

**Zoning Case Nos. C14-2018-0142
C14-2018-0143**

RESTRICTIVE COVENANT

OWNER: SAS Institute, Inc., a North Carolina corporation

OWNER ADDRESS: 100 SAS Campus Drive
Cary, NC 27513

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: 12.8 acres out of the James T. Dunlap Survey No. 594, Abstract No. 239, in Travis County, Texas, said 12.8 acres of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this covenant, and

Lot 2, Block G, The Park Phase C Subdivision, a subdivision in Travis County, Texas, according to the map or plat of record thereof, recorded in Volume 88, Page 56, Plat Records of Travis County, Texas (cumulatively referred to 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 Big Red Dog Engineering Group, dated March 2, 2018, or as amended, and approved by the Director of the Austin Transportation Department. All development on the Property is subject to the Austin Transportation Department, Transportation Engineering Division’s staff memorandum dated February 25, 2019 (“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 Austin Transportation 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 _____ day of _____, 2019.

Owner:

SAS Institute Inc., a North Carolina corporation

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____ 2019, by _____ (name) as _____ (title) of SAS Institute Inc., a North Carolina corporation, on behalf of said corporation.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

EXHIBIT "A"
DESCRIPTION OF PROPERTY

Being Tracts 1 and 11, out of the James T. Dunlap Survey, No. 594, Travis County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

TRACT 1

FIELD NOTE DESCRIPTION OF 10.54 ACRES OF LAND SITUATED IN THE JAMES T. DUNLAP SURVEY NO. 594 IN TRAVIS COUNTY, TEXAS; SAID 10.54 ACRES BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESIGNATED AS TRACT "B" AND DESCRIBED AS CONTAINING 33.72 ACRES IN A DEED TO PARKE INVESTORS, LTD. RECORDED IN VOLUME 9053, PAGE 108 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 10.54 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at a brass monument found in the North line of said Tract "B" and being at the Northwest corner of the 120 foot wide Southerly projection of Lot 2, Block G, The Parke Phase C, a subdivision in Travis County, Texas recorded in Book 88, Page 54 to 56 of the Plat Records of Travis County, Texas, for the Northeast corner and POINT OF BEGINNING hereof;

THENCE with the North line hereof being the North line of said Tract "B" and the South line of said Lot 2, Block G, N 72° 02' 56" W for a distance of 562.74 feet to an iron rod set in the East line of Lot 32, Block A, The Parke Section Three, a subdivision in Travis County, Texas recorded in Book 87, Page 1540 to 195A of the Plat Records of Travis County, Texas, being the Westerly Southwest corner of said Lot 2, Block G, same being the Northwest corner of said Tract "B" for the Northwest corner hereof.

THENCE with the West line hereof being West line of said Tract "B" same being the East lines of Lots 32, 31, 26, 25, 24 and 23, Block A, respectively, S 24° 57' 06" W for a distance of 633.74 feet to an iron rod set in the North right-of-way line of Wilson Parke Avenue, a 120 foot wide public right-of-way, for the Southwest corner hereof;

THENCE with the South line hereof being the North right-of-way line of said Wilson Parke Avenue, S 67° 05' 25" E for a distance of 991.74 feet to an iron rod set at the Southwest corner of said 120 foot wide Southerly projection of Lot 2, Block G, for the Southeast corner hereof;

THENCE with the East line hereof being the West line of said 120 foot wide Southerly projection of Lot 2, Block G, the following four (4) courses;

- 1) N 12° 53' 55" E for a distance of 118.23 feet to an iron rod set at the beginning of a curve.
- 2) 144.75 feet along the arc of a curve to the right whose radius is 240.00 feet and whose chord bears, N 30° 07' 03" E a distance of 142.57 feet to an iron rod set at the end of said curve.
- 3) N 47° 23' 47" E for a distance of 96.56 feet to an iron rod set at the beginning of a curve.
- 4) 33.39 feet along the arc of a curve to the left whose radius is 360.00 feet and whose chord bears, N 44° 44' 21" E a distance of 33.38 feet to the POINT OF BEGINNING and containing 10.54 acres of land, more or less.

OCT 06 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of file in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

T. PEREZ

(UNIVERSITY\SAS.DOC)

11522 0789

REAL PROPERTY RECORDS

Travis County, Texas

Exhibit A

TRACT II

FIELD NOTE DESCRIPTION OF 2.26 ACRES OF LAND SITUATED IN THE JAMES T. DUNLAP SURVEY NO. 594 IN TRAVIS COUNTY, TEXAS; SAID 2.26 ACRES BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESIGNATED AS TRACT "B" AND DESCRIBED AS CONTAINING 33.72 ACRES IN A DEED TO PARKE INVESTORS, LTD. RECORDED IN VOLUME 9053, PAGE 108 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.26 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at an iron rod found in the North right-of-way line of Wilson Parke Avenue, a 120 foot wide public right-of-way, and being at the Southeast corner of the 120 foot wide Southerly projection of Lot 2, Block G, The Parke Phase C, a subdivision in Travis County, Texas recorded in Book 88, Page 54 to 56 of the Plat Records of Travis County, Texas, for the Southwest corner and POINT OF BEGINNING hereof;

THENCE with the South line hereof being the North right-of-way line of said Wilson Parke Avenue, S 87° 05' 29" E for a distance of 391.54 feet to and iron rod set at the Southwest corner of that certain tract of land described as containing 9.00 acres in a deed to 620 Investors, Ltd. recorded in Volume 10188, Page 254 of the Real Property Records of Travis County, Texas, for the Southeast corner hereof.

THENCE through and across said Tract "B" with the West line of said 9.00 acre tract same being the East line hereof, N 02° 55' 34" E for a distance of 300.15 feet to a metal spindle found in the South line of said Lot 2, Block G, same being the North line of said Tract "B", for the Northeast corner hereof;

THENCE with the North line hereof being the North line of said Tract "B" same being the South line of said Lot 2, Block G, the following two (2) courses;

- 1) N 87° 06' 52" W for a distance of 200.84 feet to an iron rod found for a corner hereof.
- 2) N 72° 15' 46" W for a distance of 13.63 feet to an iron rod found at the Northeast corner of said 120 foot wide Southerly projection of Lot 2, Block G, for the Northwest corner hereof;

THENCE with the West line hereof being the East line of said 120 foot wide Southerly projection of Lot 2, Block G, the following four (4) courses;

- 1) 96.92 feet along the arc of a curve to the right whose radius is 480.00 feet and whose chord bears, S 41° 35' 25" W a distance of 96.75 feet to an iron rod set at the end of said curve.
- 2) S 47° 23' 47" W for a distance of 96.56 feet to an iron rod set at the beginning of a curve.
- 3) 71.38 feet along the arc of a curve to the left whose radius is 120.00 feet and whose chord bears, S 30° 07' 03" W a distance of 71.28 feet to an iron rod set at the end of said curve.
- 4) S 12° 54' 32" W for a distance of 97.22 feet to the POINT OF BEGINNING and containing 2.26 acres of land, more or less.

OCT 06 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of file in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy:

T. PEREZ

11522 0790
REAL PROPERTY RECORDS
Travis County, Texas

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