

Zoning Case No. C14-2016-0094

RESTRICTIVE COVENANT

OWNER: Austin Ly and Nguyen Limited Partnership, a Texas limited partnership

OWNER ADDRESS: 2600 University Club Drive
Austin, TX 78732

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 are acknowledged.

PROPERTY: Lot 1A, being a part of the resubdivision of Lot 1, Ly and Nguyen subdivision, a subdivision of record, called 18.982 acres, recorded in Document No. 200800139, Official Public Records Travis County, Texas, of the Alexander Walters Survey 67, Abstract Number 791, Lot 1A more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, (the "Property"),

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 ("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 Traffic Impact Analysis ("TIA") prepared by LJA Engineering, Inc., dated March 6, 2018, or as amended, and approved by the Director of the Development Services Department. All development on the Property is subject to the Development Services Department, Transportation Review Section's staff memorandum dated April 12, 2018, revised September 5, 2018 ("memorandum") and any amendments to the memorandum that address subsequent TIA updates for the Property. The TIA and memorandum shall be kept on file at the Development Services 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.
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 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 13th day of September, 2018.

Owner:

Austin Ly and Nguyen Limited Partnership, a Texas limited partnership

By: Ly and Nguyen Partners, LLC, a Texas limited liability company, its General Partner

By:

[Signature]
Kevin Nguyen, Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 13th day of September 2018, by Kevin Nguyen, as Manager of Ly and Nguyen Partners, LLC, a Texas limited liability company, general partner of Austin Ly and Nguyen Limited Partnership, a Texas limited partnership, on behalf of said partnership.

[Signature]
Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin



DESCRIPTION

DESCRIPTION OF LOT 1A, BEING A PART OF THE RESUBDIVISION OF LOT 1, LY & NGUYEN SUBDIVISION, A SUBDIVISION OF RECORD, CALLED 18.982 ACRES, RECORDED IN DOCUMENT NUMBER 200800139, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS OF THE ALEXANDER WALTERS SURVEY 67, ABSTRACT NUMBER 791. LOT 1A BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with "Bury Pitman" cap found for the south corner of Lot 27A, being part of the Amended Plat of Lots 25, 26 and 27, Block A, Harris Ridge Phase 3, Section 3, a subdivision of record, recorded in Document No. 200000036, Official Public Records Travis County, Texas, same being the northeast right-of-way line of E. Parmer Lane, a 200 foot wide right-of-way, recorded in Document No. 200800139, Official Public Records Travis County, Texas;

THENCE leaving said northeast right-of-way line, along the southeast line of said Lot 27A, N55°11'00"E, a distance of 140.33 feet to a 1/2-inch iron rod with cap stamped "2986" found in for the northeast corner of said Lot 27A, same being the south corner of said Lot 1 and the POINT OF BEGINNING of the tract described herein;

THENCE along the south line of said Lot 1, same being a north line of said Amended Plat of Lots 25, 26 and 27, Block A, N62°42'05"W, a distance of 350.40 feet to a 1/2-inch iron rod found for the northwest corner of Lot 26A, of said Amended Plat of Lots 25, 26 and 27, Block A, same being the northeast right-of-way line of said E. Parmer Lane and an angle point of the tract described herein;

THENCE along said right-of-way line, with the arc of a curve to the left a distance of 442.90 feet, through a central angle of 12°37'33", having a radius of 2009.86 feet, and whose chord bears N49°55'13"W, a distance of 442.00 feet to a 1/2-inch iron rod with "SAM" cap found in said right-of-way line, same being the west corner of said Lot 1 and the intersection of the northeast right-of-way line of said E. Parmer Lane and the southeast right-of-way line of Harris Ridge Boulevard, a 90 foot wide right-of-way, recorded in Document No. 200800139, Official Public Records Travis County, Texas;

THENCE along said southeast right-of-way line, same being the northwest line of said Lot 1 and the tract described herein, the following two (2) courses and distances:

1. N30°35'11"E, a distance of 385.78 feet to a 1/2-inch iron rod with "SAM" cap set, and
2. with the arc of a curve to the right a distance of 533.05 feet, through a central angle of 40°34'51", having a radius of 1063.74 feet, and whose chord bears N44°55'15"E, a distance of 527.49 feet to a 1/2-inch iron rod with "SAM" cap set in said right-of-way line;

Exhibit A

THENCE leaving said southeast right-of-way line, along the south right-of-way line of Josh Ridge Boulevard, a 64 foot wide right-of-way, same being the north line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the right a distance of 37.81 feet, through a central angle of $86^{\circ}39'39''$, having a radius of 25.00 feet, and whose chord bears $S77^{\circ}19'21''E$, a distance of 34.31 feet to a 1/2-inch iron rod with "SAM" cap set, and
2. with the arc of a curve to the left a distance of 504.33 feet, through a central angle of $31^{\circ}01'06''$, having a radius of 931.58 feet, and whose chord bears $S49^{\circ}30'09''E$, a distance of 498.20 feet to a 1/2-inch iron rod with "SAM" cap set in the common line of said Lot 1 and said Amended Plat for Lots 25, 26 and 27, Block A and the northeast corner of the tract described herein;

THENCE along said common line, leaving said south right-of-way line, $S22^{\circ}01'02''W$, a distance of 884.33 feet to the **POINT OF BEGINNING** of the tract described herein.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

This property description is accompanied by a separate plat of even date.

THE STATE OF TEXAS

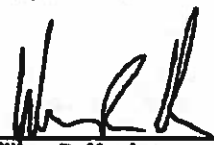
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That I, William R. Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, LLC
4801 Southwest Parkway
Building Two, Ste. 100
Austin, Texas 78735
TX Firm Registration No. 10064300


William R. Herring
Registered Professional Land Surveyor
No. 6355 - State of Texas

5/21/2018
Date



GRAPHIC SCALE
ALEXANDER
WALTERS SURVEY 67
ABSTRACT NO. 791

LET 1
FEDERAL BUREAU OF
INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

LOT 12

NAME: [REDACTED]
 PAGE 4, SECTION 8
 VOL. 88 PG. 1234
 PAGE 4

HANCOCK COUNTY PUBLIC
 1 SECTION 3
 VOL. 122, P. 106
 PAGE 72

**LET LA
14 JACLES**

LOT 1
LY & HOLYEN
SUBDIVISION
CALLED 12 1/2 ACRES
SEC NO 30 T88N119
0P&T&T

JOHN RIDGE BOULEVARD
NEW YORK, N.Y.

ADJUDICATED PLAN OF
LIFE 25, 26 AND 27, BUCHA
HAPPY ROCK FARM, 1 SECTION 3
TOWNSHIP 48, RANGE 14
SOUTH
SPRINGS

2 PARKER LANE
NEWTON, MASS.
02459

NOTES

- 1 ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE
SYSTEM, CENTRAL ZONE, NAD 83.
- 2 THIS SHEET IS ACCOMPANIED BY A SEPARATE DESCRIPTION OF EVIDENCE
DATE.

Abstract

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- ଗୋଟିଏ ପ୍ରକାର

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CITY OF LOS ANGELES					
DATE	DESCRIPTION	AMOUNT	CHECK NO.	CHECK DATE	CHECK TYPE
1/1/19
2/1/19
3/1/19
4/1/19
5/1/19
6/1/19
7/1/19
8/1/19
9/1/19
10/1/19
11/1/19
12/1/19

11/21
S/24/2016
RECEIVED PROFESSIONAL LAND DIVISION
NO. 0015 - STATE OF TEXAS



1634 Southwest Parkway
Bldg 700, Suite 100
Austin, Texas, 78723
Tel: 512.447.2279
Fax: 512.438.0420
e-mail: info@pump.213

[illegible]

**EXHIBIT - LOT 1A
LY & NGUYEN SUBDIVISION
TRAVIS COUNTY, TEXAS**

SHEET 3
OF 3

Secon Fire Registration No. 10004100

11/11/2019 11:11:11 AM

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