

Zoning Case No. C14-2015-0133A

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: 11,043 sq. ft., tract of land, more or less, out of and a part of Lots 3 and 4, Block 151, of the Original City of Austin, according to the map or plat of the Original City files in the General Lane Office of the State of Texas, and being the same property conveyed by Richard D. Hardin, Trustee, to Jay Johnson, Doyne Bailey, Margaret Barrett, Bobby Blake, Janet Brown, Ray Cornett, James Craddock, Elisha Demerson, Connie Nicholson, Homer Roberson and Mitch Shamburger, Trustees of the Texas Association of Counties Workers' Compensation Self Insurance Fund in that Deed of Record in Volume 10600, Page 908, of the Real Property Records of Travis County, Texas, said 11,043 sq. ft. tract 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 11,043 SQ. FT., TRACT OF LAND, MORE OR LESS, OUT OF AND A PART OF LOTS 3 AND 4, BLOCK 151, OF THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT OF THE ORIGINAL CITY FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEIN THE SAME PROPERTY CONVEYED BY RICHARD D. HARDIN, TRUSTEE, TO JAY JOHNSON, DOYNE BAILEY, MARGARET BARRETT, BOBBY BLAKE, JANET BROWN, RAY CORNETT, JAMES CRADDOCK, ELISHA DEMERSON, CONNIE NICHOLSON, HOMER ROBERSON AND MITCH SHAMBURGER, TRUSTEES OF THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSTATION SELF INSURANCE FUND IN THAT DEED OF RECORD IN VOLUME 10600, PAGE 908, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 11,043 SQ. FT. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton gin spindle found on the South line of a 20.00 foot alley way, at the Northeast 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, same being the Northwest corner of this tract, for the **POINT OF BEGINNING**.

THENCE S73°26'58"E with the South line of said 20.00 foot alley way and the North line of this tract a distance of 138.00 feet to a ½" iron pin set at the intersection of the South line of said 20.00 foot alley way and the West R.O.W. line of San Antonio Street, for the Northeast corner of this tract.

THENCE S16°25'32"W with the West R.O.W. line of San Antonio Street and the East line of this tract a distance of 80.01 feet to a ½" iron pin set on the West R.O.W. line of San Antonio Street, at the Northeast corner of Lot 1, W.A. Harpers Resubdivision of part of the South one-half of Block 151, Original City of Austin, a subdivision recorded in Volume 3, Page 8 of the Plat Records of Travis County, Texas, for the Southeast corner of this tract.

THENCE N73°27'28"W with the North line of said Lot 1, same being the South line of this tract, passing the West line of Lot 1, same being the East line of Lot 3, of said W.A. Harpers Resubdivision, for a total distance of 138.00 feet to a Mag Nail found on the East line of Lot 4 of said W.A. Harper Resubdivision, at the Northwest corner of said Lot 3, for the Southwest corner of this tract.

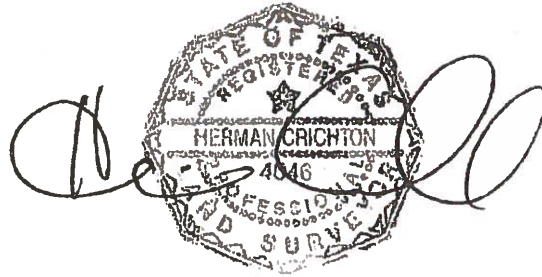
THENCE N16°25'32"E with the East line of said Lot 4 and the West line of this tract, pass the Southeast corner of said 567 square foot tract, same being the Northeast corner of said Lot 4, continuing for total distance 80.03 feet to the **POINT OF BEGINNING** and containing 11,043 square feet, more or 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_tract3



ALTA/ACSM SURVEY OF:

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 NCHN TEXAS NATIONAL BANK TO THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND IN THAT 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, TRAVIS 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 NO. 7872, PAGE 518 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 3: 11,043 SQUARE FEET OF LAND, MORE OR LESS, OUT OF AND A PART OF LOTS 3 AND 4, BLOCK 151, OF THE ORIGINAL CITY OF AUSTIN, IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF THE ORIGINAL CITY FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING THE SAME PROPERTY CONVEYED BY RICHARD, HARDON, TRUSTEES, TO JAY JOHNSON, DONNE BAILEY, JAMARIE BARNETT, ROBERT BLAKE, JANET BROWN, RAY CONNETT, JAMES CRADDOCK, ELSHA DENESSON, OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND IN THAT DEED OF RECORD IN VOLUME 10600, PAGE 806, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

STEWART TITLE INSURANCE COMPANY
OF NO. 709200, ISSUED OCTOBER 31, 2007
SCHEDULE "B" ITEMS:

(a) SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN AGREEMENT OF CONVEYANCE, EXCEPT BY NCHN TEXAS NATIONAL BANK AND THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND, RECORDED IN VOLUME 11307, PAGE 69, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

TRACT 2

STEWART TITLE INSURANCE COMPANY
OF NO. 709189, ISSUED OCTOBER 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 HEREON)

(2) SEWER EASEMENT ACROSS THE SUBJECT PROPERTY DESCRIBED IN VOLUME 238, PAGE 114, VOLUME 330, PAGE 510, VOLUME 848, PAGE 477, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

(3) SEWER EASEMENT RESERVED BY J. STANLEY WRIGHT AND RELIA WRIGHT, AS RECORDED IN VOLUME 5754, PAGE 2377, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

(4) SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN AGREEMENT OF CONVEYANCE, EXCEPT BY NCHN TEXAS NATIONAL BANK AND THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND, RECORDED IN VOLUME 11307, PAGE 69, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (NOTED HEREON)

(5) SUBJECT TO TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN AGREEMENT OF CONVEYANCE, EXCEPT BY NCHN TEXAS NATIONAL BANK AND THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF INSURANCE FUND, RECORDED IN VOLUME 11307, PAGE 69, REAL PROPERTY 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

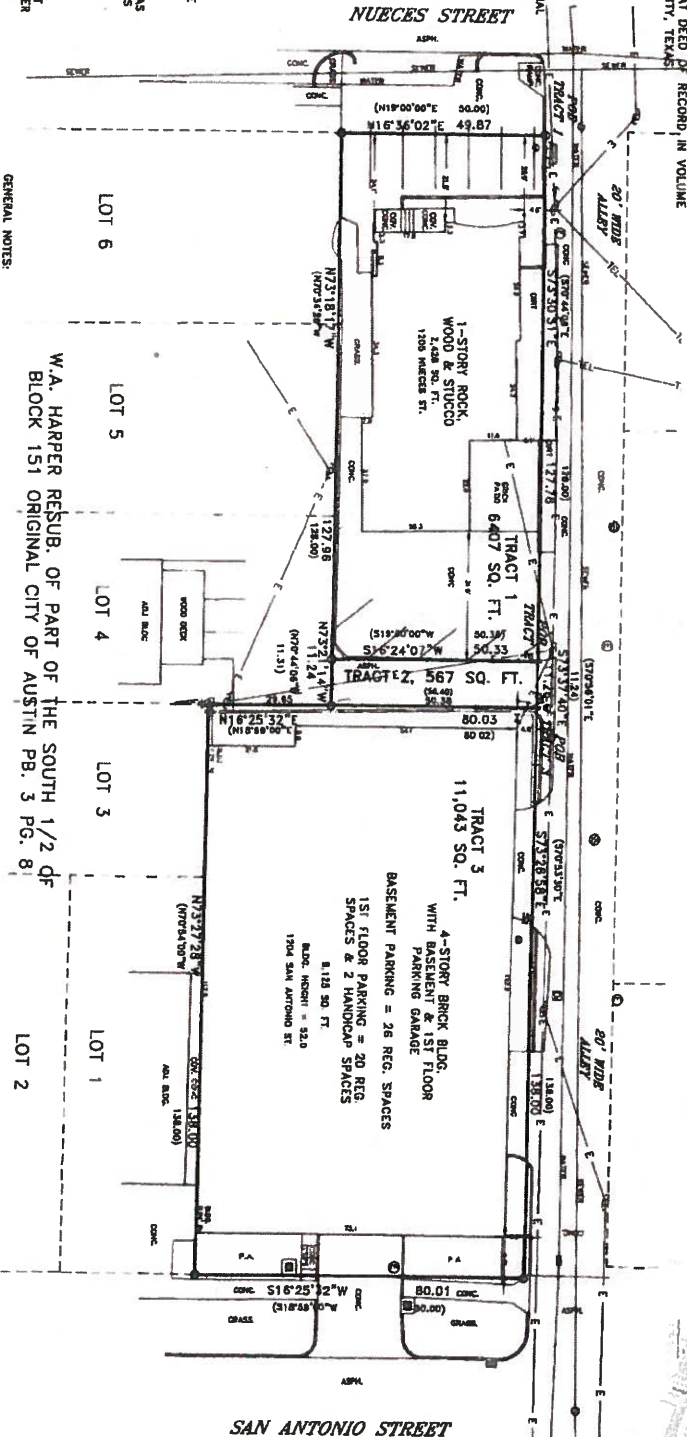
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a) and (b), 7(a) and (b), 8, 9, 10(a) and (b), 13, 15, 16 and 20 of Table 1. THE FIELD WORK WAS COMPLETED ON OCTOBER 1, 2015.



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SITE MAP



GENERAL NOTES:

1) BEARING BASED - TEXAS STATE PLANE COORDINATES (NAD 83), TEXAS CENTRAL ZONE (4203)
2) THIS TRACT LIES IN ZONE X, AREAS OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SHOWN ON COMMUNITY PANEL NUMBER 48431C 0465 1/4, OF THE FLOOD INSURANCE RATE MAP PREPARED FOR THE CITY OF AUSTIN BY THE FEDERAL INSURANCE ADMINISTRATION DEPARTMENT, 11/10 ON SEPTEMBER 26, 2008.

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 48 REGULAR PARKING SPACES AND 2 HANDICAP PARKING SPACES FOR A TOTAL OF 50 MARKED PARKING SPACES ON THIS TRACT.

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

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

LOT	MINIMUM LOT SIZE	MINIMUM LOT AREA	MINIMUM BUILDING HEIGHT	MINIMUM SETBACKS	MINIMUM BUILDING COVER	MINIMUM FLOOR AREA RATIO	MINIMUM REAR YARD	MINIMUM SIDE YARD	MINIMUM FRONT YARD
1	3,750 SQ. FT.	30 FT	15 FT	15 FT	15 FT	1-1	15 FT	5 FT	5 FT

- a) 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, SWAMP OR SANITARY LANDFILL.

LEGEND

1" = 20' SCALE	2" = 40' SCALE	3" = 60' SCALE	4" = 80' SCALE	5" = 100' SCALE	6" = 120' SCALE	7" = 140' SCALE	8" = 160' SCALE	9" = 180' SCALE	10" = 200' SCALE
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CRICHTON
AND ASSOCIATES, INC.
LAND SURVEYORS

7012 Fines F 70127-20
6448 East Highway 290
Austin, Texas 78752
(512) 254-3500
Dated: October 9, 2015

1205 Nueces Street & 1204 San Antonio Street
Austin, Texas 78701
DATE: October 9, 2015
SCALE: 1" = 20'
JOB NO. 10-198
DWG. NO. 16-198

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