

**RESTRICTIVE COVENANT**

OWNER                      The Calavan Family Partnership, Ltd , a Texas limited partnership

ADDRESS                  7301 RR 620 North, Suite 155-320, Austin, Texas 78726

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 tract of land being 84 feet x 150 feet out of Block 3, Outlot 36, Division B, Johns C R Subdivision, Travis County, as described in an instrument of record in Volume 12740, Page 1212, Real Property 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 of the Property is subject to Ordinance No 20060831-068 that established standards for commercial design
- 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

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2006

**OWNER:**

**The Calavan Family Partnership, Ltd.,  
a Texas limited partnership**

By BPC Holdings, Inc ,  
a Texas corporation,  
its sole general partner

By \_\_\_\_\_  
Brooks P Calavan,  
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 \_\_\_\_ day of \_\_\_\_\_, 2006, by Brooks P Calavan, President of BPC Holdings, Inc , a Texas corporation, general partner of The Calavan Family Partnership, Ltd , a Texas limited partnership, on behalf of the corporation and the partnership

\_\_\_\_\_  
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, Paralegal

Restrictive covenant-Calavan Family PS

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 1204 SALINA STREET IN THE CENTRAL EAST  
3 AUSTIN NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-  
4 NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO LIMITED  
5 OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN  
6 (LO-MU-CO-NP) COMBINING DISTRICT.  
7

8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from family residence-neighborhood plan (SF-3-NP) combining  
12 district to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-  
13 NP) combining district on the property described in Zoning Case No C14-06-0163, on file  
14 at the Neighborhood Planning and Zoning Department, as follows  
15

16 A tract of land being 84 feet x 150 feet out of Block 3, Outlot 36, Division B,  
17 Johns C R Subdivision, Travis County, as described in an instrument of record in  
18 Volume 12740, Page 1212, Real Property Records of Travis County, Texas (the  
19 "Property"),  
20

21 locally known as 1204 Salina Street, in the City of Austin, Travis County, Texas, and  
22 generally identified in the map attached as Exhibit "A"  
23

24 PART 2. Except as specifically provided in Part 3 and Part 4, the Property may be  
25 developed and used in accordance with the regulations established for the limited office  
26 (LO) base district and other applicable requirements of the City Code  
27

28 PART 3. The Property within the boundaries of the conditional overlay combining district  
29 established by this ordinance is subject to the following conditions  
30

31 1 The maximum height of a building or structure is 35 feet from ground level.  
32

33 2 The following uses are prohibited uses of the Property  
34

35 Communication services

36 Medical offices (not exceeding 5000 sq ft of gross floor area)

Medical offices (exceeding 5000 sq ft of gross floor area)  
37

**PART 4.** The Property is subject to Ordinance No 011213-42 that established the Central East Austin neighborhood plan combining district

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2006




**PASSED AND APPROVED**

\_\_\_\_\_, 2006

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith Shurley A. Gentry  
City Attorney City Clerk



<p><b>SUBJECT TRACT</b> </p> <p><b>PENDING CASE</b> </p> <p><b>ZONING BOUNDARY</b> </p> <p><b>CASE MGR R HEIL</b></p>	<p><b>CASE # C14-06-0163</b></p> <p><b>ADDRESS 1204 SALINA ST</b></p> <p><b>SUBJECT AREA (acres) 0.823</b></p>	<p><b>ZONING EXHIBIT A</b></p> <p><b>DATE 06-11</b></p> <p><b>INTLS SM</b></p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p><b>K23</b></p>
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