

Zoning Case No. C14-2019-0059

RESTRICTIVE COVENANT

OWNER:

Sunoco Retail, LLC, a Pennsylvania limited liability company

OWNER ADDRESS:

8111 Westchester Drive Dallas, Texas 75225

CITY:

CITY OF AUSTIN, TEXAS, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and

Williamson

CITY's ADDRESS:

P.O. Box 1088

Austin, Travis County, Texas 78767-1088

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: 0.510 acre (called .509 acre) tract of land situated in Travis County, Texas, out of the Santiago Del Valle Survey, Abstract No. 24, Travis County, Texas being the remainder of Tract "A", DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 176, Plat Records of Travis County, Texas, said .510 acres of land being more particularly described by metes and bounds in the attached Exhibit "A", and

Tract 2: Lot 1, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" and TRACT "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, of the Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Deed recorded in Document No. 2013182042, in the Official Public Records of Travis County, Texas, and

Tract 3: Lot 2, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Deed recorded in Document No.

2013219837, in the Official Public Records of Travis County, Texas, and

Lot 3, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.029 acre parcel of land conveyed to the State of Texas in Document No. 2013219835, in the Official Public Records of Travis County, Texas, and

Tract 4: Lot 1, Block 1, Tract "C", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT a 0.03 acre parcel of land conveyed to the State of Texas in Document Nos. 2015059076 and 2017159365, in the Official Public Records of Travis County, Texas, and

Lot 2, Block 1, Tract "C", RESUBDIVISION OF TRACT "B" & "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Plat Records of Travis County, Texas, SAVE and EXCEPT 0.03 acre parcel of land conveyed to the State of Texas in Document No. 2015093699, in the Official Public Records of Travis County, Texas, and

<u>Tract 5:</u> Lot 3, Block 8, DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 176, Plat Records of Travis County, Texas, and

Tract 6: Lots 5 & 6, Block 1, Tract "B", RESUBDIVISION OF TRACT "B" & TRACT "C" OF DAVIDSON CITY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 719, Page 1, Deed Records of Travis County, Texas (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. 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 April 14. 2021. 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.

, 2021.

EXECUTED this the _____day of _____

	Owner: Sunoco Retail, LLC, a Pennsylvania limited liability company
	Vincent Record, Senior Manager
THE STATE OF TEXAS COUNTY OF	§ - §
This instrument was 2021, by Vincent Record, as Secompany, on behalf of said con	acknowledged before me on this the 30 day of August mior Manager of Sunoco Retail, LLC, a Pennsylvania liability mpany. Notary Public, State of Texas

MARYANNE MURIAKIARA MY COMMISSION EXPIRES 05-21-2025 NOTARY ID: 13311617-1



Professional Land Surveying, Inc. Surveying and Mapping

Office: 512-443-1724 Fax: 512-389-0943

3500 McCall Lane Austin, Texas 78744

0.510 ACRES
TRAVIS COUNTY, TEXAS
SANTIAGO DEL VALLE SURVEY, ABSTRACT 24

LEGAL DESCRIPTION OF A 0.510 ACRE (CALLED 0.509 ACRE) TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF TRACT "A" OF THE DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 4, PAGE 176 OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED BY DEED DATED APRIL 11, 2001, CONVEYED FROM FRANCES STEWART, EXECUTOR TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. 2001055262 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND LATER CONVEYED TO STRIPES LLC IN DOCUMENT NO. 2016030955; SAID 0.509 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found in the southwesterly right-of-way line of Eva Street (50-foot R.O.W.) for the east corner of said 0.509 acre tract, same being the north corner of Lot 6, Block 1, Resubdivision of Tract B and C of the Davidson City Addition, a subdivision recorded in Volume 719, page 1, Plat Records of Travis County, Texas;

THENCE, S 41°52'05" W a distance of 277.91 feet to a TXDOT ½" iron rod with aluminum cap for the south corner of said 0.509 acre tract and the west corner of Lot 1, Block 1 of said Resubdivision of Tract B and C; same also being the north corner of that certain 0.029 acre tract described as Parcel 58 conveyed to the State of Texas for right-of-way purposes in Document No. 2013182042 of the Official Public Records of Travis County, Texas;

THENCE, with the northeasterly right-of-way line of State Highway 71 (R.O.W. varies), **N 60°57'58"W** a distance of **29.21 feet** to a cut-back corner in said R.O.W. line for an angle point of said 0.509 acre tract;

THENCE, N 05°38'00"W a distance of 61.03 feet to a ½" iron rod set with cap stamped "Chaparral" at the south corner of that certain 0.0022 acre tract described as Parcel 20-Part 1 conveyed to the State of Texas in Document 2014116365 for another cut-back corner in said R.O.W. line and an angle point of said 0.509 acre tract;

THENCE, with the common line of said Parcel 20-Part 1 and said 0.509 acre tract, N 13°47'42" E a distance of 30.00 feet to a ½" iron rod set with cap stamped "Chaparral" at a cut-back corner of the northeasterly intersection of said SH 71 and Alice Avenue (50-foot R.O.W.), from which a TXDOT Type II Monument at the west corner of said Parcel 20-Part 1 bears S 41°58'27" W a distance of 13.51 feet;

THENCE, with the southeasterly right-of-way line of said Alice Avenue and the northwesterly line of said 0.509 acre tract **N 41°58'27" E** a distance of **197.01 feet** to a ½ Iron pipe found in the southwesterly right-of-way line of said Eve Street for the north corner of said 0.509 acre tract;

THENCE, with said southwesterly right-of-way line of said Eve Street S 60°51'14" E a distance of 89.42 feet to the POINT OF BEGINNING, containing 0.509 acre of land, more or less.

Surveyed on the ground August 13, 2021.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone (4203).

Cal J Flugal 8-11-2021
Paul J. Flugal

Registered Professional Land Surveyor

State of Texas No. 5096 TBPELS Firm No. 10124500 AN ALTA/NSPS LAND TITLE SURVEY AND TOPOGRAPHIC & TREE SURVEY OF 1.573 ACRES (APPROXIMATELY 89,531 SQ. PT.) IN THE SANTIAGO DEL VALLE SURVEY ABSTRACT 24, TRAVIS COUNTY, TEXAS, CONSISTING OP:

TRACT 1: BEING A 0.12 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLEY SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE FRACT "OF THE DEED RECORDES FRACT TO" AND THAT TEXAS, AND BEING THE SARET TRACT OF LAND DESCRIBED BY WARRANTY DEED AND AND THAT TEXAS, AND BEING THE SARET TO FLAND BEING THE SARET TO BEING THE SARET TO BEING THE SARET TO BEING THOUSE THE SARET TO BE THE OFFICIAL FUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND SERVED THE OFFICIAL FUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND SERVED THE OFFICIAL FUBLIC RECORDS. TRAVIS COUNTY, TEXAS,

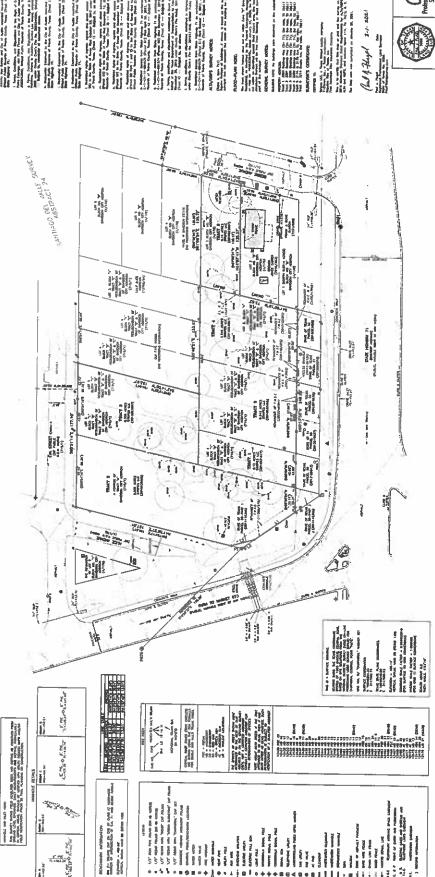
TRACT 2: BEING A 0.509 ACRE TRACT OF LAND SITUATED IN TRANS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF TRACT SAME TRACT OF LAND DESCRIBED BY DEED DATED ARED AND PEAT THEREOF RECORDED IN VOLIME 4, PAGE 176 OF THE PLAT BECORDES, TAVIS COUNTY, TEXAS, AND BEING THE DEFICIAL PUBLIC RECORDS. TRAVIS COUNTY, TEXAS.
TRAVIS COUNTY, TEXAS.

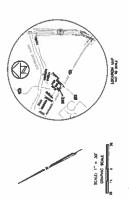
TRACT 3: BEING A 0.243 ACRE TRACT OF LAND STUATED IN TRAVES COUNTY, TEXAS, OUT OF THE SANTLAGO DEL VALLE SURVEY, ABSTRACT 24, TRACT SEED THAT SEED BRING THE REMAINDER OF LOYS 2 & 3, BLOCK AND THE DEED THE SEED SEED SEED THE SEED SHALL SEED THE SEED SHALL SHALL SEED SHALL SEED SHALL SEED SHALL SEED SHALL SHALL SEED SHALL SEED SHALL SHALL SHALL SEED SHALL SHAL

TRACT 4: BEING A 0.248 ARE TRACT OF LAND SITUATED IN TRANS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAUS COUNTY, TEXAS, BEING THE RESUBBINSON OF TRACT DE "F. "TRACT" C", ADVIDON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 718, PAGE 1 0F THE DEED RECORDES. TRAVIS COUNTY, TEXAS, AND BEING THE SANTHALSHED BY WARRANTY DEED WITH VENDER'S LEN DATED JANUARY 10, 1877, CONVEYED FROM LINUEL HUNTER TO PETRA COLUMNY, TEXAS.

TRACT S: BEING A 0.300 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING LOTS 5 & 6, BLOCK 1, TRACT "B" OF TEXAS SENDENCIADO FRACT TO FACE TO PERCY ADDITIONAL OF THE DESCRIBED IN VOLUME 710, PAGE 1 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE TARE TO PETRA C. PLORES AS RECORDED IN VOLUME 12707, PAGES 800 AND 805, RESPECTIVELY, OF THE REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS,

TRACT 6: BEING A 0.15 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING LOT 3, BLOCK 8 OF THE DAYDSON CITY ADDITION ACCORDING TO THE REAGINED MAP AND PLAT THEREOF RECORDED IN VOLUME 12 TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF AND DESCRIBED BY WARRANTY DEED DATED JANUARY 20, 1995, CONVEYED FROM JULIA PETRA COLUNGA FLORES AS RECORDED IN VOLUME 12356, PAGE 5 OF THE REAL PROPERTY RECORDS, TRAVIS, COUNTY, TEXAS.





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APPROVED AS TO FORM:

Name:	
Assistant City Attorney	
City of Austin	

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