104
PAZ

Zoning Case No. C14-2019-0129

RESTRICTIVE COVENANT

OWNER:	The Riddell Family Limited Partnership, a Texas limited partnership
OWNER ADDRESS:	589 North FM 1626, Suite 201 Buda, Texas 78610
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:	Being 37.403 acres of land out of the Stephen F. Slaughter Survey No. 1, City of Austin, Travis County, Texas, said 37.403 acres of land being 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 WGI, dated December 31, 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 memorandums dated February 13, 2020 and July 10, 2020 ("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. Any new public roadway connection to the segment of Wayne Riddell Loop existing at the time this Agreement is executed shall be limited by a standard traffic management device to bicycle, pedestrian, and emergency vehicles. The traffic management device shall be modified to allow full vehicular connections upon completion of a traffic signal at FM 1626 Road and Wayne Riddell Loop.

3. 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.

4. 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.

5. 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.

6. 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 25th day of August, 2020.

Owner:

The Riddell Family Limited Partnership, a Texas limited partnership

By: WJR GP, LLC, a Texas limited liability company, its general partner

James A. Henry, Manager

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 25th day of August, 2020, by James A. Henry, as Manager of WJR GP, LLC, a Texas limited liability company, as general partner of The Riddell Family Limited Partnership, a Texas limited partnership, on behalf of said limited partnership.

JESSICA DEWITT
Notary ID #131785246
My Commission Expires
November 5, 2022

Notary Public, State of Texas

APPROVED AS TO FORM:

_____

Name:_____

Assistant City Attorney

City of Austin

JONES | CARTER

3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741-7425
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

LEGAL DESCRIPTION

Being a 37.403 acres of land out of the Stephen F. Slaughter Survey No. 1, City of Austin, Travis county, Texas; being a remaining portion of a 229.899-acre tract (tract one) and a remaining portion of a 92.678-acre tract (tract two) both as conveyed to the Riddell Family Limited Partnership as recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, and all of a 1.62-acre tract of land as conveyed to Wayne Riddell by Special Warranty Deed recorded in Document No. 2011031132 of the Official Public Records of Travis County, Texas; said 37.403 acres of land being more particularly described by metes and bounds as follows; with bearings referenced to the Texas Coordinate System of 1983, Central Zone:

BEGINNING: at a X-mark found in concrete on the west right-of-way line of South 1st Street conveyed to the City of Austin in Document No. 1999117965 of the Official Public Records of Travis County, Texas, the northeast corner of Lot 44, Block A, Meadows at Double Creek, a subdivision as recorded in Document No. 200600288 of the Official Public Records of Travis County, Texas, for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE: North 63°25'49" West a distance of 496.79 feet along the north line of said Block A, Meadows at Double Creek to a ½ inch iron rod found for a corner of said Meadows at Double Creek, for a corner of this tract;

THENCE: North 87°05'42" West a distance of 674.94 feet continuing along the north line of said Block A, Meadows at Double Creek to a ½ inch iron rod with cap marked "Bury" found for a corner of said Meadows at Double Creek, for a corner of this tract;

THENCE: South 68°48'45" West a distance of 154.11 feet continuing along the north line of said Meadows at Double Creek to a cotton spindle found at the northwest corner of Lot 24, Block A, Meadows at Double Creek, on the southeast line of Lot 58, Block VV, Stablewood at Slaughter Creek, Section Three, a subdivision as recorded in Document No. 199900385 of the Official Public Records of Travis County, Texas, the same being the southeast line of a 30' pipeline easement as described in Volume 13200, Page 44 of the Real Property Records of Travis County, Texas, for the southwest corner of this tract;

THENCE: with the southeast line of said Lot 58, Block VV, Stablewood at Slaughter Creek, Section Three, the southeast line of a 30' pipeline easement the following four (4) courses:

1) North 35°42'49" East a distance of 116.51 feet to a ½" iron rod found at an angle point;

2) North 36°20'55" East a distance of 393.58 feet to a ½" iron rod found with cap stamped TERA FIRMA at an angle point;

3) North 36°51'39" East a distance of 198.37 feet to a ½" iron rod found with cap stamped TERRA FIRMA at an angle point; and

4) North 36°10'40" East a distance of 244.82 feet to a ½" iron rod found at the northeast corner of said Lot 58, Block VV, Stablewood at Slaughter Creek, Section Three at the southeast corner of the terminus of Wayne Riddell Loop right-of-way as shown on said plat recorded in Document No. 199900385;

THENCE: North 36°10'40" East a distance of 65.48 feet with the east end line of said Wayne Riddell Loop right-of-way to a ½" iron rod found with cap stamped TERRA FIRMA at an angle point;

THENCE: North 38°51'42" East a distance of 9.89 feet continuing with the east end line of said Wayne Riddell Loop right-of-way to a ½" iron rod found with cap stamped TERRA FIRMA at the northeast corner of said Wayne Riddell Loop right-of-way, also being the southeast corner of Lot 160, Block A, Stablewood at Slaughter Creek, Section Four, a subdivision as recorded in Document No. 199900384 of the Official Public Records of Travis County, Texas;

THENCE: with the southeast line of said Lot 160, Block A, Stablewood at Slaughter Creek, Section Four, the southeast line of the said 30' pipeline easement, the following five (5) courses:

1) North 36°27'10" East a distance of 274.98 feet to a ½" iron rod found at an angle point;

2) North 34°00'21" East a distance of 298.18 feet to a ½" iron rod found at an angle point;

3) North 36°10'24" East a distance of 217.32 feet to a ½" iron rod found at an angle point;

4) North 38°07'50" East a distance of 66.53 feet to a ½" iron rod found at an angle point; and

5) North 42°33'59" East a distance of 89.21 feet to a ½" iron rod found at the northeast corner of said Lot 160, Block A, Stablewood at Slaughter Creek, Section Four, at a southeast corner of a remaining portion of land as conveyed to Knolls of Slaughter Creek Homeowners Association, as conveyed by instrument recorded in Document No. 2014168196 of the Official Public Records of Travis County, Texas;

THENCE: with the southeast line of said Knolls at Slaughter Creek remainder tract, the following four (4) calls:

1) North 40°28'25" East a distance of 181.44 feet to a ½" iron rod found at an angle point;

2) North 36°13'53" East a distance of 96.00 feet to a ½" iron rod found at an angle point;

3) North 30°19'49" East a distance of 108.50 feet to a ½" iron rod found at an angle point;

4) North 36°03'55" East a distance of 97.35 feet to a calculated point at the intersection with the centerline of Slaughter Creek, on the south line of Lot 78, Block C, Resubdivision of

Lot 78, Block "C", The Oak at Twin Creeks Section 3, a subdivision as recorded in Document No. 200700128 of the Official Public Records of Travis County, Texas, for the most northerly corner of this tract;

THENCE: South 39°03'49" East a distance of 72.12 feet with the centerline of said Slaughter Creek the south line of said Lot 78, to a calculated point for an angle point;

THENCE: South 47°20'29" East a distance of 421.89 feet continuing with the centerline of said Slaughter Creek to a calculated point for the Southwest corner of South 1st Street as described in Document No. 1999143398 of the Official Records of Travis County, Texas, the same being the Northwest corner of South 1st Street as described in Document No. 1999087727 of the Official Public Records of Travis County, Texas, for the Northeastern corner of this tract;

THENCE: with the West right-of-way line of South 1st street as described in said Document No. 1999087727, the following three (3) courses:

1) South 21°20'15" West at a distance of 182.63 feet pass a ½ inch iron rod with cap marked "Terra Firma" found for reference, and continuing for a total distance of 784.00 feet to a ½" iron rod found at a point of curvature of a curve to the left;

2) Along said a curve left having an arc distance of 239.93 feet, having a radius of 1560.00 feet, and a chord which bears South 16°55'05" West a distance of 239.69 feet to a Mag Nail found for corner;

3) South 12°30'43" West a distance of 898.72 feet to the POINT OF BEGINNING, and containing 37.403 acres of land;

Rex L. Hackett
Registered Professional Land Surveyor No. 5573

08-29-2019
Date



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