

RESTRICTIVE COVENANT

OWNER: C.W. Chick, Ltd., a Texas limited partnership

OWNER ADDRESS: 502 Baylor Street
Austin, Texas 78703

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: **Tract 1:**
A 16.065 acre (699,809 square feet) tract of land out of Lot 4, Decker Corner Subdivision, a subdivision recorded in Document No. 201600223 of the Official Public Records of Travis County, Texas, said 16.065 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant, and

Tract 2:
A 0.107 acre (4,655 square feet) tract of land out of Lot 4, Decker Corner Subdivision, a subdivision recorded in Document No. 201600223 of the Official Public Records of Travis County, Texas, being a portion of a Joint Use Access Easement recorded in Document No. 2016140845 of the Official Public Records of Travis County, Texas, said 0.107 acre of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance (cumulatively referred to as 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 HDR, Inc., dated April 3, 2019, or as amended and approved by the Director of the Austin Transportation Department. All development on the Property is subject to the Transportation Review Section of the Development Services Department's staff memorandum dated April 30, 2019 and revised May 9, 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.

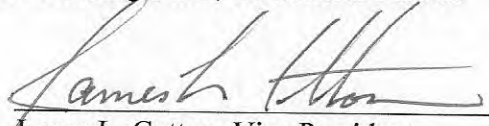
EXECUTED this the 15 day of May, 2019.

Owner:

C.W. Chick, Ltd., a Texas limited partnership

By: JHG Holdings, Inc., its General Partner

By:


James L. Cotton, Vice President

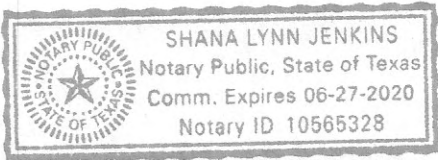
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 15 day of May 2019,
by James L. Cotton, Vice President of JHG Holdings, Inc., as general partner of C.W. Chick, Ltd., a
Texas limited partnership, on behalf of said partnership.

Shana Lynn Jenkins
Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin



TRACT 1

16.065 Acres (699,809 Square Feet)
Out of Lot 4, Decker Corner Subdivision

February 11, 2019

FIELDNOTE DESCRIPTION of a 16.065 Acre (699,809 Square feet) tract of land out of Lot 4, Decker Corner Subdivision, a subdivision recorded in Document Number 201600223 of the Official Public Records of Travis County, Texas (OPRTCTX) and more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found along the southeast Right-of-Way (ROW) line of Decker Lane (FM 3177), being the west corner of Lot 27, Block A of The Woodlands Section 1, a subdivision recorded in Document Number 200500264, OPRTCTX, being the north corner of said Lot 4 and **POINT OF BEGINNING** of the herein described tract;

THENCE along the southwest line of said Lot 27, being also along the northeast line of said Lot 4, S62°49'32"E, a distance of 980.37 feet to an iron rod found for the east corner of said Lot 4, being the north corner of a 7.594 Acre tract of land conveyed to State Department of Highways and Public Transportation in a deed recorded in Volume 7096, Page 2224 of the Real Property Records of Travis County, Texas (RPRTCTX), for the east corner of the herein described tract;

THENCE along the northwest line of said 7.594 Acre tract, being also the southeast line of said Lot 4, S27°25'33"W, a distance of 901.84 feet to an iron rod found with a cap, being the east corner of Lot 1, Joe Allen Subdivision, a subdivision recorded in Book 53, Page 89 of the Plat Records of Travis County, Texas (PRTCTX), being the south corner of said Lot 4 and the south corner of the herein described tract;

THENCE along the northeast line of Lot 1 and Lot 2 of said Joe Allen Subdivision, being also the most southerly, southwest line of said Lot 4, N60°54'15"W, a distance of 657.44 feet to an iron rod found with a cap marked "KBGE", being the south corner of Lot 2 of said Decker Corner Subdivision, and being the most southerly, west corner of said Lot 4 and of the herein described tract;

THENCE along the southeast line of said Lot 2 of Decker Corner Subdivision, being the southwest line of said Lot 4, N30°21'05"E, a distance of 322.95 feet to an iron rod found with a cap marked "KBGE" for the east corner of said Lot 2 of Decker Corner Subdivision, being the south corner of Lot 3 of said Decker Corner Subdivision,;

THENCE along the southeast line of said Lot 3, being the southwest line of said Lot 4, N30°21'03"E, a distance of 168.21 feet to an iron rod found with a cap marked "KBGE" for the east corner of said Lot 3, being an interior "ell" corner along the northwest line of said Lot 4 and of the herein described tract;

EXHIBIT "A"

THENCE along the northeast line of said Lot 3, being along the northwest line of said Lot 4, N61°42'43"W, a distance of 264.11 feet to a calculated point in the easterly line of a Joint Use Access Easement (JUAЕ) recorded in Document Number 2016140845, OPRTCTX;

THENCE through the interior of said Lot 4, the following two (2) courses and distances:

1. with the easterly line of said JUAЕ, N27°50'25"E, a distance of 53.50 feet to a calculated point, and
2. with the northeast line of said JUAЕ, N61°42'43"W, a distance of 87.00 feet to a calculated point along the southeast ROW of Decker Lane and along the northwest line of said Lot 4, being the north corner of said JUAЕ, for an angle point of the herein described tract;

THENCE along the along the southeast ROW of Decker Lane, being the southwest line of said Lot 4, N27°50'21"E, a distance of 329.13 feet to the POINT OF BEGINNING, and containing 16.065 Acres (699,809 square feet) more or less.

BEARINGS ARE BASED UPON THE RECORDED PLAT BEARINGS OF DECKER CORNER SUBDIVISION.

BY: John W. Tobin 02.11.2019
JOHN W. TOBIN DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4422
THE MOORE GROUP
1000 Cuernavaca
Austin, Texas 78733
(512) 442-0377

THIS DESCRIPTION IS ACCOMPANIED BY A SKETCH



**SKETCH TO ACCOMPANY FIELD NOTES
FOR 16.065 ACRES (699,809 SQUARE FEET)**

TRACT 1

NOTE:
THIS IS NOT A TITLE SURVEY. THIS SURVEY IS FOR ZONING PURPOSES ONLY. A TITLE COMMITMENT WAS NOT PROVIDED. THIS PROPERTY COULD BE SUBJECT TO EASEMENTS, BUILDING SETBACK REQUIREMENTS AND RESTRICTIONS NOT SHOWN HEREON.

LEGEND

- = IRON ROD FOUND
- △ = CALCULATED POINT
- POB = POINT OF BEGINNING
- OPRTCTX = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- RPRTCTX = REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- PRTCTX = PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- ROW = RIGHT-OF-WAY

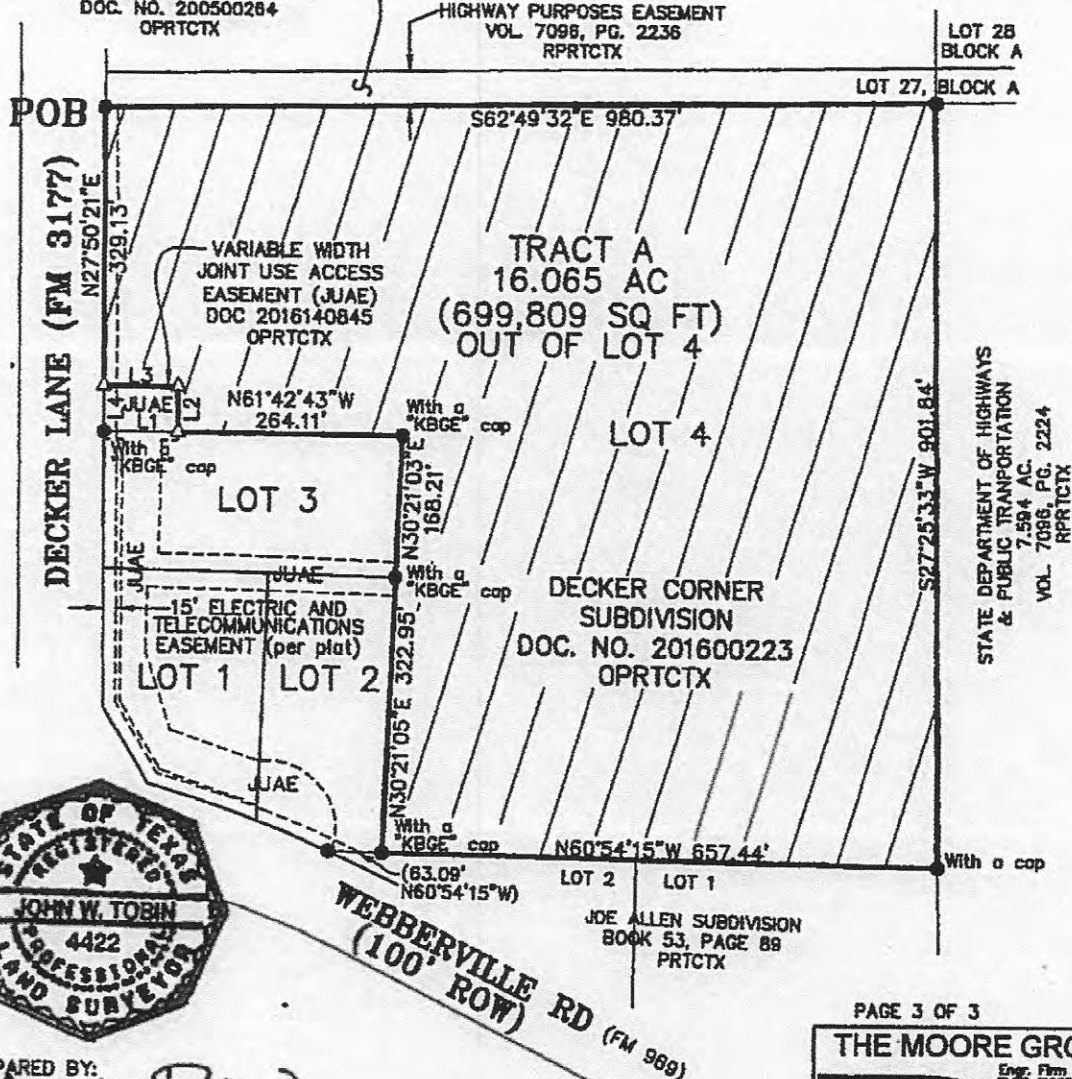
SCALE:
1" = 200'

LINE TABLE		
LINE	LENGTH	BEARING
L1	87.00'	N81°42'43"W
L2	53.50'	N27°30'25"E
L3	87.00'	N81°42'43"W
L4	53.50'	S27°30'21"W

LOT 27, BLOCK A
1.027 AC. GREENBELT, ACCESS
EASEMENT & PUE
THE WOODLANDS SECTION 1
DOC. NO. 200500284
OPRTCTX

HIGHWAY PURPOSES EASEMENT
VOL. 7096, PG. 2236
RPRTCTX

BEARING BASIS IS PER THE PLAT
OF DECKER CORNER SUBDIVISION



PREPARED BY:
Jack Tobin 02-11-2019
JOHN W. TOBIN, R.P.L.S. NO. 4422

P:\s19-001 Decker Ln at FM 959\Zoning Change\SKETCH TRACT A -- 16.065 AC.dwg

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THE MOORE GROUP

Eng. Firm Reg. #240
T.S. #1005850

ENGINEERING, SURVEYING & PLANNING
1000 CUEVAVACA PH. (512) 442-0377
AUSTIN, TEXAS 78733 FAX (512) 442-7807

TRACT 2

0.107 Acre (4,655 Square Feet)
Out of Lot 4, Decker Corner Subdivision

February 11, 2019

FIELDNOTE DESCRIPTION of a 0.107 Acre (4,655 Square feet) tract of land out of Lot 4, Decker Corner Subdivision, a subdivision recorded in Document Number 201600223 of the Official Public Records of Travis County, Texas (OPRTCTX), being a portion of a Joint Use Access Easement (JUA) recorded in Document Number 2016140845, OPRTCTX; said 0.107 Acre (4,655 Square feet) tract of land more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found with a cap marked "KBGE", being along the southeast Right-of-Way (ROW) line of Decker Lane (FM 3177) and along the northwest line of said JUA, being the north corner of Lot 3 of said Decker Corner Subdivision and the most northerly, west corner of said Lot 4, for the west corner and **POINT OF BEGINNING** of the herein described tract;

THENCE along the southeast ROW of Decker Lane, being also the northwest line of said Lot 4 and also the northwest line of said JUA, N27°50'21"E, a distance of 53.50 feet to a calculated point for the north corner of said JUA and the north corner of the herein described tract, and from which point an iron rod found, being the north corner of said Lot 4, bears N27°50'21"E, a distance of 329.13 feet;

THENCE through the interior of said Lot 4, the following two (2) courses and distances:

1. with the northeast line of said JUA, S61°42'43"E, a distance of 87.00 feet to a calculated point for the east corner of the herein described tract,
2. with an easterly line of said JUA, S27°50'25"W, a distance of 53.50 feet to a calculated point in the northwesterly line of said Lot 4, being along the northeast line of said Lot 3, for the south corner of the herein described tract, and from which point an iron rod found with a cap marked "KBGE", being the east corner of said Lot 3, and an interior "el" corner along the northwest line of said Lot 4, bears S61°42'43"E, a distance of 264.11 feet;

THENCE along the northeast line of said Lot 3, being also along the northwest line of said Lot 4, N61°42'43"W, a distance of 87.00 feet to the **POINT OF BEGINNING**, and containing 0.107 Acre (4,655 square feet) more or less.

BEARINGS ARE BASED UPON THE RECORDED PLAT BEARINGS OF DECKER CORNER SUBDIVISION.

BY:

John W. Tobin
JOHN W. TOBIN
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4422
THE MOORE GROUP
1000 Cuernavaca
Austin, Texas 78733
(512) 442-0377

02.11.2019

DATE

EXHIBIT "B"



THIS DESCRIPTION IS ACCOMPANIED BY A SKETCH

P:\s19-001 Decker Ln at FM 969\Zoning Change\FIELD NOTES TRACT B - 0.107 AC.doc

**SKETCH TO ACCOMPANY FIELD NOTES
FOR 0.107 ACRE (4,655 SQUARE FEET)**

TRACT 2



NOTE:
THIS IS NOT A TITLE SURVEY. THIS SURVEY IS FOR ZONING PURPOSES ONLY. A TITLE COMMITMENT WAS NOT PROVIDED. THIS PROPERTY COULD BE SUBJECT TO EASEMENTS, BUILDING SETBACK REQUIREMENTS AND RESTRICTIONS NOT SHOWN HEREON.

LOT 27, BLOCK A
1.027 AC. GREENBELT, ACCESS
EASEMENT & PUE
THE WOODLANDS SECTION 1
DOC. NO. 200500264
OPRTCTX

LEGEND

● = IRON ROD FOUND
△ = CALCULATED POINT
POB = POINT OF BEGINNING

OPRTCTX = OFFICIAL PUBLIC RECORDS
OF TRAVIS COUNTY, TEXAS
ROW = RIGHT-OF-WAY

BEARING BASIS IS PER THE PLAT
OF DECKER CORNER SUBDIVISION



PREPARED BY:

02.11.2019

John W. Tobin
JOHN W. TOBIN, R.P.L.S. NO. 4422

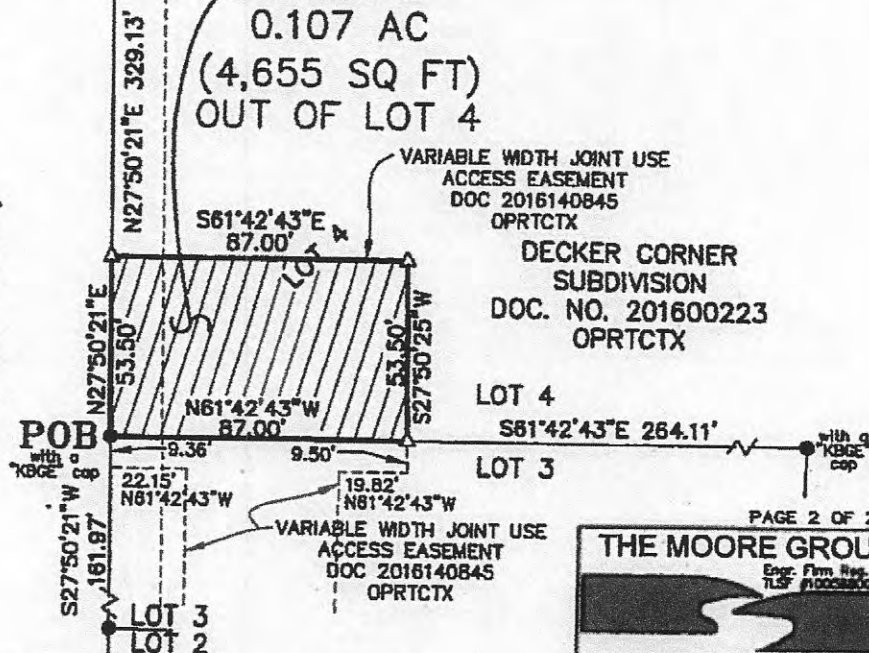
15' ELECTRIC AND
TELECOMMUNICATIONS
EASEMENT (per plat)

**TRACT B
0.107 AC
(4,655 SQ FT)
OUT OF LOT 4**

**DECKER LANE
(FM 3177)**

VARIABLE WIDTH JOINT USE
ACCESS EASEMENT
DOC 2016140845
OPRTCTX

**DECKER CORNER
SUBDIVISION
DOC. NO. 201600223
OPRTCTX**



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