110.09 acre tract, being also in the east line of a 14.85 acre tract recorded in Volume 3387, Page 2048 of the Deed Records of Travis County, Texas, the north line of West Dittmar Road, and the northwest corner of the 0.063 acre tract, from which a 1/2" rebar found bears South 00°24'58" East, a distance of 4.37 feet;

**THENCE** with the common line of the 110.09 acre tract and the 14.85 acre tract, the

following two (2) courses:

1. North  $00^{\circ}09'16''$  West, a distance of 872.05 feet to a  $1/2''$  rebar with cap found for an interior corner of the 110.09 acre tract, being also the northeast corner of the 14.85 acre tract;
2. South  $87^{\circ}19'00''$  West, a distance of 455.24 feet to a  $1/2''$  rebar with cap found for a southwest corner of the 110.09 acre tract, being also the northwest corner of the 14.85 acre tract and in the southeast line of the Union Pacific Railroad (formerly the International-Great Northern Railroad)(100' right-of-way width);

**THENCE** North  $29^{\circ}28'41''$  East, along the northwest line of the 110.09 acre tract and the southeast right-of-way line of the Union Pacific Railroad, a distance of 2518.46 feet to a  $1/2''$  iron pipe found for the northwest corner of the 110.09 acre tract, being also in the southeast right-of-way line of the Union Pacific Railroad and being the west corner of a 0.759 acre tract recorded in Volume 11191, Page 130, of the Real Property Records of Travis County, Texas;

**THENCE** leaving the southeast right-of-way line of the Union Pacific Railroad, South  $60^{\circ}30'00''$  East, along the common line of the 110.09 acre tract and the 0.759 acre tract, a distance of 147.94 feet to a  $1''$  iron pipe found for a northeast corner of the 110.09 acre tract, being also in the south line of the 0.759 acre tract and in the northwest right-of-way line of Damon Road (50' right-of-way width)(cul-de-sac) for the beginning of a non-tangent curve to the left;

**THENCE** 141.60 feet along the arc of said curve to the left, having a radius of 45.07 feet, and through a central angle of  $180^{\circ}00'00''$ , the chord of which bears South  $26^{\circ}53'17''$  East, a distance of 90.14 feet to a  $1/2''$  rebar found for a northeast corner of the 110.09 acre tract, being also in the south right-of-way line of Damon Road (cul-de-sac) and the north corner of Lot 5, Damon Subdivision, a subdivision of record in Volume 6, page 31, Plat Records of Travis County, Texas;

**THENCE** leaving the south right-of-way line of Damon Road, along the common line of the 110.09 acre tract and the Damon Subdivision, for the following six (6) courses:

1. South  $29^{\circ}32'10''$  West, a distance of 325.01 feet to a  $1/2''$  iron pipe found for an interior corner of the 110.09 acre tract;
2. North  $87^{\circ}52'02''$  East, a distance 113.24 feet to a  $1''$  iron pipe found for an interior corner of the 110.09 acre tract;

3. North  $87^{\circ}39'28''$  East, a distance of 169.69 feet to a 1/2" rebar found for an exterior corner of the 110.09 acre tract being also an interior corner of the Damon Subdivision;
4. South  $77^{\circ}18'08''$  East, a distance of 205.42 feet to a 1/2" rebar with cap set for the beginning of a non-tangent curve to the right;
5. 83.28 feet along the arc of said non-tangent curve to the right, having a radius of 90.12 feet, and through a central angle of  $52^{\circ}56'42''$ , the chord of which bears North  $02^{\circ}49'00''$  East, a distance of 80.35 feet to a 1/2" rebar found;
6. North  $29^{\circ}49'29''$  East, a distance of 44.54 feet to a 1/2" rebar with cap set for a north corner of the 110.09 acre tract, being also in the southwest line of the Damon Subdivision, the intersecting point of the southwest line of Damon Road with the west line of Sherwood Road (50' right-of-way width) and the northwest corner of a "Street Deed" recorded in Volume 3234, Page 1934, of the Deed Records of Travis County, Texas, for the beginning of a non-tangent curve to the left;

**THENCE** with the common line of the 110.09 acre tract, Sherwood Road and the said "Street Deed", the following three (3) courses:

1. 159.13 feet along the arc of said non-tangent curve to the left, having a radius of 75.36 feet, and through a central angle of  $120^{\circ}59'03''$ , the chord of which bears South  $31^{\circ}14'40''$  East, a distance of 131.17 feet to a 1/2" rebar found;
2. North  $88^{\circ}04'39''$  East, a distance of 75.42 feet to a 60d nail found;
3. North  $87^{\circ}21'59''$  East, a distance of 333.29 feet to a 5/8" iron pipe found for the northeast corner of the 110.09 acre tract, being also in the south line of Sherwood Road, the southeast corner of the said "Street Deed" and the northwest corner of Brownleaf Estates, a subdivision of record in Volume 31, Page 48, Plat Records of Travis County, Texas;

**THENCE** leaving the south line of Sherwood Road, South  $03^{\circ}06'11''$  East, along the common line of the 110.09 acre tract and Brownleaf Estates, a distance of 250.00 feet to a 1/2" rebar with cap set in the east line of the 110.09 acre tract, being also in the west line of Brownleaf Estates and the northeast corner of a 67.532 acre tract recorded in Document No. 2001186037, of the Official Public Records of Travis County, Texas;

**THENCE** leaving the west line of Brownleaf Estates, over and across the 110.09 acre tract, with the north and west lines of the 67.532 acre tract, for the following 4 (four) courses:


1. South 87°21'59" West, a distance of 1058.75 feet to a 1/2" rebar with cap set for the northwest corner of the 67.532 acre tract;
2. South 29°28'31" West, a distance of 633.18 feet to a 1/2" rebar with cap set;
3. South 14°21'26" West, a distance of 673.06 feet to a 1/2" rebar with cap set;
4. South 08°45'22" East, a distance of 327.26 feet to a calculated point in the approximate centerline of a creek;

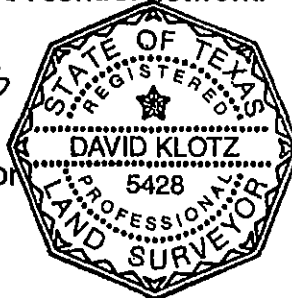
**THENCE** with the approximate centerline of said creek the following five (5) courses and distances:

1. South 82°28'58" East, a distance of 143.88 feet to a calculated point;
2. South 71°55'49" East, a distance of 178.70 feet to a calculated point;
3. South 34°04'25" East, a distance of 65.09 feet to a calculated point;
4. South 64°29'26" East, a distance of 330.28 feet to a calculated point;
5. South 89°20'05" East, a distance of 41.49 feet to a calculated point;

**THENCE** departing the approximate centerline of said creek, South 01°58'30" East, a distance of 459.74 feet to the **POINT OF BEGINNING**, containing an area of 42.029 acres of land, more or less.

Surveyed on the ground in August 2003. Bearing basis is grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network.

  
David Klotz  
Registered Professional Land Surveyor  
State of Texas No. 5428



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2008 May 09 12:47 PM 2006085694

SIFUENTEZY \$40.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS