

RESTRICTIVE COVENANT

OWNER: Delwau, LLC, a Texas limited liability company

OWNER ADDRESS: 9890 Bodega Highway
Sebastopol, CA 95472

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: 11.92 acre tract out of the James Burleson Survey No. 19, Abstract No. 4, in Travis County, Texas, said 11.92 acres of land being more particularly described by metes and bounds in the attached **Exhibit "A."**

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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Development Services division of the Austin Transportation Department (the "Department"), dated January 7, 2020. The NTA memorandum shall be kept on file at the 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 _____, 2020.

Owner:

Delwau, LLC, a Texas limited liability company

Noah Zimmerman, Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____ 2020, by Noah Zimmerman, as Manager of Delwau, LLC, a Texas liability company, on behalf of said company.

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin



LEGAL DESCRIPTION
Survey for: Noah Zim

11.92 ACRE TRACT

Being out of the James Burleson Survey No. 19, Abstract No. 4 in Travis County, Texas, being all of that certain called 11.70 acre tract of land to Interest Partners LLC, as recorded in Document No. 2006209878, Official Public Records of Travis County, Texas, a called 0.163 acre tract of land to the City of Austin as recorded in Volume 12586, Page 596, Real Property Records of Travis County, Texas, and a called 0.054 acre tract of land to Ranger Excavating, Inc. as recorded in Volume 12534, Page 2337, Real Property Records of Travis County, Texas, being more particularly described by metes and bounds as follows;

Beginning at an Iron rod found (1/2-inch diameter) described as the northwest corner of said 11.70 acre tract, and described as being interior of the remainder of that certain tract of land to the City of Austin recorded in Volume 9837, Page 422, Deed Records, Travis County Texas and also described as 1.23 feet north of the south right of way line of that certain strip of land 100 feet wide, lying 50 feet each side of the centerline of Capital Metropolitan Transportation Authority's main track as recorded in Volume 9837, Page 407, Real Property Records, Travis County Texas as surveyed by Geomatics Surveying and Mapping on 8/17/2017, for the northwest corner of this;

Thence along the north line of said 11.70 acre tract the following eight (8) courses and distances:

1. N 83°26'43" E a distance of 395.43 feet to an Iron rod found (1/2-inch diameter) with cap stamped "GEOMATICS 5516", for a corner on the northern line of this,
2. N 76°16'31" E a distance of 147.22 feet to an Iron rod found (1/2-inch diameter) with cap stamped "GEOMATICS 5516", for a corner on the northern line of this,
3. N 71°44'05" E a distance of 133.51 feet to an Iron rod found (1/2-inch diameter) with cap stamped "GEOMATICS 5516", for a corner on the northern line of this,
4. N 66°13'45" E a distance of 127.73 feet to an Iron rod found (1/2-inch diameter), for a corner on the northern line of this,
5. N 62°43'14" E a distance of 127.70 feet to an Iron rod found (1/2-inch diameter), for a corner on the northern line of this,
6. N 57°38'19" E a distance of 99.94 feet to an Iron rod found (1/2-inch diameter), with cap stamped "GEOMATICS 5516", for a corner on the northern line of this,
7. N 53°34'44" E passing an Iron rod found (1/2-inch diameter) with cap stamped "COA Public Works" lying 2.47 feet perpendicular and to the right of line at a distance of 97.38 feet and continuing for a total distance of 135.89 feet to an iron rod found (1/2-inch diameter), with cap stamped "GEOMATICS 5516", for a corner on the northern line of this, and
8. N 49°01'39" E a distance of 24.99 feet to an Iron rod found (1/2-inch diameter), with cap stamped "GEOMATICS 5516", being the northeast corner of said 11.70 acre tract and being the west corner of said 0.163 acre tract, for a point in the north line of this;

Thence along the north line of said 0.163 acre tract, being a curve to the left with a radius of 1455.34 feet, an arc distance of 75.52 feet, and which chord bears N 48°11'30" E a distance of 75.51 feet to an Iron rod set (1/2-inch diameter) with pink cap stamped "Survey Works", being the north corner of said 0.163 acre tract, for the north corner of this;

Thence along the northeast line of said 0.163 acre tract, S 62°00'58" E a distance of 77.91 feet to a calculated point, being the east corner of said 0.163 acre tract, being a point on the northwest line of a called 43.391 acre tract, as recorded in Document No. 2005177300, Official Public Records of Travis County, Texas, for the east corner of this;

Exhibit A



Thence along the southeast line of said 0.163 acre tract, common with the northwest line of said 43.391 acre tract S 28°40'37" W a distance of 7.55 feet, to a calculated point, being a corner of said 0.163 acre tract, the north corner of said 0.054 acre tract, for a corner in the southeast line of this;

Thence along the southeast line of said 0.054 acre tract, common with the northwest line of the said 43.391 acre tract S 28°40'44" W a distance of 127.46 feet to an iron rod found (1/2-inch diameter) with cap stamped "COA Public Works" at the easternmost corner of said 11.70 acre tract, being the southern corner of said 0.054 acre tract, for a corner in the southeast line of this;

Thence along the southeast line of said 11.70 acre tract, common with the northwest line of the said 43.391 acre tract S 27°56'53" W passing at a distance of 618.36 feet a 3/4 inch iron rod found and continuing for a total distance of 693.90 feet to an iron rod set (1/2-inch diameter) with pink cap stamped "Survey Works", for the south east corner of said 11.70 acre tract, being the southwest corner of a called 1.023 acre tract as recorded in Volume 12516, Page 1853, Real Property Records of Travis County, Texas, being a point on the approximate north bank of the Colorado River, for the southeast corner of this;

Thence along the south line of said 11.70 acre tract, common with the approximate north bank of the Colorado River the following seven (7) courses and distances:

1. S 71°27'53" W a distance of 93.67 feet to an iron rod found (1/2-inch diameter) with cap stamped "RPLS 5784", for a corner on the south line of this,
2. S 68°07'51" W a distance of 75.21 feet to a point, to an iron rod found (1/2-inch diameter) with cap stamped "RPLS 5784", for a corner on the south line of this,
3. S 85°32'09" W a distance of 67.96 feet to a point, to an iron rod found (1/2-inch diameter) with cap stamped "RPLS 5784", for a corner on the south line of this,
4. S 72°09'16" W a distance of 143.74 feet to a point, to an iron rod found (1/2-inch diameter) with cap stamped "RPLS 5784", for a corner on the south line of this,
5. S 71°40'26" W a distance of 117.75 feet to a point, to an iron rod found (1/2-inch diameter) with cap stamped "RPLS 5784", for a corner on the south line of this,
6. S 81°07'05" W a distance of 50.33 feet to a point, to an iron rod found (1/2-inch diameter) with cap stamped "RPLS 5784", for a corner on the south line of this, and
7. S 78°55'58" W a distance of 49.33 feet to an inundated calculated point, being the east corner of a called 1.77 acre tract as recorded in Document No. 2007015084, Official Public Records of Travis County, Texas, for the south corner of this;

Thence along the southwest line of said 11.70 acre tract, common with the northeast line of the said 1.77 acre tract N 72°09'02" W a distance of 60.66 feet to an inundated calculated point, being the east corner of a called 8.50 acre tract as recorded in Document No. 2007214518, Official Public Records of Travis County, Texas;

Thence continuing along the southwest line of said 11.70 acre tract, common with the northeast line of said 8.50 acre tract the following two (2) courses and distances:

1. N 40°28'47" W a distance of 126.89 feet to an inundated calculated point, for a corner on the southwest line of this, and
2. N 61°28'47" W a distance of 114.59 feet to a punch hole in concrete found, being a southwest corner of said 11.70 acre tract, the southeast corner of Lot 2, Block A of Delwau Acres as recorded in Document No. 200900027, Plat Records of Travis County, Texas, for a corner on the southwest line of this;

Thence along the west line of said 11.70 acre tract, common with the east line Lot 2, N 04°40'51" W passing an iron rod found (1/2-inch diameter) at a distance of 38.83 feet and continuing for a total distance of 292.65 feet to an iron rod found (1/2-inch diameter), being the northeast corner of Lot 2, for a corner on the west line of this;



Thence continuing with the west line of said 11.70 acre tract, N 04°49'25" W a distance of 35.18 feet to the **POINT OF BEGINNING**, in all containing 11.92 acres of land, more or less.

All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

This description to accompany a plat of like date representing an on the ground survey supervised by me Derek Kinsaul, Registered Professional Land Surveyor.

December 27, 2017

Derek Kinsaul
RPLS No. 6356
Job #17-0136 Zim



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11.92 Acres ±

RECEIVED
OCT 10 1963

BOUNDARY SURVEY

[illegible]

"I am writing you because I have been thinking about you a great deal lately. I hope you are well and happy. I have been very busy lately, but I always find time to think of my friends. Please write back when you have a chance."

Yours truly,
John Doe

P.S. I hope your cat is doing well.

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