

Zoning Case Nos. C14-2020-0059**RESTRICTIVE COVENANT**

OWNER: RINGGOLD PARTNERS I, LP, A TEXAS LIMITED PARTNERSHIP

OWNER ADDRESS: 1908 Cliff Valley Way NE
Atlanta, GA 30329

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 23.63 acres of land, more or less, out of and a part of the Thomas C. Collis Survey No 61, Abstract No. 201, City of Austin, Travis County, Texas, said 23.63 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant.

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 Wantman Group, Inc., dated May 2020, 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 September 24, 2020, and revised on October 29, 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. 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 10th day of November, 2020.

OWNER:

Ringgold Partners I, LP, a Texas limited partnership

By: Ringgold Group, LLC a Texas limited liability company, its general partner


By:


John V. Bultman III, Vice President

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 10th day of November 2020, by John V. Bultman III, as Vice President of Ringgold Group, LLC, a Texas limited liability company, general partner of Ringgold Partners I, LP a Texas limited partnership on behalf of said partnership.

Erin Ray
Notary Public, Cobb County, Georgia
My Comm. Expires 11/30/2021


Notary Public, State of ~~Texas~~ Georgia

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

DESCRIPTION OF TRACT FOR REZONING

BEING 23.63 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE THOMAS C. COLLIS SURVEY NO 61, ABSTRACT NO. 201, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 23.70 ACRE TRACT DESCRIBED AS PARCEL 9 IN A CORRECTION PARTITION DEED TO RINGGOLD PARTNERS I, LTD., OF RECORD IN DOCUMENT NO. 2002056823, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 23.63 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the westerly right-of-way line of North Lamar Boulevard, previously known as US 81/SH2 (a public right-of-way), being the northeasterly corner of Lot 9, Block P, Scofield Farms Phase 4, Section 14, a subdivision of record in Volume 93, Pages 303-305, Plat Records of Travis County, Texas (P.R.T.C.T.), same being the southeasterly corner of said 23.70 acre tract and the southeasterly corner of the tract described herein;

THENCE, with the southerly line of said 23.70 acre tract and of the tract described herein, with the northerly line of said Lot 9, Block P, Scofield Farms Phase 4, Section 14, North 65°28'46" West, a distance of 465.11 feet to a PK Nail found at the southeasterly corner of that certain called 2.003 acre tract described in a Special Warranty Deed to Pflugerville ISD, of record in Volume 12590, Page 638, Real Property Records of Travis County, Texas (R.P.R.T.C.T.); same being a point within an access easement to Pflugerville ISD, of record in Volume 12377, Page 51, R.P.R.T.C.T.; from which point a Mag Nail found bears, South 54°39'44" East, a distance of 0.14 feet;

THENCE, continuing with the southerly line of said 23.70 acre tract and of the tract described herein, the following six (6) courses and distances:

1. North 13°04'51" East, with the easterly line of said 2.003 acre tract, a distance of 160.87 feet to a PK Nail found, from which point a Mag Nail found bears, South 54°24'45" East, a distance of 0.13 feet;
2. North 01°39'24" East, continuing with the easterly line of said 2.003 acre tract, a distance of 222.12 feet to a PK Nail found for the most northerly corner of said 2.003 acre tract; from which point a Mag Nail found bears, South 34°12'02" East, a distance of 0.12 feet;
3. South 86°37'49" West, a distance of 97.17 feet to a 1/2-inch iron rod found;
4. South 60°13'34" West, a distance of 104.12 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509";
5. South 47°06'23" West, a distance of 118.84 feet to a 1/2-inch iron rod found; and
6. South 69°26'19" West, a distance of 173.15 feet to a 1/2-inch iron rod found for the southwesterly corner of said 2.003 acre tract, same being the northwesterly corner of said Lot 9, Block P, Scofield Farms Phase 4, Section 14, same also being in the easterly line of that certain called 19.31 acre tract described as Parcel 8 in said Correction Partition Deed to Ringgold Partners I, Ltd., for the southwesterly corner of said 23.70 acre tract and the southwesterly corner of the tract described herein;

THENCE, with the westerly line of said 23.70 acre tract and of the tract described herein, same being the easterly line of said called 19.31 acre tract, the following seven (7) courses and distances:

1. North $04^{\circ}55'27''$ East, a distance of 64.13 feet to a 1/2-inch iron rod found;
2. North $18^{\circ}10'07''$ West, a distance of 139.94 feet to a 1/2-inch iron rod found;
3. North $36^{\circ}09'52''$ West, a distance of 520.05 feet to a 1/2-inch iron rod found;
4. North $10^{\circ}41'54''$ West, a distance of 199.84 feet to a 1/2-inch iron rod found;
5. North $72^{\circ}18'27''$ East, a distance of 119.94 feet to a 1/2-inch iron rod found;
6. North $57^{\circ}18'28''$ East, a distance of 160.02 feet to a 1/2-inch iron rod found; and
7. North $27^{\circ}59'18''$ East, a distance of 99.78 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509" in the southerly right-of-way line of Howard Lane (also known as Scofield Ridge Parkway), and being in the southerly line of Lot 1, Block A, Scofield Ridge Parkway Street Dedication Plat of record in Document No. 200400249, O.P.R.T.C.T., for the northwesterly corner of the tract described herein;

THENCE, with the northerly line of the tract described herein, with the southerly line of said Lot 1, Block A, Scofield Ridge Parkway Street Dedication, the following seven (7) courses and distances:

1. South $61^{\circ}59'50''$ East, a distance of 1100.10 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509" at the beginning of a curve to the right;
2. 29.15 feet along the arc of said curve to the right, with a radius of 290.50 feet, a central angle of $05^{\circ}44'57''$, and a chord of which bears South $59^{\circ}07'21''$ East, a distance of 29.14 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509";
3. South $56^{\circ}14'53''$ East, a distance of 89.67 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509" at the beginning of a curve to the left;
4. 31.06 feet along the arc of said curve to the left, with a radius of 309.50 feet, a central angle of $05^{\circ}45'00''$, and a chord of which bears South $59^{\circ}07'21''$ East, a distance of 31.05 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509";
5. South $61^{\circ}59'49''$ East, a distance of 66.29 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509" at the beginning of a curve to the left;
6. 65.72 feet along the arc of said curve to the left, with a radius of 834.50 feet, a central angle of $04^{\circ}30'44''$, and a chord of which bears, South $64^{\circ}15'12''$ East, a distance of 65.70 feet; at the beginning of a curve to the right; and
7. 30.90 feet along the arc of said curve to the right, with a radius of 20.00 feet, a central angle of $88^{\circ}31'19''$, and a chord of which bears, South $22^{\circ}14'54''$ East, a distance of 27.92 feet to a 5/8-inch iron rod set with plastic cap stamped "WGI 10194509" in the said westerly line of North Lamar Boulevard, for the most southerly corner of said Lot 1, Block A, Scofield Ridge Parkway Street Dedication, for the most easterly northeast corner of the tract described herein;

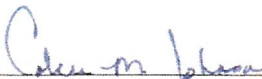
THENCE, with the easterly line of said 23.70 acre tract and of the tract described herein, with the westerly right-of-way line of said North Lamar Boulevard, the following two (2) courses and distances:

1. 119.80 feet along the arc of said curve to the right, with a radius of 2801.81 feet, a central angle of $02^{\circ}26'59''$, and a chord of which bears, South $23^{\circ}14'16''$ West, a distance of 119.79 feet to a calculated point, from which a 1/2-inch iron rod found (spinner) bears, South $57^{\circ}23'02''$ West, a distance of 0.25 feet; and
2. South $24^{\circ}30'27''$ West, a distance of 663.68 feet to the **POINT OF BEGINNING** and containing 23.63 acres of land within these metes and bounds.

NOTES:

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 (NAD83/2011). All distances shown hereon are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00010. Units: U.S. Survey Feet.

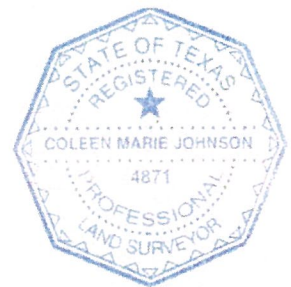
I, Coleen M. Johnson, a Registered Professional Land Surveyor, do hereby certify that this description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision. Last date in the field was February 6, 2020. There is a drawing to accompany this description of even date herewith.



Coleen M. Johnson, RPLS
Registered Professional Land Surveyor
Texas Registration No. 4871
Wantman Group, Inc.
2021 East 5th Street, Suite 200
Austin, Texas 78702
TBPELS Firm No. 10194509

Feb. 27, 2020

Date



ABBREVIATIONS LEGEND:

- () = RECORD INFORMATION PER DOC. NO. 2004018911
- [] = RECORD INFORMATION PER DOC. NO. 2015085305
- { } = RECORD INFORMATION PER DOC. NO. 9667620
- R.P.R.T.C.T. = REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- FND. = FOUND
- O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.G. = PAGE
- P.O.B. = POINT OF BEGINNING
- R/W = RIGHT OF WAY

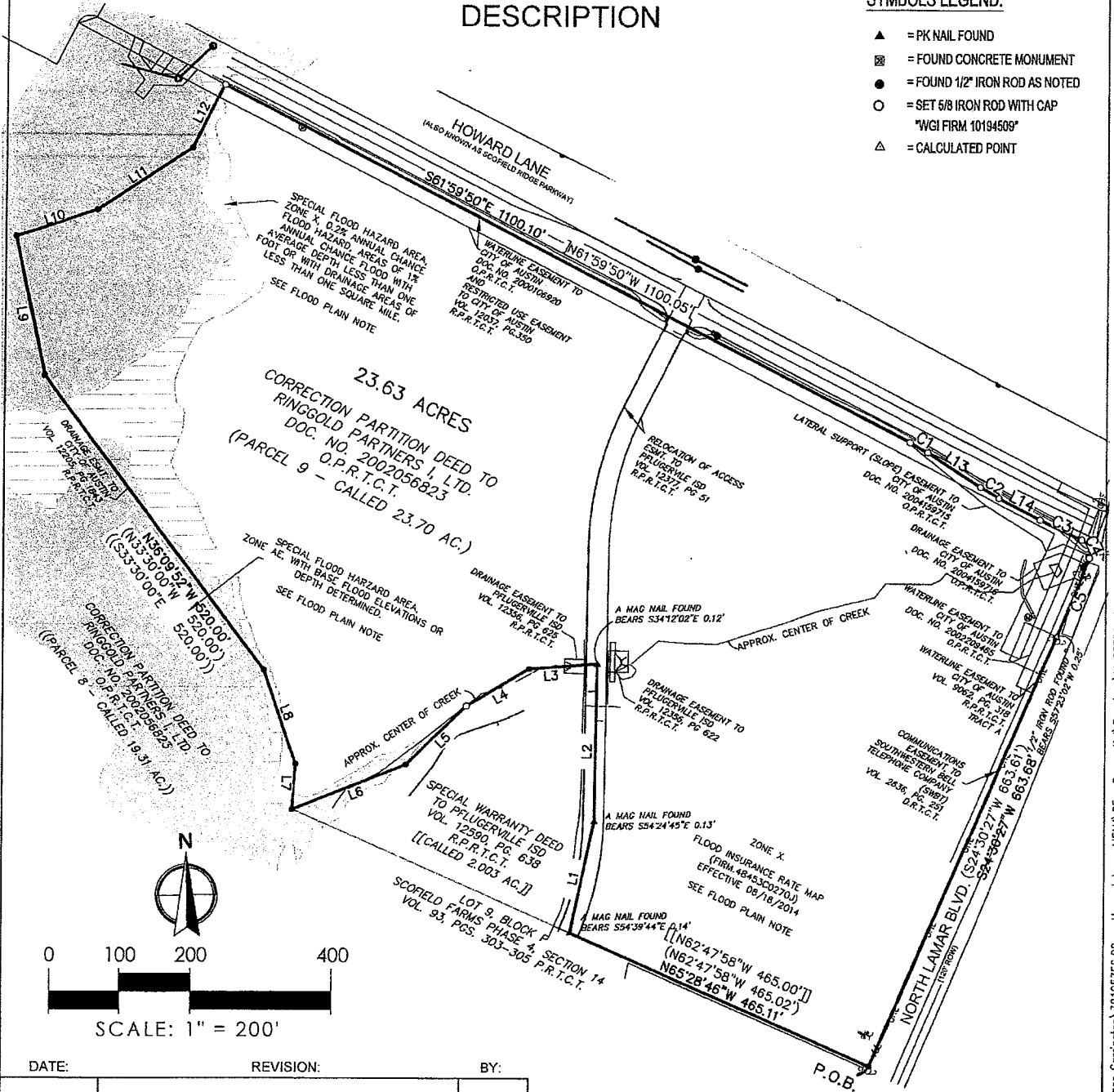


2021 East 5th Street Suite 200 Austin, TX 78702
 Phone No. 866.909.2220
 TBPELS Survey Firm No. 10194451

**CYPRESS CREEK
 REZONING TRACT
 DRAWING TO ACCOMPANY
 DESCRIPTION**

SYMBOLS LEGEND:

- ▲ = PK NAIL FOUND
- ⊠ = FOUND CONCRETE MONUMENT
- = FOUND 1/2" IRON ROD AS NOTED
- = SET 5/8" IRON ROD WITH CAP
 WGI FIRM 10194509
- △ = CALCULATED POINT



DATE: _____ REVISION: _____ BY: _____

			OFFICE	RA/CJ	DATE 02/27/2020	JOB	5358.01
			CHECKED	CJ	SHEET 1 OF 3	DWG	V-535801-SP000 Rezoning

CYPRESS CREEK
REZONING TRACT
DRAWING TO ACCOMPANY
DESCRIPTION



2021 East 5th Street Suite 200 Austin, TX 78702
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CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	29.15	290.50	05°44'57"	29.14	S59°07'21"E
(C1)	29.15	290.50	05°44'57"	29.14	N59°07'21"W
C2	31.06	309.50	05°45'00"	31.05	S59°07'21"E
(C2)	31.06	309.50	05°44'57"	31.04	N59°07'21"W
C3	65.72	834.50	04°30'44"	65.70	S64°15'12"E
(C3)	65.72	834.50	04°30'44"	65.70	N64°15'12"W
C4	30.90	20.00	88°31'19"	27.92	S22°14'54"E
(C4)	30.90	20.00	88°31'21"	27.92	N22°14'54"W
C5	119.80	2801.81	02°26'59"	119.79	S23°14'16"W
(C5)	119.79	2801.81	02°26'59"	119.79	S23°14'16"W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N13°04'51"E	160.87'
(L1)	N15°46'10"E	160.87'
[[L1]]	S15°46'10"W	160.85'
L2	N01°39'24"E	222.12'
(L2)	N04°20'18"E	222.08'
[[L2]]	S04°20'18"W	222.08'
L3	S86°37'59"W	97.17'
(L3)	S89°24'04"W	97.26'
[[L3]]	N89°21'08"E	97.14'
L4	S60°13'34"W	104.12'
(L4)	S62°53'24"W	104.11'
[[L4]]	N62°54'33"E	104.16'
L5	S47°06'23"W	118.84'
(L5)	S49°46'14"W	118.84'
[[L5]]	N49°44'27"E	118.87'
L6	S69°26'19"W	173.15'
(L6)	S72°09'08"W	173.16'
[[L6]]	N72°08'51"E	173.41'

LINE TABLE		
LINE	BEARING	DISTANCE
L7	N04°55'27"E	64.13'
(L7)	N07°40'00"E	64.00'
((L7))	N07°40'00"E	64.00'
L8	N18°10'07"W	139.94'
(L8)	N15°29'39"W	140.02'
((L8))	S15°30'00"E	140.00'
L9	N10°41'54"W	199.84'
(L9)	N08°00'00"W	200'
((L9))	S08°00'00"E	200'
L10	N72°18'27"E	119.94'
(L10)	N75°00'00"E	120.00'
((L10))	S75°00'00"W	120.00'
L11	N57°18'28"E	160.02'
(L11)	N60°00'00"E	160.00'
((L11))	S60°00'00"W	160.00'
L12	N27°59'18"E	99.78'
(L12)	N30°40'50"E	100.00'
((L12))	S30°40'50"W	150.00'
L13	S56°14'53"E	89.67'
]L13[N56°14'53"W	89.66'
L14	S61°59'49"E	66.29'
]L14[N61°59'49"W	66.28'

DATE: REVISION: BY:

			OFFICE	RAV/CJ	DATE 02/27/2020	JOB 5358.01
			CHECKED	CJ	SHEET 2 OF 3	DWG V-535801-SP000 Rezoning

CYPRESS CREEK
REZONING TRACT
DRAWING TO ACCOMPANY
DESCRIPTION



2021 East 5th Street Suite 200 Austin, TX 78702
Phone No. 866.909.2220
TBPELS Survey Firm No. 10194451

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE 4203 (NAD83/2011). ALL DISTANCES SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00010. UNITS: U.S. SURVEY FEET.
2. THERE IS A METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith.
3. THERE ARE FENCES AND OTHER UTILITIES/IMPROVEMENTS ON THIS TRACT NOT SHOWN HEREON.
4. THERE ARE EASEMENTS AND OTHER MATTERS OF RECORD THAT AFFECT THIS TRACT THAT ARE NOT SHOWN HEREON.

I, Coleen M. Johnson, a Registered Professional Land Surveyor, do hereby certify that this description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision. The last date in the field was February 6, 2020.

Coleen M. Johnson

Feb. 27, 2020
Date

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DATE:	REVISION:	BY:	OFFICE	RA/CJ	DATE	JOB
					02/27/2020	5358.01
			CHECKED	CJ	SHEET 3 OF 3	DWG V-535801-SP000 Rezoning

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