

**RESTRICTIVE COVENANT**

OWNER: Home Plate Properties, a Texas non-profit corporation

OWNER ADDRESS: 500 East St. Johns Avenue, Suite 1.420  
Austin, Texas 78752

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: 17.136 acres of land, out of and a part of the James Burleson  
Survey No. 19, Abstract No. 4, and being a portion of that certain  
tract of land conveyed to the Rites of Passage Development,  
recorded in Volume 12494, Page 2576, Real Property Records in  
Travis County, Texas, said 17.136 acres of land being more  
particularly described by metes and bounds in **“Exhibit “A”**  
incorporated into this restrictive covenant,

and

16.002 acres of land, out of and a part of the James Burleson  
Survey No. 19, Abstract No. 4, and being a portion of that certain  
tract of land conveyed to the Rites of Passage Development,  
recorded in Volume 12494, Page 2572, Real Property Records in  
Travis County, Texas, said 16.002 acres of land being more  
particularly described by metes and bounds in **Exhibit “B”**  
incorporated into this restrictive 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 HDR Engineering, Inc., dated March 9, 2021, and the subsequent updates received on September 10, 2021, January 13, 2022, January 31, 2022, February 15, 2022 and February 16, 2022, 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 February 17, 2022 (“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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Owner:

Home Plate Properties, a Texas non-profit corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Director

**THE STATE OF \_\_\_\_\_ §**  
**COUNTY OF \_\_\_\_\_ §**

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, Director, of Home Plate Properties, a Texas non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Assistant City Attorney  
City of Austin

**EXHIBIT A**  
**Description of Tract 1**

FIELD NOTE DESCRIPTION FOR TRACT 1, A 17.136 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, AND BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE RITES OF PASSAGE DEVELOPMENT, INC. FROM JOHN SCARDINO AND HAYTHEM S. DAWLETT, DATED JUNE 01, 1995, RECORDED IN VOLUME 12494, PAGE 2576, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an iron rod found, for the Northwest comer of that certain tract of land conveyed to the City of Austin from the Lumbermen's Investment Corporation, dated August 09, 1974, recorded in Volume 5000, Page 1992, Deed Records of Travis County, Texas, and the Northeast comer of that certain tract of land conveyed to the City of Austin from the Rites of Passage Development, Inc., dated October 15, 1996, recorded in Volume 12805, Page 2230, Real Property Records of Travis County, Texas, and for the for the Northeast comer of the said Rites of Passage tract;

THENCE with the east line of the said Rites of Passage tract and the west line of the said City of Austin tract, South  $26^{\circ}46'22''$  West, a distance of 10.55 feet to a calculated point in the south right of way line of Loyola Lane, for the Southeast comer of the said City of Austin tract, recorded in Volume 12805, Page 2230, Real Property Records of Travis County, Texas, for the Northeast comer and POINT OF BEGINNING of the herein described tract;

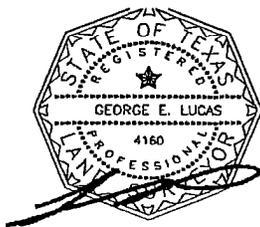
TIENCE continuing with the east line of the said Rites of Passage tract and the west line of the said City of Austin tract, South  $26^{\circ}46'22''$  West, a distance of 942.73 feet to an iron rod found in the north line of Sendero Hills, Phase 3, a subdivision recorded in Document No. 200600383, Official Public Records of Travis County, Texas, for the Southwest comer of the said City of Austin tract, for the Southeast comer of the said Rites of Passage tract, and for the Southeast comer of this tract;

TIENCE with a north line of said Sendero Hills and the south line of the said Rites of Passage tract, North  $63^{\circ}16'08''$  West, a distance of 791.50 feet to an iron rod found, for an interior comer of said Sendero Hills, for the Southwest comer of the said Rites of Passage tract, and for the Southwest comer of this tract;

THENCE with the west line of the said Rites of Passage tract, North 27° 37' 13" East, at a distance of 484.44 feet pass a Northeast corner of said Sendero Hills and the Southeast corner of that certain tract of land conveyed to Agave Sendero Investments, Ltd, recorded in Document No. 2014064513, Official Public Records of Travis County, Texas, in all a total distance of 960.45 feet to a calculated point in the south right of way line of said Loyola Lane, for the Southwest corner of the said City of Austin tract, recorded in Volume 12805, Page 2230, Real Property Records of Travis County, Texas, for the Northeast corner of the said Agave Sendero tract, and for the Northwest corner of this tract; from which an iron rod found, for the Northwest corner of the said City of Austin tract and the Northwest corner of the said Rites of Passage tract, bears North 27° 37' 13" East, a distance of 10.56 feet;

THENCE through the said Rites of Passage tract, and with the south right of way line of said Loyola Lane and with the south line of the said City of Austin tract, South 61° 58' 17" East, a distance of 777.48 feet to the POINT OF BEGINNING, containing 17.136 acres of land, more or less.

CELCO Surveying  
2205 Stonecrest Path  
New Braunfels, Texas 78130  
Firm Registration No. 10193975



BY: GEORGE E. LUCAS  
R.P.L.S. No. 4160

**EXHIBIT B**  
**Description of Tract 2**

FIELD NOTE DESCRIPTION FOR TRACT 2, A 16.002 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, -AND BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, AND BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE RITES OF PASSAGE DEVELOPMENT, INC. FROM JOHN SCARDINO AND HAYTHEM S. DAWLETT, DATED JUNE 01, 1995, RECORDED IN VOLUME 12494, PAGE 2572, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at an iron rod found, for the Northeast comer of that certain tract of land conveyed to the City of Austin from the Lumbermen's Investment Corporation, dated August 09, 1974, recorded in Volume 5000, Page 1992, Deed Records of Travis County, Texas, and the Northwest comer of that certain tract of land conveyed to the City of Austin from the Rites of Passage Development, Inc., dated October 15, 1996, recorded in Volume 12805, Page 2211, Real Property Records of Travis County, Texas, and for the for the Northwest comer of the said Rites of Passage tract;

THENCE with the west line of the said Rites of Passage tract and the east line of the said City of Austin tract, South  $26^{\circ}44'17''$  West, a distance of 9.57 feet to a calculated point in the south right of way line of Loyola Lane, for the Northwest comer and POINT OF BEGINNING of the herein described tract;

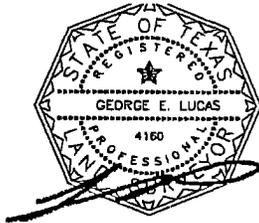
THENCE with the south right of way line of Loyola Lane and the south line of the said City of Austin tract recorded in Volume 12805, Page 2211, Real Property Records of Travis County, Texas, and through the said Rites of Passage tract, South  $61^{\circ}56'02''$  East, a distance of 765.70 feet to an iron rod found in the east line of the said Rites of Passage tract, for the Northwest comer of ID'S Comer, a subdivision recorded in Document No. 201300272, Official Public Records of Travis County, Texas, for the Southeast comer of the said City of Austin tract, and fm; the Northeast comer of this tract;

THENCE with the west line of said ID'S Comer and the east line of the said Rites of Passage tract, South  $29^{\circ}09'03''$  West, a distance of 927.81 feet to an iron rod found in the north line of that certain tract of land conveyed to Hidden Valley MHC, LLC, from CGJS, Ltd., et al, dated March 20, 2015, recorded in Document No. 2015041825, Official Public Records of Travis County, Texas, for the Southwest comer of said ID'S Comer, for the Southeast comer of the said Rites of Passage tract, and for the Southeast comer of this tract;

THENCE with the north line of the said Hidden Valley tract and the south line of the said Rites of Passage tract, North 62° 59' 18" West, a distance of 726.45 feet to an iron rod found, for the Southeast corner of the said City of Austin tract, recorded in Volume 5000, Page 1992, Deed Records of Travis County, Texas, for the Southwest corner of the said Rites of Passage tract, and for the Southwest corner of this tract;

THENCE with the east line of the said City of Austin tract and the west line of the said Rites of Passage tract, North 26° 44' 17" East, a distance of 941.26 feet to the POINT OF BEGINNING, containing 16.002 acres of land, more or less.

CELCO Surveying  
2205 Stonecrest Path  
New Braunfels, Texas 78130  
Firm Registration No. 10193975



BY: GEORGE E. LUCAS  
R.P.L.S. No. 4160  
State of Texas  
February 09, 2018  
2018-0211-Tr 2

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