

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

Tract 5: 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.

EXECUTED this the _____ day of _____, 2021.

Owner:

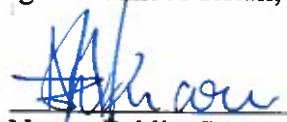
Sunoco Retail, LLC, a Pennsylvania limited liability company



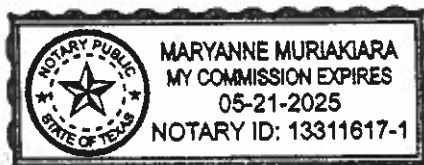
Vincent Record, Senior Manager

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this the 30 day of August 2021, by Vincent Record, as Senior Manager of Sunoco Retail, LLC, a Pennsylvania liability company, on behalf of said company.



Notary Public, State of Texas





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 1/2" 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 1/2" 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 1/2" 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 1/2" Iron pipe found in the southwesterly right-of-way line of said Eva Street for the north corner of said 0.509 acre tract;

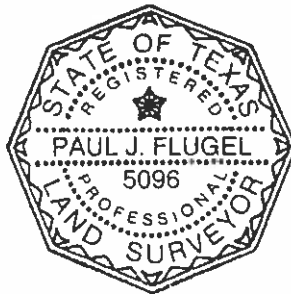
THENCE, with said southwesterly right-of-way line of said Eve Street **S 60°51'14" E** a distance of **89.42 feet** to the **POINT OF BEGINNING**, containing 0.509 acre of land, more or less.

Surveyed on the ground August 13, 2021.

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

Paul J. Flugel 8-16-2021

Paul J. Flugel
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 68,531 SQ. FT.) IN THE SANTIAGO DEL VALLE SURVEY ABSTRACT 24, TRAVIS COUNTY, TEXAS, CONSISTING OF:

TRACT 1: BEING A 0.12 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 LOT 1, BLOCK 1, TRACT "B" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 719, PAGE 1 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY WARRANTY DEED DATED APRIL 4, 2008, CONVEYED FROM JOHNNIE MAE EMMES TO BENNY HOWARD AS RECORDED IN INSTRUMENT NO. 2008056657 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

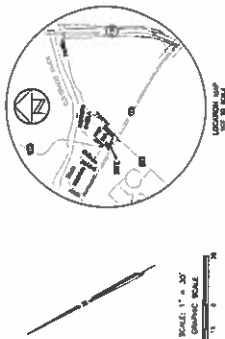
TRACT 2: BEING A 0.600 ACRE TRACT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT 24, TRAVIS COUNTY, TEXAS, BEING THE REMAINDER OF TRACT "A" OF THE DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 4, PAGE 176 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED BY DEED DATED APRIL 11, 2001, CONVEYED FROM FRANKES STEWART, EXECUTOR TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. 2001045598 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 3: BEING A 0.243 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 LOTS 2 & 3, BLOCK 1, TRACT "B" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 719, PAGE 1 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY GENERAL WARRANTY DEED DATED JULY 15, 2015, CONVEYED FROM JONAH M. HUTCHINS, ET AL TO DON BLACKMON AS RECORDED IN INSTRUMENT NO. 2015116716 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 4: BEING A 0.249 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 LOTS 1 & 2, BLOCK 1, TRACT "B" & TRACT "C" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 719, PAGE 1 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY WARRANTY DEED DATED JANUARY 10, 1977, CONVEYED FROM LIMUEL HUNTER TO PETRA COLUNGA AND FRANK FLORES AS RECORDED IN VOLUME 6590, PAGE 486 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRACT 5: 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 THE REMAINDER OF LOTS 3, 4 & 5, BLOCK 1, TRACT "B" OF THE RESUBDIVISION OF TRACT "B" & TRACT "C", DAVIDSON CITY ADDITION, ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 719, PAGE 1 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY WARRANTY DEED DATED AUGUST 22, 1996, CONVEYED FROM DEL VALLE L.S.D., TRUSTEE TO PETRA C. FLORES AS RECORDED IN VOLUME 12707, PAGES 690 AND 803, 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 DAVIDSON CITY ADDITION ACCORDING TO THE ESTABLISHED MAP AND PLAT THEREOF RECORDED IN VOLUME 4, PAGE 176 OF THE DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED BY WARRANTY DEED DATED JANUARY 20, 1995, CONVEYED FROM JULIA PETRA COLUNGA FLORES AS RECORDED IN VOLUME 12558, PAGE 3 OF THE REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.



TITLE COMMITMENT NOTE

CHANGEMASTER FOR THE ALTA/NSPS SURVEYING FIRM:

Maple, Inc. of Texas, Inc.

10000 West Loop West, Suite 1000

West Loop, Texas 75403

Phone: (714) 444-4444

Fax: (714) 444-4444

Internet: www.mapleinc.com

Maple, Inc. of Texas, Inc. is a member of the National Association of Professional Surveyors (NAPS).

Maple, Inc. of Texas, Inc. is a member of the Texas Society of Professional Surveyors (TSPS).

Maple, Inc. of Texas, Inc. is a member of the American Society of Professional Surveyors (ASPS).

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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