



RESTRICT 2005227643

6 PGS

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Zoning Case No. C14-05-0117SH

**RESTRICTIVE COVENANT**

OWNER: Arbor Ridge Venture, LP, a Texas limited partnership

ADDRESS: P.O. Box 201358, Austin, Texas 78750

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 5.350 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

Lot 1, Cooper Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 18, Page 20, of the Plat Records of Travis County, Texas.

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 October 18, 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.

12-1-05  
# 2-14

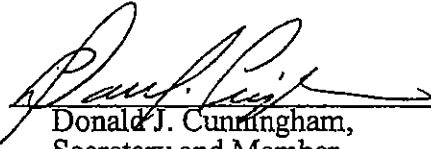
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or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

EXECUTED to be effective the 28<sup>th</sup> day of November, 2005.


**OWNER:**

Arbor Ridge Venture, LP,  
a Texas limited partnership

By: CG Development, LLC,  
a Texas limited liability company,  
General Partner

By:   
Donald J. Cunningham,  
Secretary and Member

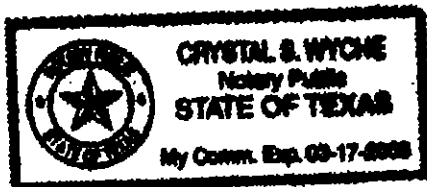
**APPROVED AS TO FORM:**

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 28<sup>th</sup> day of November, 2005, by Donald J. Cunningham, Secretary and Member of CG Development, LLC, a Texas limited liability company, on behalf of the company, and the company acknowledged this covenant as General Partner, on behalf of Arbor Ridge Venture, LP, a Texas limited partnership.



Crystal S. Wyche  
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

DESCRIPTION

DESCRIPTION OF 5.350 ACRES OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING A ALL OF LOT 2 AND A PORTION OF LOT 3 OF THE COOPER ADDITION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 18, PAGE 20, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION OF LOT 3 DESCRIBED IN DEED TO THE CITY OF AUSTIN OF RECORD IN VOLUME 11968, PAGE 1940, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO AMY L. COOPER ROGANS OF RECORD IN DOCUMENT NUMBER 2001029930, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.350 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the south right-of-way of NUCKOLS CROSSING ROAD (R.O.W. varies), the south line of Lot 3 of WILLIAMSON CREEK COMMERCIAL 2A SUBDIVISION according to the map or plat thereof recorded in Book 86, Page 72C, Plat Records of Travis County, Texas, for the the northwest corner of Lot 3 of said COOPER ADDITION, the northwest corner of said Rogans tract, and the northwest corner of the herein described tract, from which a 1/2 inch iron rod with aluminum cap set in the south right-of-way of said NUCKOLS CROSSING ROAD for the southwest corner of Lot 3 of said WILLIAMSON CREEK COMMERCIAL 2A SUBDIVISION bears N56°18'03"W a distance of 4.61 feet ;

THENCE with the south line of Lot 3 of said WILLIAMSON CREEK COMMERCIAL 2A SUBDIVISION, the north line of Lot 3 of said COOPER ADDITION, the north line of said Rogans tract, and the north line of the herein described tract S59°56'29"E a distance of 373.84 feet to a 1/2 inch iron rod found for the southeast corner of Lot 3 of said WILLIAMSON CREEK COMMERCIAL 2A SUBDIVISION and the southwest corner of Lot 18 of FAIRWAY RIDGE AMENDED SUBDIVISION according to the map or plat thereof recorded in Volume 91, Page 87, Plat Records of Travis County, Texas, from which a 1/2 inch iron rod found for the northwest corner of Lot 18 of said FAIRWAY RIDGE AMENDED SUBDIVISION bears N30°27'07"E a distance of 98.69 feet;

THENCE with the south line of said FAIRWAY RIDGE AMENDED SUBDIVISION, the north line of Lot 3 of said COOPER ADDITION, the north line of said Rogans tract, and the north line of the herein described tract S59°41'05"E passing at a distance of 31.77 feet, 0.28 feet left, a 1/2 inch iron rod found for the southeast corner of Lot 18 and the southwest corner of Lot 19 of said FAIRWAY RIDGE AMENDED SUBDIVISION, passing at a distance of 206.58 feet the southeast corner of Lot 20 of said FAIRWAY RIDGE AMENDED SUBDIVISION and the

southwest corner of Lot 21 of SECOND AMENDED PLAT OF FAIRWAY RIDGE SUBDIVISION according to the map or plat thereof recorded in Volume 94, Page 49, Plat Records of Travis County, Texas, in all a total distance of 360.81 feet to 1"X1" bolt found for the northeast corner of said Rogans tract and the northwest corner of said City of Austin tract, from which a 1/2 inch iron rod found in the north line of Lot 3 of said COOPER ADDITION for the southeast corner of Lot 24 of said SECOND AMENDED PLAT OF FAIRWAY RIDGE SUBDIVISION bears S59°51'40"E a distance of 69.50 feet;

THENCE over and across Lot 3 of said COOPER ADDITION with the west line of said City of Austin tract and the east line of said Rogans tract, S31°19'03"W a distance of 380.14 feet to a 1/2 inch iron rod found in the north right-of-way of PALO BLANCO LANE (64' R.O.W.) as recorded in PALO BLANCO ELEMENTARY SCHOOL SUBDIVISION, Volume 85, Page 93A, Plat Records of Travis County, Texas, and the south line of Lot 3 of said COOPER ADDITION for the southwest corner of said City of Austin tract and the southeast corner of said Rogans tract, from which a 1/2 inch iron rod found bears S59°30'17"E a distance of 64.20 feet;

THENCE with the north right-of-way of said PALO BLANCO LANE, the south line of Lot 3 of said COOPER ADDITION, and a south line of said Rogans tract N59°44'40"W a distance of 129.95 feet to a 1/2 inch iron rod found for the southeast corner of Lot 1 of said COOPER ADDITION, same being that certain tract of land described in deed to Marvin J. Cooper of record in Document Number 2001000689, Official Public Record of Travis County, Texas, from which a 1/2 inch iron rod found in concrete in the south right-of-way of said NUCKOLS CROSSING ROAD for the northwest corner of Lot 1, Block 2 of said PALO BLANCO ELEMENTARY SCHOOL SUBDIVISION bears N59°39'46"W a distance of 605.34 feet ;

THENCE with the east line of Lot 1 of said COOPER ADDITION, a west line of Lot 3 of said COOPER ADDITION, and a west line of said Rogans tract N30°36'19"E a distance of 75.00 feet to a 1/2 inch iron rod with aluminum cap set for the northeast corner of Lot 1 of said COOPER ADDITION, an interior ell corner of Lot 3 of said COOPER ADDITION, and an interior ell corner of said Rogans tract;

THENCE with the north line of Lot 1 of said COOPER ADDITION, a south line of Lot 3 of said COOPER ADDITION, and a south line of said Rogans tract N59°39'46"W passing at a distance of 159.95 feet, 0.13 feet left, a 1/2 inch iron rod found, in all a total distance of 600.03 feet to a 1/2 inch iron rod with aluminum cap set in the south right-of-way of said NUCKOLS CROSSING ROAD for the northwest corner of Lot 1 and the southwest corner of Lot 2 of said COOPER ADDITION, the southwest corner of said Rogans tract, and the northwest corner of said Marvin J. Cooper tract;

THENCE with the south right-of-way of said NUCKOLS CROSSING ROAD and a west line of Lots 2 and 3 of said COOPER ADDITION, N30°37'01"E a distance of 303.32 feet to the POINT

5.350 Acres of Land  
Santiago del Valle Grant  
Lot 2 and a Portion  
of Lot 3, Cooper Addition  
Amy L. Cooper Rogans  
Travis County, Texas

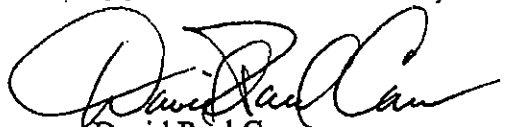
OF BEGINNING containing 5.350 acres of land of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

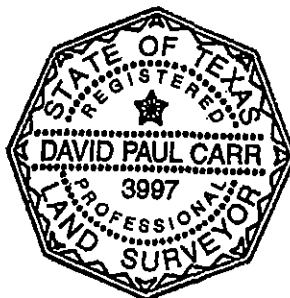
Bearing basis: The south line of Lots 2 and 3, WILLIAMSON CREEK COMMERCIAL 2A,  
according to the map or plat thereof recorded in Book 86, Page 72C of the Plat Records of Travis  
County, Texas.  
(S30°29'00"W)

I hereby certify that this description was prepared from a survey made on the ground under my  
supervision.

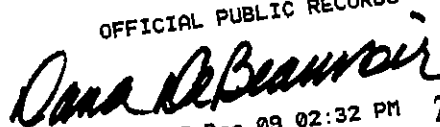
CUNNINGHAM-ALLEN, INC.



David Paul Carr  
Registered Professional Land Surveyor  
No. 3997  
Date: *April 29, 2005*



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



2005 Dec 09 02:32 PM 2005227643  
RANEYJ \$36.00  
DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS