

ORIGINAL

20161110-043



TRV

2016194351

12 PGS

RESTRICTIVE COVENANT

OWNER: Champion Assets, Ltd., a Texas limited partnership;
Champion-Meier Assets, Ltd., a Texas limited partnership;
Champion Legacy Partners, L.P., a Texas limited partnership

PROPERTY ADDRESS: 6409 City Park Road, Austin, Texas 78702

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: Lot 1, Block A, Champion City Park East subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200300122 of the Official Public Records of Travis County, Texas (the "Property"),

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WHEREAS, 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;

WHEREAS, Owner and the City of Austin have agreed to amend the 1996 Compromise Settlement Agreement related to Cause No. 94-07160, Josie Ellen Champion, et al v. City Of Austin in the 353rd Judicial District Court of Travis County and execute the First Amendment to the Compromise Settlement Agreement;

NOW, THEREFORE, it is declared that 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 Owner of the Property, their heirs, successors, and assigns.

1. Owner agrees not to construct any improvements or allow any development, other than for unimproved hiking trails less than 3 feet in width, wildfire management, or security concerns, on the portion of the Property described by metes and bounds in Exhibit "A" attached and incorporated into this covenant, provided that such allowed improvements or development comply with the City Code requirements in effect at the time of application. Such activities are limited to removal of brush and trees smaller than 8 inches in diameter.
2. Impervious cover on Tract 3 may not, under any circumstance, exceed 5.49 acres.
3. 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 majority of the members of the City Council of the City of Austin, and 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 1st day of November, 2016.

[signatures on next page]

Champion Assets, Ltd., a Texas limited partnership

By: The Champion Management Trust, its
General Partner

By: Josie Ellen Champion *by*
William Clark Meier
Josie Ellen Champion
Trustee *Attorney in Fact*

Champion-Meier Assets, Ltd., a Texas limited partnership

By: Champion Meier Management Trust, its
General Partner


By: Alma Juanita Champion Meier
William Clark Meier
Alma Juanita Champion Meier
Trustee *Attorney in Fact*

Champion Legacy Partners, L.P., a Texas limited
partnership

By: Champion Heritage Enterprises, LLC, a
Texas limited liability company, its General
Partner

By: _____
Print name: _____
Print title: _____

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

Champion Assets, Ltd., a Texas limited partnership

By: The Champion Management Trust, its
General Partner

By: _____
Josie Ellen Champion
Trustee

Champion-Meier Assets, Ltd., a Texas limited partnership

By: Champion Meier Management Trust, its
General Partner

By: _____
Alma Juanita Champion Meier
Trustee

Champion Legacy Partners, L.P., a Texas limited
partnership

By: Champion Heritage Enterprises, LLC, a
Texas limited liability company, its General
Partner

By: Anne Elizabeth Ward
Print name: J Anne Elizabeth Ward
Print title: Treasurer, V. Pres.

APPROVED AS TO FORM:

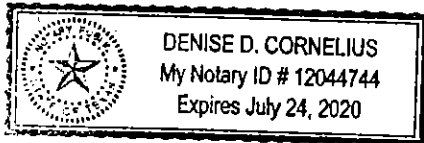
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 7 day of November, 2016, by Josie Ellen Champion, Trustee of The Champion Management Trust, General Partner of Champion Assets, Ltd., a Texas limited partnership, on behalf of said partnership.



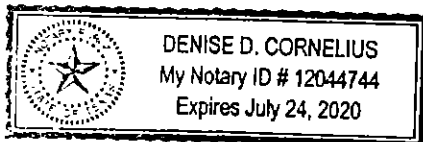
Denise D Cornelius
Notary Public, State of Texas

THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 7 day of November, 2016, by Alma Juanita Champion Meier, Trustee of Champion Meier Management Trust, General Partner of Champion-Meier Assets, Ltd., a Texas limited partnership, on behalf of said partnership.



Denise D Cornelius
Notary Public, State of Texas

THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the _____ day of _____, 2016, by _____ of Champion Heritage Enterprises, LLC, a Texas limited liability company, General Partner of Champion Legacy Partners, L.P., a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2016, by Josie Ellen Champion, Trustee of The Champion Management Trust, General Partner of Champion Assets, Ltd., a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

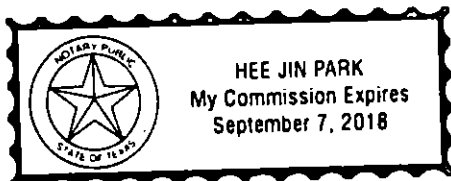
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2016, by Alma Juanita Champion Meier, Trustee of Champion Meier Management Trust, General Partner of Champion-Meier Assets, Ltd., a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 1st day of November, 2016, by Anne Elizabeth Ward, Vice President of Champion Heritage Enterprises, LLC, a Texas limited liability company, General Partner of Champion Legacy Partners, L.P., a Texas limited partnership, on behalf of said partnership.



[Signature]
Notary Public, State of Texas



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

Office: 512-443-1724
Fax: 512-389-0943
3500 McCall Lane
Austin, Texas 78744

EXHIBIT " _____ "

**PORTION OF LOT 1, BLOCK A,
CHAMPION CITY PARK EAST SUBDIVISION**

30.071 ACRES

JAMES JETT SURVEY NO. 1, ABSTRACT NO. 437

CITY OF AUSTIN FULL PURPOSE LIMITS, TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 30.071 ACRES (APPROXIMATELY 1,309,879 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CHAMPION CITY PARK EAST SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 200300122 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 30.071 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a fence post found in the southwest right-of-way line of R.M. 2222 (right-of-way width varies), being the easternmost corner of said Lot 1, being also an angle point in the northeast line of Lot 2, Shepherd Mountain Phase One, a subdivision of record in Volume 83, Pages 200A-200B of the Plat Records of Travis County, Texas;

THENCE with the southwest line of said Lot 1, the northeast line of said Lot 2 and the northeast line of Block B, Shepherd Mountain Phase Two, a subdivision of record in Volume 86, Pages 155D-156C of the Plat Records of Travis County, Texas, the following six (6) courses and distances:

1. North 62°31'47" West, a distance of 1852.62 feet to a 1/2" rebar found;
2. North 62°33'18" West, a distance of 180.16 feet to a 1/2" rebar found;
3. North 62°29'53" West, a distance of 172.97 feet to a 1/2" rebar found;
4. North 62°31'03" West, a distance of 307.12 feet to a 1/2" rebar found;
5. North 62°21'57" West, a distance of 220.31 feet to a 1/2" rebar found;
6. North 62°22'35" West, a distance of 137.31 feet to a mag nail with "Chaparral" washer set for an angle point in the southeast right-of-way line of City Park Road (right-of-way width varies), being the westernmost corner of said Lot 1;

EXHIBIT A

THENCE North 37°40'26" East with the southeast right-of-way line of City Park Road and the northwest line of said Lot 1, a distance of 310.01 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap found in the southeast right-of-way line of City Park Road and the northwest line of said Lot 1, bears North 37°40'26" East, a distance of 42.25 feet;

THENCE crossing said Lot 1, the following seven (7) courses and distances:

1. South 39°42'47" East, a distance of 362.04 feet to a calculated point;
2. North 50°17'13" East, a distance of 377.11 feet to a calculated point;
3. South 61°55'29" East, a distance of 172.35 feet to a calculated point;
4. South 28°00'15" East, a distance of 127.03 feet to a calculated point;
5. South 80°32'48" East, a distance of 299.33 feet to a calculated point;
6. North 61°59'45" East, a distance of 196.58 feet to a calculated point;
7. North 21°08'43" East, a distance of 281.69 feet to a calculated point in the southwest right-of-way line of R.M. 2222 and the northeast line of said Lot 1, from which a TXDOT type II disk found in the southwest right-of-way line of R.M. 2222 and the northeast line of said Lot 1, bears North 28°12'39" West, a distance of 256.85 feet;

THENCE with the southwest right-of-way line of R.M. 2222 and the northeast line of said Lot 1, the following eight (8) courses and distances:

1. South 28°12'39" East, a distance of 251.22 feet to a TXDOT type II disk found;
2. With a curve to the left, having a radius of 2984.79 feet, a delta angle of 11°42'31", an arc length of 609.95 feet, and a chord which bears South 34°03'51" East, a distance of 608.89 feet to a TXDOT type II disk found;
3. South 39°54'05" East, a distance of 420.62 feet to a TXDOT type II disk found;
4. South 53°27'25" West, a distance of 49.50 feet to a TXDOT type II disk found;
5. South 36°27'24" East, a distance of 208.76 feet to a TXDOT type II disk found;
6. North 52°37'20" East, a distance of 62.31 feet to a TXDOT type II disk found;
7. South 39°52'38" East, a distance of 249.41 feet to a TXDOT type II disk found;

8. South $06^{\circ}56'39''$ East, a distance of 247.90 feet to the **POINT OF BEGINNING**, containing 30.071 acres of land, more or less.

Surveyed on the ground on September 8, 2015

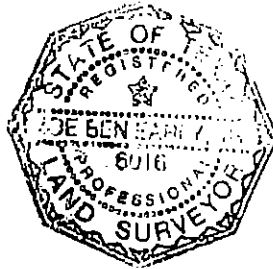
Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 586-002-30.071AC.



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
TBPLS Firm No. 10124500

9/26/16



REFERENCES

TCAD Property ID #: 564848
Austin Grid Map F30

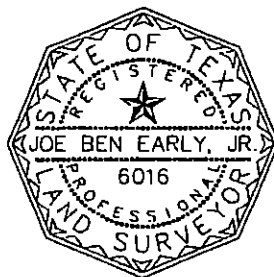
SKETCH TO ACCOMPANY A DESCRIPTION OF 30.071 ACRES (APPROXIMATELY 1,309,879 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CHAMPION CITY PARK EAST SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 200300122 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N62°31'47"W | 1852.62' |
| L2 | N62°33'18"W | 180.16' |
| L3 | N62°29'53"W | 172.97' |
| L4 | N62°31'03"W | 307.12' |
| L5 | N62°21'57"W | 220.31' |
| L6 | N62°22'35"W | 137.31' |
| L7 | N37°40'26"E | 310.01' |
| L8 | S39°42'47"E | 362.04' |
| L9 | N50°17'13"E | 377.11' |
| L10 | S61°55'29"E | 172.35' |
| L11 | S28°00'15"E | 127.03' |
| L12 | S80°32'48"E | 299.33' |
| L13 | N61°59'45"E | 196.58' |
| L14 | N21°08'43"E | 281.69' |
| L15 | S28°12'39"E | 251.22' |
| L16 | S39°54'05"E | 420.62' |
| L17 | S53°27'25"W | 49.50' |
| L18 | S36°27'24"E | 208.76' |
| L19 | N52°37'20"E | 62.31' |
| L20 | S39°52'38"E | 249.41' |
| L21 | S06°56'39"E | 247.90' |

| CURVE TABLE | | | | | |
|-------------|----------|-----------|---------|-------------|---------|
| CURVE | RADIUS | DELTA | ARC | BEARING | CHORD |
| C1 | 2984.79' | 11°42'31" | 609.95' | S34°03'51"E | 608.89' |

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- CH ○ 1/2" REBAR WITH "CHAPARRAL BOUNDARY" CAP FOUND
- ⊙ TxDOT TYPE II DISK FOUND
- ⊙ FENCE POST FOUND
- △ MAG NAIL WITH "CHAPARRAL" WASHER FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION



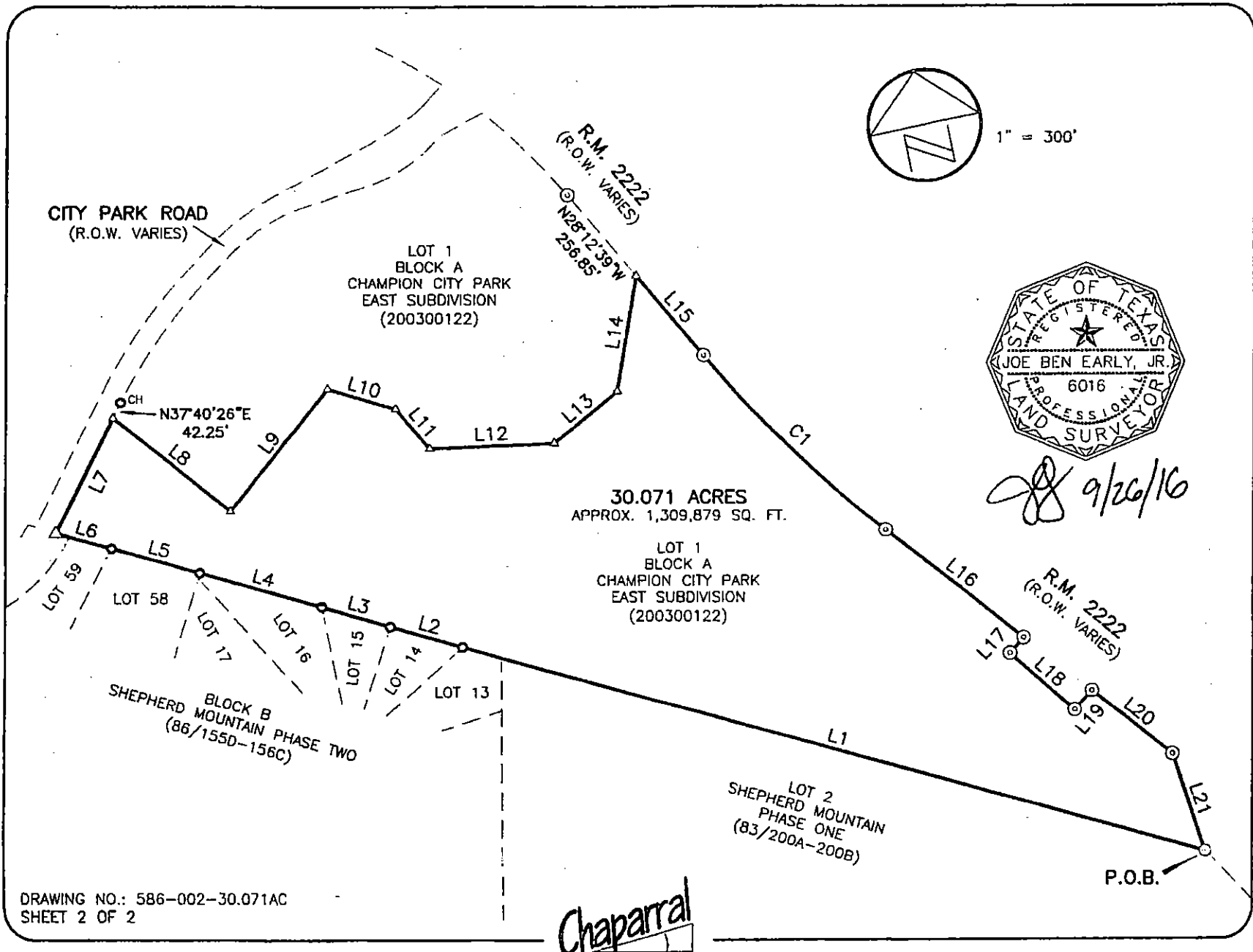
DATE OF SURVEY: 9/8/15
PLOT DATE: 9/26/16
DRAWING NO.: 586-002-30.071AC
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: JBE
SHEET 1 OF 2

Handwritten signature and date:
9/26/16

Handwritten word:
Chaparral

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION
586-002-30.071AC



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

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.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Nov 21, 2016 04:57 PM 2016194351

BARTHOLOMEWD: \$70.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS