

Zoning Case No. C14-2015-0133B

RESTRICTIVE COVENANT

OWNER: Texas Association of Counties Risk Management Pool,
a Texas nonprofit corporation

ADDRESS: 1210 San Antonio Street, Austin Texas 78701

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: 6,407 sq. ft. tract of land, more or less, out of and a part of Lots 1 and 2, Block 151, of the Original City of Austin, according to the Plat on file with the General Land Office for the State of Texas, and being the same property conveyed by NCNB Texas National Bank to the Texas Association of Counties Workers' Compensation Self Insurance Fund in that Deed of Record in Volume 11307, Page 693, of the Real Property Records of Travis County, Texas said 6,407 square feet being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (the "Property"),

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. Outdoor amplified sound is prohibited on the Property.
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.
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 _____ day of _____, 2016.

OWNER:

Texas Association of Counties
Risk Management Pool,
a Texas nonprofit corporation

By: _____

Gene Terry
Executive Director

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 _____, 2016, by Gene Terry, as Executive Director of Texas Association of Counties Risk Management Pool, a Texas nonprofit corporation, on behalf of said entity.

Notary Public, State of Texas

CRICHTON AND ASSOCIATES
6448 HIGHWAY 290 EAST SUITE B-105
AUSTIN, TEXAS 78723
512-244-3395

FIELD NOTES

FIELD NOTES FOR A 6,407 SQ. FT. TRACT OF LAND, MORE OR LESS, OUT OF AND A PART OF LOTS 1 AND 2, BLOCK 151, OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE PLAT ON FILE WITH THE GENERAL LAND OFFICE FOR THE STATE OF TEXAS, AND BEING THE SAME PROPERTY CONVEYED BY NCNB TEXAS NATIONAL BANK TO THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND IN THAT DEED OF RECORD IN VOLUME 11307, PAGE 693, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS SAID 6,407 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a chiseled "X" found at the intersection of the East R.O.W. line of Nueces Street and the South line of a 20 foot alley way at the Northwest corner of said Lot 1, same being the Northwest corner of this tract, for the **POINT OF BEGINNING**

THENCE S73°30'31"E with the South line of said 20.00 foot alley way and the North line of said Lot 1 and Lot 2 a distance of **127.78** feet to a cotton gin spindle found on the North line of said Lot 2, at the Northwest corner of a 567 square foot tract described as Tract 2 by deed conveyed to Texas Retailers association in Volume 7872, Page 518 of the Deed Records of Travis County, Texas, for the Northeast corner of this tract.

THENCE S16°24'07"W with the West line of said 567 square foot Tract 2 and the East line of this tract a distance of **50.33** feet to a cotton gin spindle found on the North line of Lot 4 of W.A. Harper Resubdivision of part of the South half of Block 151, Original City of Austin, a subdivision recorded in Volume 3, Page 8 of the Plat Records of Travis County, Texas, at the Southwest corner of said 567 square foot Tract 2, for the Southeast corner of this tract.

THENCE N73°18'17"W with the North line of said W.A. Harper Subdivision a distance of **127.96** feet to a hex bolt found on the East R.O.W. line of Nueces Street, at the Northwest corner of Lot 6 of said W.A. Harper Subdivision, for the Southwest corner of this tract.

THENCE N16°36'02"E with the East R.O.W. line of Nueces Street and the West line of this tract a distance of **49.87** feet to the **POINT OF BEGINNING** and containing 6,407 square feet more or less.

BEARING BASIS IS TEXAS STATE PLANE COORDINATES (NAD83), TEXAS CENTRAL ZONE (4203)

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal October 9, 2015

Herman Crichton, R.P.L.S. 4046
JOB NO. 15_198_tract1

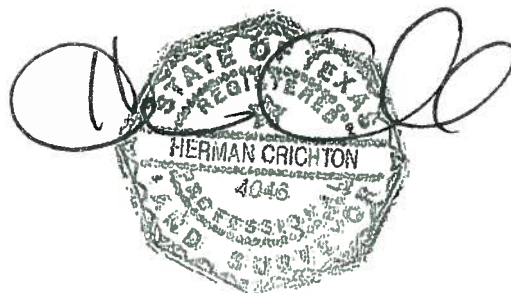


Exhibit A

TRACT 1: 6,407 SQUARE FEET OF LAND, MORE OR LESS, OUT OF AND A PART OF LOTS 1 AND 2, BLOCK 151, OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE PLAT ON FILE WITH THE GENERAL LAND OFFICE FOR THE STATE OF TEXAS, AND BEING THE SAME PROPERTY CONVEYED BY NONB TEXAS NATIONAL BANK TO THE TEXAS ASSOCIATION OF COUNTEYS WORKERS' COMPENSATION SELF INSURANCE PLAN IN THAT DEED OF RECORD IN VOLUME 11307, PAGE 693, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 2, 567 SQ. FT. TRACT OF LAND, MORE OR LESS, BEING OUT OF AND A PART OF LOT 2, BLOCK 151, ORIGINAL CITY OF AUSTIN, TARRANT COUNTY, TEXAS, A SUBDIVISION OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; BEING THE SAME TRACT OF LAND DESCRIBED AS TRACT 2 BY DEED CONVERTED TO TEXAS RETAILERS ASSOCIATION IN VOLUME 7872, PAGE 518 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS

10600, PAGE 908, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 1
STEWART TITLE GUARANTY COMPANY
GF. NO. 709200, ISSUED: DECEMBER 31, 2005
SCHEDULE "B" ITEMS:

6B) SUBJECT TO: TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN ASSIGNMENT AND ASSUMPTION OF LEASES, EXECUTED BY NONB TEXAS NATIONAL BANK AND THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND, RECORDED IN VOLUME 11307, PAGE 697. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

TRACT 2
PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT

TRACT 3
STEWART TITLE GUARANTY COMPANY
GF. NO. 709199, ISSUED: DECEMBER 31, 2007
SCHEDULE "B" ITEMS:

(1) SUBJECT TO: RESTRICTIVE COVENANTS RECORDED IN VOLUME 8521, PAGE 889, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREIN AS "RESTRICTIVE COVENANTS")

(66) SEWER EASEMENT ACROSS THE SUBJECT PROPERTY, DESCRIBED IN VOLUME 288, PAGE 164, VOLUME 330, PAGE 510, VOLUME 848, PAGE 477, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

(66) SEWER EASEMENT RESERVED BY A L. STANLEY WRIGHT AND BETLA WRIGHT, AS RECORDED IN VOLUME 5754, PAGE 2577, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

6d) SUBJECT TO: TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN AGREEMENT CONCERNING A SIDEWALK, RECORDED IN VOLUME 589, PAGE 119, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

OF WAY ENCROACHMENT LICENSE AGREEMENT NO. 7611-0107, RECORDED UNDER DOCUMENT NUMBER 2003182550, IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

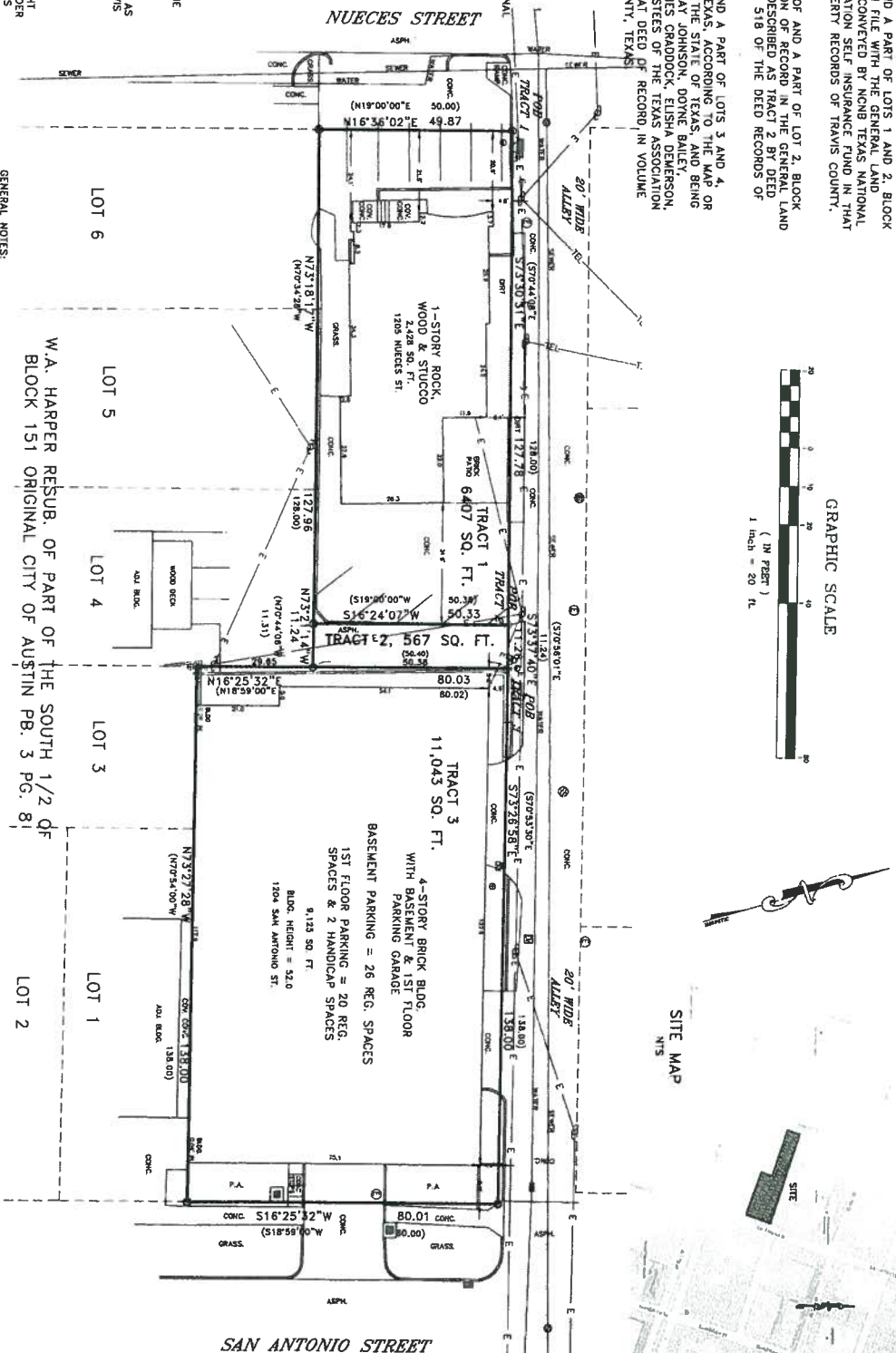
REF: _____
G.F. NUMBER: _____
DATED: _____

The undersigned, being a registered surveyor of the State of Texas,
certifies to

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(c) and (b), 7(a), 8, 9, 10, 11(a) and (b), 13, 16 and 20 of Table A-1000. THE DATE OF PLAT OR MAP OCTOBER 9, 2015



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GENERAL NOTES:

- 2) THIS TRACT LIES IN ZONE X, AREAS OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SHOWN ON COMMUNITY PANEL NUMBER 44432 0453 H. OF THE FLOOD INSURANCE RATE MAP PREPARED FOR THE CITY OF AUSTIN BY THE FEDERAL INSURANCE ADMINISTRATION DEPARTMENT, H.U.D. ON SEPTEMBER 26, 2006

3) TRACT 1 HAS 9 REGULAR PARKING SPACES AND 0 (ZERO) HANDICAP PARKING SPACES. FOR A TOTAL OF 9 MARKED PARKING SPACES ON THIS TRACT.

4) TRACT 3 HAS 46 REGULAR PARKING SPACES AND 2 HANDICAP PARKING SPACES FOR A TOTAL OF 48 MARKED PARKING SPACES ON THIS TRACT.

4) THE UNDERGROUND UTILITIES SHOWN HEREON ARE SCALED PER CITY OF AUSTIN RECORD UTILITY MAPS.

5) TRACT 1, TRACT 2 AND TRACT 3 ARE ZONED "GO" (GENERAL OFFICE) BY THE CITY OF AUSTIN, THE SITE DEVELOPMENT STANDARDS ARE AS FOLLOWS:

| LOT | | MASSING | |
|---------------------------|---------------|--------------------|--------|
| MINIMUM LOT SIZE | 5,750 SQ. FT. | MINIMUM HEIGHT | 60 FT. |
| MINIMUM LOT WIDTH | 50 FT. | MINIMUM SETBACKS | |
| MAXIMUM BUILDING COVERAGE | 60% | FRONT YARD | 15 FT. |
| MAXIMUM IMPERVIOUS COVER | 80% | STREET SIDE YARD | 15 FT. |
| MAXIMUM FLOOR AREA RATIO | 1:1 | INTERIOR SIDE YARD | 5 FT. |
| | | REAR YARD | 5 FT. |

6) THERE IS NO OBSERVED EVIDENCE OF:

- A) CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS
- B) RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- C) SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

W.A. HARPER RESUB. OF PART OF THE SOUTH 1/2 OF
BLOCK 151 ORIGINAL CITY OF AUSTIN PB. 3 PG. 81

11,043 SQ. FT.

4-STORY BRICK BLDG.
WITH BASEMENT & 1ST FLOOR
PARKING GARAGE
BASEMENT PARKING = 26 REG. SPACES

SPACES & 2 HANDICAP SPACES

BLDG. HEIGHT = 52.0
1204 SAN ANTONIO ST

N 73° 27' 28" W

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1

8

LEGEND

■ US Utility Marketing Group

| | | |
|--------------|-----|--------------|
| SHIRT POLE | (H) | WATER WAGEN |
| BENCH POLE | (G) | WATER TOLL |
| ON VOLUNTARY | (F) | WATER METTER |

| | |
|--------------------|--------------|
| OTHER AD DECT. USE | FIN HYDRAUNT |
| ELECTRIC MOTOR | PVC RISER |
| ELECTRIC METER | STREET SIGN |

- ③ ADVANTAGE WORKS
- ④ SENIOR CLEANOUT
- ⑤ SEPTIC LID

☐ DRAIN GRAVE
☐ RECORD INFORMATION
☐ C-C CRYSTAL CONCRETE

Downloaded from <http://ajph.org/> on June 11, 2015

10

1205 Nueces Street & 1204 San Antonio Street
Austin, Texas 78701

| | |
|-----------------------|-----------------|
| DATE: October 9, 2015 | JOB NO. 15-198 |
| SCALE: 1" = 20' | DWG. NO. 15-198 |

CRICHTON
AND ASSOCIATES INC
LAND SURVEYORS

THIS FIRM # 101747-00

6446 East Highway 200
Suite B105
Austin, Texas 78723
(512) 244-3386

O-derser@CrichtonandAssociates.com

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