

RESTRICTIVE COVENANT

OWNER: 2323 SOUTH LAMAR, LTD, A TEXAS LIMITED PARTNERSHIP

OWNER ADDRESS: 500 West 5th Street, Suite 700
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 are acknowledged.

PROPERTY: **Tract 1:** 0.277 acre out of the Isaac Decker League, situated in the City of Austin, Travis County, Texas, and being a portion of that certain 0.295 acre tract (called "Tract 3") conveyed to James T. Ross, by Deed of Record in Document No. 2015083215, of the Official Public Records of Travis County, Texas, said 0.277 acre of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant, and

Tract 2: 1.581 acres out of the Isaac Decker League, situated in the City of Austin, Travis County, Texas, and being comprised of those certain two tracts conveyed to James T. Ross, by Deed of Record in Document No. 2015083215, of the Official Public Records of Travis County, Texas, said 1.581 acres of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this covenant (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 Engineering, Inc., dated July 8, 2019, 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's staff memorandum dated July 17, 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:

2323 South Lamar, Ltd., a Texas limited partnership

By: EGP 2017 Management, LLC, a Texas limited liability company, its general partner

By: _____
Signature

Name: _____

Title: Manager

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2019, by _____, as Manager of EGP 2017

Management LLC, a Texas limited liability company, as general partner of 2323 South Lamar, LTD., a Texas limited liability partnership, on behalf of said partnership.

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

ABRAM DASHNER, RPLS, LLC

TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5901

TBPLS FIRM NO. 10194420

rpls5901@gmail.com 512-905-4369

0.277 ACRE
ISAAC DECKER LEAGUE
AUSTIN, TEXAS

FILE NO. 2019.059
PROJECT: 008-01
DATE: 08/21/2019

DESCRIPTION

0.277 ACRE OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 0.295 ACRE TRACT (CALLED "TRACT 3") CONVEYED TO JAMES T ROSS, BY DEED OF RECORD IN DOCUMENT NO. 2015083215, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.277 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found at the southwest corner of Lot 1, Precision Addition, a subdivision of record in Volume 89, Page 322, of the Plat Records of Travis County, Texas; being the northwest corner of that certain 1.051 acre tract conveyed to Boulevard City Homes, LP, by Deed of record in Document No. 2015006822, of said Official Public Records, also being the southeast corner of that certain 46,513 square foot tract (called "Tract 2") conveyed to James T Ross, by said Deed of record in Document No. 2015083215, of said Official Public Records, for the northeasterly corner of said 0.295 acre tract and hereof;

THENCE, S29°39'41"W, along the northwest line of said 1.051 acre tract, being the southeast line of said 0.295 acre tract, a distance of 185.18 feet to a 1/2-inch iron rod found at the southeast corner of that certain 726 square foot tract conveyed to the City of Austin, by Deed of record in Document No. 2005128455, of said Official Public Records, being in the northeast right-of-way line of Bluebonnet Lane (r.o.w. varies), for the most southerly corner hereof, from which a mag nail with "Chaparral Boundary" shiner found bears S23°08'24"W, a distance of 2.14 feet;

THENCE, N27°33'07"W, over and across said 0.295 acre tract, along said northeast right-of-way line of Bluebonnet Lane, being the east line of said 726 square foot tract, a distance of 143.16 feet to a 1/2-inch iron rod with "Meenach" cap found at the northeast corner of said 726 square foot tract, being the southeast corner of that certain 272 square foot tract conveyed to the City of Austin, by Deed of record in Document No. 2005128454, of said Official Public Records, being in the north line of said 0.295 acre tract, also being the south line of said 46,513 square foot tract, for the northwesterly corner hereof;

THENCE, leaving said northeast right-of-way line, along the south line of said 46,513 square foot tract, being the north line of said 0.295 acre tract, the following three (3) courses and distances:

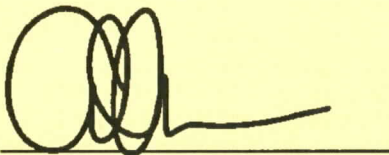
1. N65°24'37"E, a distance of 58.65 feet to a 1/2-inch iron rod found, for an angle point;

EXHIBIT "A"

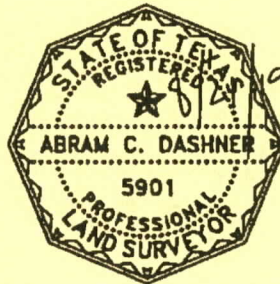
2. N87°56'22"E, a distance of 25.89 feet to a 1/2-inch iron rod with "Wallace Group" cap found, for an angle point;
3. N83°43'12"E, a distance of 79.13 feet to the **POINT OF BEGINNING**, and containing 0.277 acre (12,088 square feet) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2012B), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2018, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



ABRAM C. DASHNER
TEXAS RPLS 5901
TBPLS FIRM NO. 10194420



ABRAM DASHNER, RPLS, LLC

TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5901

TBPLS FIRM NO. 10194420

rpls5901@gmail.com 512-905-4369

1.581 ACRES
ISAAC DECKER LEAGUE
AUSTIN, TEXAS

FILE NO. 2019.058
PROJECT: 008-01
DATE: 08/21/2019

DESCRIPTION

1.581 ACRES OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING COMPRISED OF THOSE CERTAIN TWO (2) TRACTS CONVEYED TO JAMES T ROSS, BY DEED OF RECORD IN DOCUMENT NO. 2015083215, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; MORE SPECIFICALLY BEING ALL OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; ALSO BEING A PORTION OF THAT CERTAIN 46,513 SQUARE FOOT TRACT (CALLED "TRACT 2") AS DESCRIBED IN SAID DEED OF RECORD; SAID 1.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a cut "X" set in concrete at an angle point in the southeast line of South Lamar Blvd. (r.o.w. varies), being in the west line of Lot "A", F.M. Del Curto Resubdivision, a subdivision of record in Volume 13, Page 62, of said Plat Records, also being the northeast corner of said Lot 1, for the northeasterly corner hereof, from which a mag nail with "4WARD" shiner found in concrete bears N28°13'13"E, a distance of 6.69 feet;

THENCE, S28°13'13"W, leaving said south right-of-way line of South Lamar Blvd., along the west lines of said Lot "A" and Lot "B", of said F.M. Del Curto Resubdivision, being the east line of said Lot 1, a distance of 301.64 feet to a 5/8-inch iron rod found at the southwest corner of Lot B-1, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision, a subdivision of record in Volume 17, Page, 90, of said Plat Records, being an angle point in the north line of that certain 1.051 acre tract conveyed to Boulevard City Homes, LP, by Deed of record in Document No. 2015006822, of said Official Public Records, for an angle point in the east line of said Lot 1 and hereof;

THENCE, along the north line of said 1.051 acre tract, being the east and south lines of said Lot 1, the following two (2) courses and distances:

1. S13°48'37"W, a distance of 1.95 feet to a 1/2-inch iron rod found at the southeast corner of said Lot 1, for an angle point;

EXHIBIT "B"

2. N72°40'52"W, a distance of 28.09 feet to a 1/2-inch iron rod found at the southwest corner of said Lot 1, being the northwest corner of said 1.051 acre tract, also being the southeast corner of said 46,513 square foot tract, also being the northeast corner of that certain 0.295 acre tract (called "Tract 3") conveyed to James T Ross, by said Deed of Record in Document 2015083215, of said Official Public Records, for an angle point;

THENCE, along the north line of said 0.295 acre tract, being the south line of said 46,513 square foot tract, the following three (3) courses and distances:

1. S83°43'12"W, a distance of 79.13 feet to a 1/2-inch iron rod with "Wallace Group" cap found, for an angle point;
2. S87°56'22"W, a distance of 25.89 feet to a 1/2-inch iron rod found, for an angle point;
3. S65°24'37"W, a distance of 58.65 feet to a 1/2-inch iron rod with "Meenach" cap found at the southeast corner of that certain 272 square foot tract conveyed to the City of Austin, by Deed of record in Document No. 2005128454, of said Official Public Records, being in the east right-of-way line of Bluebonnet Lane (r.o.w. varies), for the southwesterly corner hereof;

THENCE, N27°33'07"W, over and across said 46,513 square foot tract, along said northeast right-of-way line of Bluebonnet Lane, being the east line of said 272 square foot tract, a distance of 178.54 feet to a 1/2-inch iron rod found at the southern terminus of a right-of-way return line between said northeast right-of-way line of Bluebonnet Lane and said south right-of-way line of South Lamar Blvd., for an angle point;

THENCE, N26°43'51"E, along said right-of-way return line, being a northwest line of said 46,513 square foot tract, a distance of 46.21 feet to a 1/2-inch iron rod found at the northern terminus of said right-of-way return line, being in said south right-of-way line of South Lamar Blvd., for the northwesterly corner of said 46,513 square foot tract and hereof;

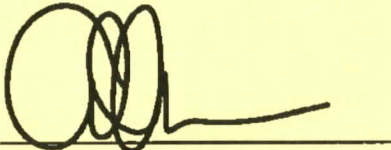
THENCE, along said south right-of-way line, being the north lines of said 46,513 square foot tract and said Lot 1, the following four (4) courses and distances:

1. Along a non-tangent curve to the right, having a radius of 1869.86 feet, a central angle of 07°18'37", an arc length of 238.57 feet, and a chord which bears N73°19'29"E, a distance of 238.41 feet to Hilti Nail (with head sheared off) found in concrete at the northeast corner of said 46,513 square foot tract, for an angle point;
2. S02°08'10"W, a distance of 5.22 feet to a cotton gin spindle found at the beginning of a non-tangent curve to the right, being the northwest corner of said Lot 1, for an angle point;
3. Along said curve, having a radius of 1864.86 feet, a central angle of 03°25'14", an arc length of 111.33 feet, and a chord which bears N78°34'05"E, a distance of 111.32 feet to a 1/2-inch iron rod with "Wallace Group" cap found at a point of tangency in said south right-of-way line, for an angle point;

4. N80°47'11"E, a distance of 52.95 feet to the **POINT OF BEGINNING**, and containing 1.581 acres (68,852 square feet) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2012B), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2018, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



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