

**Zoning Case No. C14-2010-0027***gkh***RESTRICTIVE COVENANT**

OWNER: Colonial Realty Limited Partnership, a Delaware limited partnership

ADDRESS: 2101 6<sup>th</sup> Avenue North, Suite 750, Birmingham, Alabama 35203

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 23.965 acre tract of land, more or less, out of the Stephen F. Slaughter League No. 1, Abstract No. 20, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), 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 ("Agreement"). 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 update to the Traffic Impact Analysis ("TIA") requirements prepared by Kimley-Horn and Associates, dated February 10, 2010, or as amended and approved by the Director of the Planning 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 Planning and Development Review Department, dated April 14, 2010. The TIA shall be kept on file at the Planning and Development Review Department.
2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement 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.

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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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 12<sup>th</sup> day of May, 2010.

**OWNER:**

**Colonial Realty Limited Partnership,  
a Delaware limited partnership**

By: Colonial Properties Trust,  
an Alabama real estate  
investment trust,  
its General Partner

By: Ed Wright  
Edward T. Wright,  
its Executive Vice President

APPROVED AS TO FORM:

CHA  
Assistant City Attorney  
City of Austin

THE STATE OF

COUNTY OF

Alabama  
Jefferson

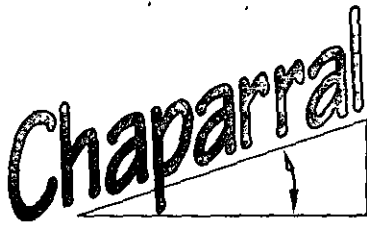
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This instrument was acknowledged before me on this the 12<sup>th</sup> day of May, 2010, by Edward T. Wright, Executive Vice President of Colonial Properties Trust, an Alabama real estate investment trust, General Partner Colonial Realty Limited Partnership, a Delaware limited partnership, on behalf of the limited partnership.

Stephanie Davis  
Notary Public,  
State of Alabama

My commission expires: 7/26/13

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



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

*EXHIBIT A*

C14-2010-0027

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**23.965 ACRES**

**STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 23.965 ACRES (APPROXIMATELY 1,043,921 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF A 23.968 ACRE TRACT CONVEYED TO COLONIAL REALTY LIMITED PARTNERSHIP IN A SPECIAL WARRANTY DEED DATED NOVEMBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2006230896 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 23.965 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found in the west right-of-way line of Old San Antonio Road (right-of-way width varies), being the northeast corner of the said 23.968 acre tract, being also the southeast corner of a 51.126 acre tract described in Document No. 2000022808 of the Official Public Records of Travis County, Texas;

**THENCE** South 26°30'15" West with the west right-of-way line of Old San Antonio Road and the east line of the said 23.968 acre tract, a distance of 699.74 feet to a 1/2" rebar with Chaparral cap set for a southeast corner of the said 23.968 acre tract, being the northeast corner of a 2.508 acre tract described in Document No. 2006230896 of the Official Public Records of Travis County, Texas, from which a concrete highway monument found in the west right-of-way line of Old San Antonio Road, being in the east line of the said 2.508 acre tract, bears South 26°30'15" West, a distance of 212.87 feet;

**THENCE** with the common line of the said 23.968 acre tract and the said 2.508 acre tract, the following two (2) courses and distances:

1. North 63°29'45" West, a distance of 350.13 feet to a 1/2" rebar with Chaparral cap set for the northwest corner of the said 2.508 acre tract;
2. South 21°34'52" West, a distance of 374.33 feet to a 1/2" rebar with Chaparral cap set in the north right-of-way line of F.M. 1626 (80' right-of-way width), being a southeast corner of the said 23.968 acre tract, being also the southwest corner of the said 2.508 acre tract, from which a concrete highway monument found at the intersection of the north right-of-way line of F.M. 1626 and the west right-of-way line of Old San Antonio Road at highway station 107+01.3, 40' left, being also in the south line of the said 2.508 acre tract, bears South 75°05'37" East, a distance of 217.62 feet;

SCANNED

**THENCE** North 75°05'37" West with the north right-of-way line of F.M. 1626 and the south line of the said 23.968 acre tract, a distance of 418.50 feet to a 1/2" rebar with Chaparral cap set for a southwest corner of the said 23.968 acre tract, being the southeast corner of a 1.489 acre tract described in Document No. 2006230896 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with TxDOT cap found in the north right-of-way line of F.M. 1626 at highway p.t. station 82+51.9, 40' left, bears North 75°05'37" West, a distance of 1813.03 feet;

**THENCE** with the common line of the said 23.968 acre tract and the said 1.489 acre tract, the following two (2) courses and distances:

1. North 19°47'10" East, a distance of 251.72 feet to a 1/2" rebar with Chaparral cap set for the northeast corner of the said 1.489 acre tract;
2. North 73°01'34" West, a distance of 257.59 feet to a 1/2" rebar with Harris cap found in the east right-of-way line of South 1st Street (right-of-way width varies) as described in Document No. 2000101517 of the Official Public Records of Travis County, Texas, being a southwest corner of the said 23.968 acre tract, being also the northwest corner of the said 1.489 acre tract, from which a 1/2" rebar with Harris cap found in the east right-of-way line of South 1st Street, being in the west line of the said 1.489 acre tract, bears South 18°19'59" West, a distance of 100.26 feet;

**THENCE** with the east right-of-way line of South 1st Street as described in Document No. 2000101517 and the west line of the said 23.968 acre tract, the following eight (8) courses and distances:

1. North 20°45'32" East, a distance of 98.70 feet to a 1/2" rebar with cap found;
2. North 14°50'48" East, a distance of 101.77 feet to a 1/2" rebar with Harris cap found;
3. North 11°30'38" East, a distance of 91.71 feet to a 1/2" rebar with Bury cap found;
4. North 19°00'29" East, a distance of 98.12 feet to a 1/2" rebar with Harris cap found;
5. North 22°17'14" East, a distance of 99.99 feet a 1/2" rebar with Chaparral cap set;
6. North 18°51'17" East, a distance of 100.17 feet to a 1/2" rebar with Harris cap found;


SCANNED

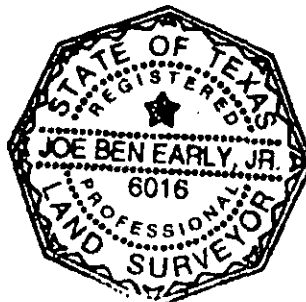
7. North 20°08'04" East, a distance of 100.03 feet to a 1/2" rebar with Harris cap found;
8. North 20°28'06" East, a distance of 156.32 feet to a 1/2" rebar with Harris cap found in the east right-of-way line of South 1st Street (120' right-of-way width) as described in Document No. 1999117965 of the Official Public Records of Travis County, Texas, being in the west line of the said 23.968 acre tract;

**THENCE** with the east right-of-way line of South 1st Street as described in Document No. 1999117965 and the west line of the said 23.968 acre tract, with a curve to the left, having a radius of 1060.00 feet, a delta angle of 09°44'26", an arc length of 180.21 feet, and a chord which bears North 17°23'00" East, a distance of 179.99 feet to a 1/2" rebar with Bury cap found for the northwest corner of the said 23.968 acre tract, being in the south line of the said 51.126 acre tract;

**THENCE** South 60°14'01" East with the north line of the said 23.968 acre tract and the south line of the said 51.126 acre tract, a distance of 1157.04 feet to the **POINT OF BEGINNING**, containing 23.965 acres of land, more or less.

Surveyed on the ground on January 28, 2010. Bearing basis is Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing No. 586-013-BASE.

 1/28/10  
Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016



SCANNED

SKETCH TO ACCOMPANY A DESCRIPTION OF 23.965 ACRES (APPROXIMATELY 1,043,921 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF A 23.968 ACRE TRACT CONVEYED TO COLONIAL REALTY LIMITED PARTNERSHIP IN A SPECIAL WARRANTY DEED DATED NOVEMBER 30, 2006 AND RECORDED IN DOCUMENT NO. 2006230896 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE							
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	(RECORD CHORD)
C1	9°44'26"	1060.00'	90.32'	180.21'	179.99'	N17°23'00"E	(N17°23'45"E 180.01')

LINE TABLE			
No.	BEARING	LENGTH	(RECORD)
L1	N19°47'10"E	251.72'	(N19°46'36"E 251.76')
L2	N73°01'34"W	257.59'	(N73°03'34"W 257.63')
L3	N20°45'32"E	98.70'	(N20°43'32"E 98.79')
L4	N14°50'48"E	101.77'	(N14°53'19"E 101.78')
L5	N11°30'38"E	91.71'	(N11°30'51"E 91.70')
L6	N19°00'29"E	98.12'	(N18°59'26"E 98.16')
L7	N22°17'14"E	99.99'	(N22°15'57"E 99.98')
L8	N18°51'17"E	100.17'	(N18°50'00"E 100.16')
L9	N20°08'04"E	100.03'	(N20°09'06"E 100.03')
L10	N20°28'06"E	156.32'	(N20°28'36"E 156.34')
L11	S26°30'15"W	212.87'	(S26°30'11"W 212.87')
L12	S68°31'40"W	156.59'	(S68°34'49"W 156.54')
L13	S75°05'37"E	217.62'	(S75°06'11"E 217.62')
L14	S18°19'59"W	100.26'	(S18°18'33"W 100.18')

### LEGEND

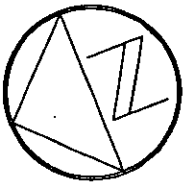
- 1/2" REBAR WITH "HARRIS" PLASTIC CAP FOUND (OR AS NOTED)
  - 1/2" REBAR WITH CHAPARRAL CAP SET
  - CONC. HIGHWAY MON. FOUND
- ) RECORD INFORMATION

DATE OF SURVEY: 1/27/10  
PLOT DATE: 1/28/10  
DRAWING NO.: 586-013-BASE  
PROJECT NO.: 586-013  
DRAWN BY: JBE  
SHEET 1 OF 2

BEARING BASIS: GRID AZIMUTH FOR TEXAS  
CENTRAL ZONE STATE PLANE COORDINATES,  
1983/93 HARN, BASED ON GPS SOLUTIONS  
FROM THE NATIONAL GEODETIC SURVEY (NGS)  
ON-LINE POSITIONING USER SERVICE (OPUS).

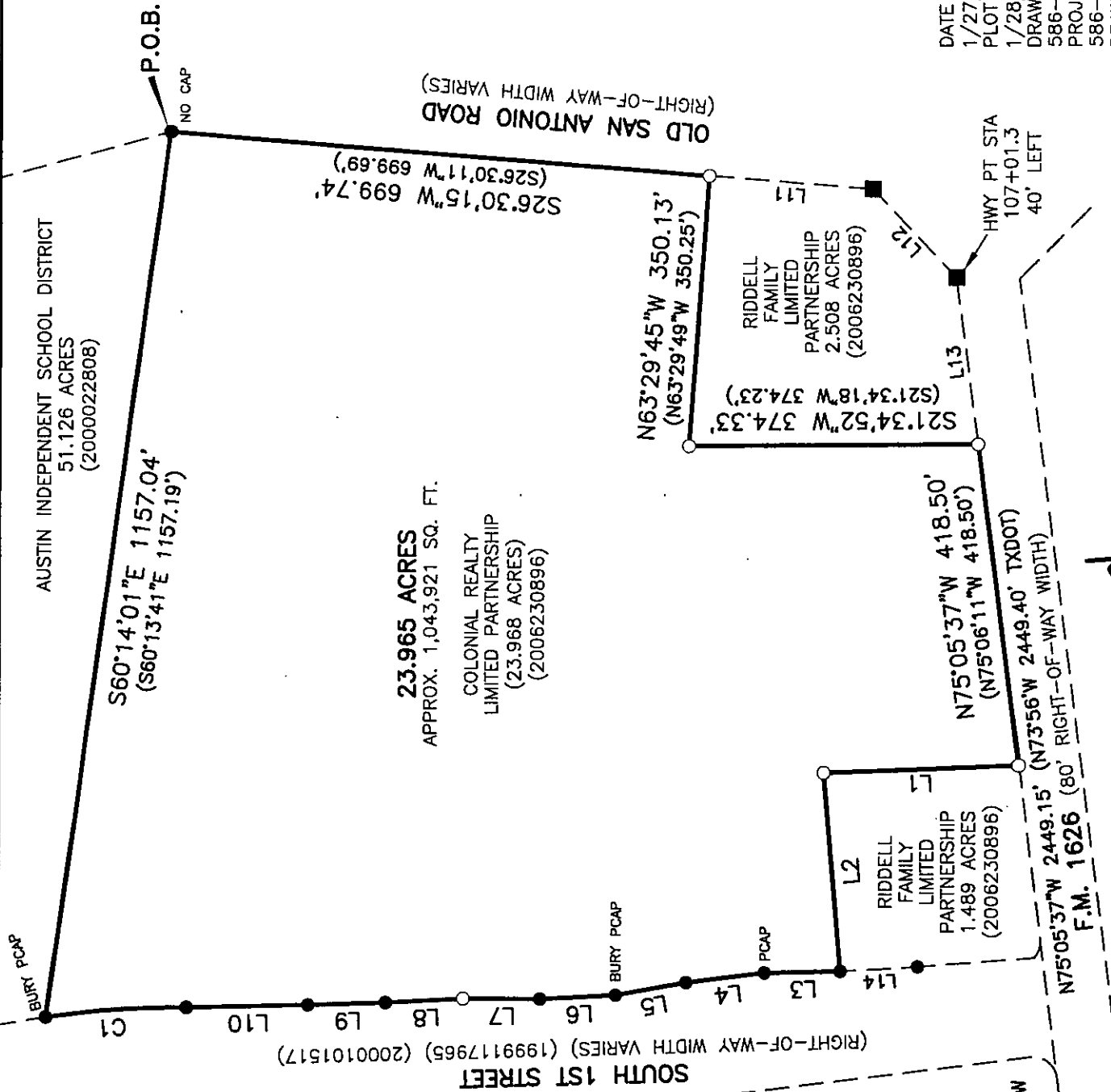
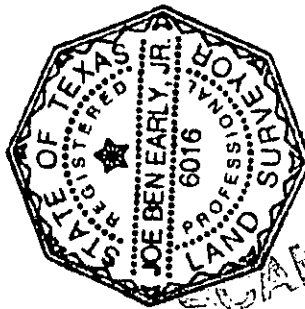
ATTACHMENTS: METES AND BOUNDS  
DESCRIPTION 586-013--BASE

Chaparral



1" = 200'

08/1/28/10



Chaparral



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2010 Jun 03 09:18 AM 2010078859

HAYWOODK \$48.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

**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.