110
HPD

Zoning Case Nos. C14-2021-0157

RESTRICTIVE COVENANT

OWNER: Regiene Holdings, LLC, a Texas limited liability company

OWNER ADDRESS: 701C South Lamar Boulevard, Austin, TX 78704

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: 4.2633 acres (185,709 square feet) of land, out of the James Burleson Survey No. 19, Abstract No. 4 in Travis County, Texas, said 4.2633 acres of land being more particularly described by metes and bounds in **Exhibit "A"** 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 WGI Engineering, dated December 11, 2020, and updated on June 14, 2021 and July 28, 2021, 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 10, 2021 ("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:

Regiene Holdings, LLC, a Texas limited liability company

By: _____
Daryl Kunik, Manager

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2022, by Daryl Kunik, Manager, of Regiene Holdings, LLC, a Texas limited liability company, on behalf of the company.

_____
Notary Public, State of Texas

EXHIBIT "_____"

TBPLS Firm #10174300
PO Box 90876
Austin, TX 78709
512.537.2384
www.4wardls.com

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 4.2633 ACRES (185,709 SQUARE FEET) OUT OF THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, IN TRAVIS COUNTY, TEXAS, BEING (1) ALL OF LOT 1 OF THE BURR-DAY PARTNERSHIP, A SUBDIVISION RECORDED IN VOLUME 87, PAGE 74D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), CONVEYED TO DOROTHY M. REGIENE IN VOLUME 11593, PAGE 1092 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), AND TO VICTORIA MAE GABLE ET AL. IN DOCUMENT NO. 2004026977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), (2) ALL OF A 0.32 ACRE TRACT CONVEYED TO KATHRYN ANN POOL IN DOCUMENT NO. 2004026975 (O.P.R.T.C.T.), (3) ALL OF A 0.31 ACRE TRACT CONVEYED TO WILLIAM JOHN REGIENE IN DOCUMENT NO. 2004026974 (O.P.R.T.C.T.), AND (4) ALL OF A 0.47 ACRE TRACT CONVEYED TO VICTORIA MAE GABLE IN DOCUMENT NO. 2004026978 (O.P.R.T.C.T.), SAID 4.2633 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found at a corner in the east right-of-way line of Regiene Road (right-of-way varies, dedicated in Volume 1795, Page 249 of the Deed Records of Travis County, Texas (D.R.T.C.T.)), and being the southwest corner of said Gable tract, for the southwest corner and **POINT OF BEGINNING** hereof;

THENCE, with the east right-of-way line of said Regiene Road and the west and north lines of said Gable tract, the following two (2) courses and distances:

1) **N03°53'26"W**, a distance of **183.74** feet to a 1/2-inch iron pipe found for an exterior ell-corner hereof, and
2) **S85°31'39"E**, a distance of **15.12** feet to a 1/2-inch iron pipe found for an interior ell-corner hereof, said point being a southwest corner of said Lot 1;

THENCE, with the east right-of-way line of said Regiene Road and the west line of said Lot 1, the following three (3) courses and distances:

1) **N03°44'50"W**, a distance of **53.11** feet to a 1/2-inch iron rod found for a point of curvature hereof,
2) Along the arc of a curve to the left, having an arc length of **142.05** feet, having a radius of **175.37** feet, and a chord that bears **N27°06'28"W**, a distance of **138.20** feet to a calculated point for a point of tangency hereof, and
3) **N50°15'04"W**, a distance of **5.36** feet to a 1/2-inch iron rod found for an exterior ell-corner hereof, said point being a corner in the east right-of-way line of said Regiene Road, and being in the east line of a called 1.08 acre tract conveyed to George I., Jr., and Barbara J. Kurachi in Document No. 2001031539 (O.P.R.T.C.T.), and being a southwest corner of said Lot 1;

THENCE, with the west line of said Lot 1, in part with the east line of said Kurachi tract, and in part with the east line of a called 0.500 acre tract conveyed to J.H. Harold in Volume 3101, Page 1204 (D.R.T.C.T.), **N25°20'23"E**, passing at a distance of 266.95, a calculated point at the common east corner of said Kurachi tract and said Harold tract, from which calculated corner, a 1/2-inch iron rod found bears N51°49'23"W, a

Exhibit A

distance of 1.27 feet, and continuing for a total distance of **349.99** feet to a 1/2-inch iron pipe found for the northwest corner hereof, said point being an angle point in the south line of Lot 2A, Resubdivision of Lot 1, Motorola Inc. Ed Bluestein Facility, recorded in Document No. 200600304 (O.P.R.T.C.T.), and being the common north corner of said Harold tract and said Lot 1;

THENCE, with the common line of said Lot 2A and said Lot 1, **S59°11'32"E**, a distance of **292.78** feet to a 1.5-inch iron pipe found for the northeast corner hereof, said point being at the northwest terminus of said Regiene Road, and being the northeast corner of said Lot 1;

THENCE, with the west right-of-way line of said Regiene Road, in part with the east line of said Lot 1, in part with the east line of said Regiene tract, and in part with the east line of said Pool tract, the following two (2) courses and distances:

1) **S10°56'27"W**, a distance of **247.79** feet to a 1/2-inch iron rod found for an angle point hereof, and
2) **S11°04'44"W**, passing at a distance of 125.16 feet, a 5/8-inch iron rod found at the common east corner of said Lot 1 and said Regiene tract, and continuing for a total distance of **324.35** feet to a cotton spindle found for the southeast corner hereof, said point being at the southeast corner of said Pool tract;

THENCE, with the north right-of-way line of said Regiene Road, in part with the south line of said Pool tract, and in part with the south line of said Gable tract, **N81°27'10"W**, a distance of **226.46** feet to the **POINT OF BEGINNING** and containing 4.2633 Acres (185,709 Square Feet) of land, more or less.

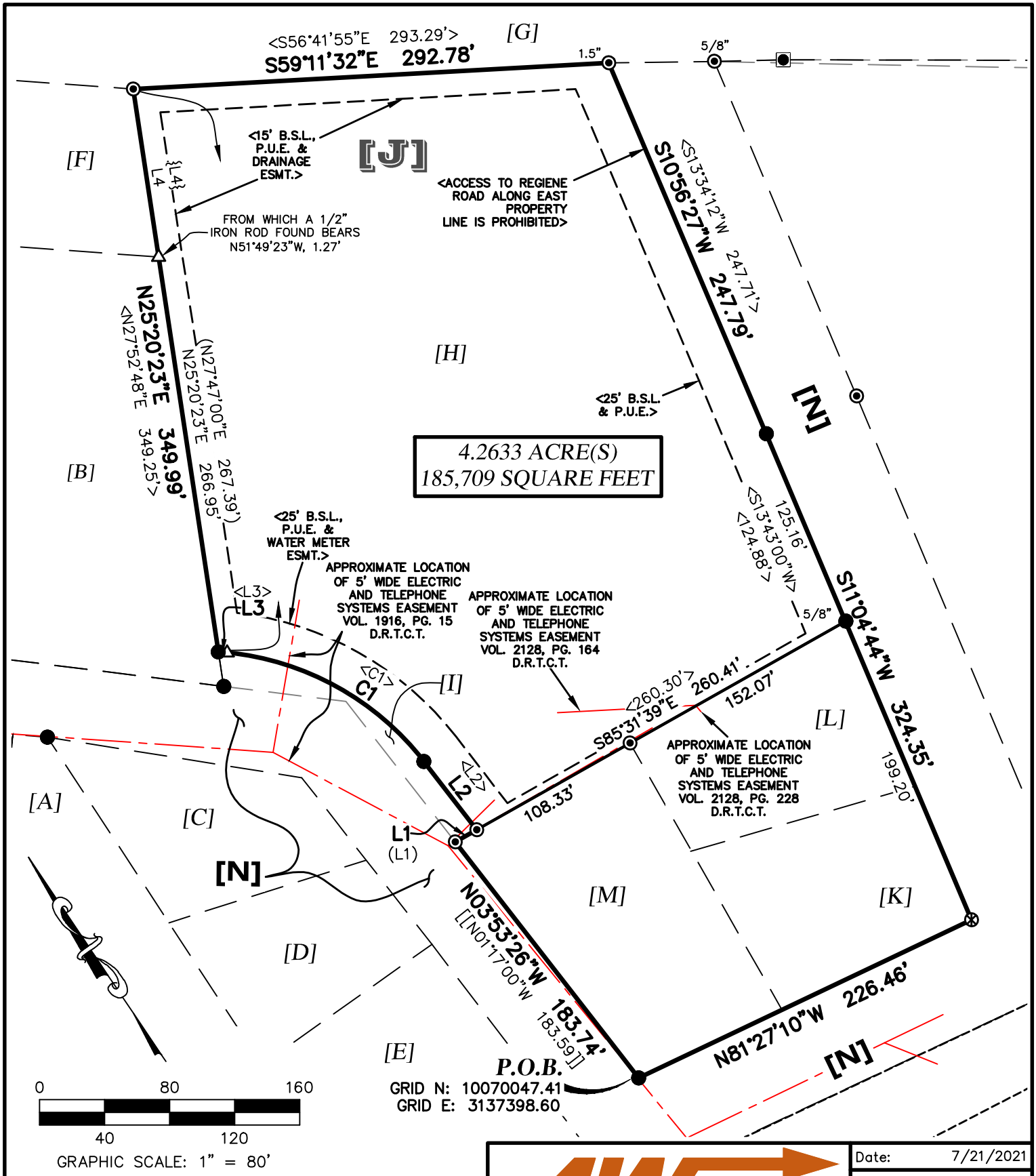
Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000029500981. See attached sketch (reference drawing: 01049_zoning-2.dwg.)

7/21/2021

Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC





4.2633 ACRES
City of Austin, Travis County, Texas

4WARD Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2021
Project:	01049
Scale:	1" = 80'
Reviewer:	SMD
Tech:	AK
Field Crew:	WC
Survey Date:	APR. 2021
Sheet:	1 OF 3

P:\01049\Dwg\01049_zoning-2.dwg

[A]
CALLED 1.4041 ACRE
(TRACT 1)
KUNICKO, LLC
DOC. NO. 2019143558
O.P.R.T.C.T.

[B]
CALLED 1.08 ACRES
GEORGE I. KURACHI, JR.
& BARBARA J. KURACHI
DOC. NO. 2001031539
O.P.R.T.C.T.

[C]
CALLED 0.237 ACRE
LAURIE LYNN ALKIER
DOC. NO. 2004026976
O.P.R.T.C.T.

[D]
CALLED 0.228 ACRE
LAURIE LYNN ALKIER
DOC. NO. 2004026976
O.P.R.T.C.T.

[E]
LOT 1
KURACHI SUBDIVISION
DOC. NO. 200400223
O.P.R.T.C.T.

[F]
CALLED 0.500 ACRE
J.H. HAROLD
VOL. 3101, PG. 1204
D.R.T.C.T.

[G]
LOT 2A
RESUBDIVISION OF LOT 1
MOTOROLA INC.
ED BLUESTEIN FACILITY
DOC. NO. 200600304
O.P.R.T.C.T.

[H]
LOT 1
BURR-DAY PARTNERSHIP
VOL. 87, PG. 74D
P.R.T.C.T.

[I]
CALLED 2,769 SQ. FT.
THE CITY OF AUSTIN
VOL. 9775, PG. 559
R.P.R.T.C.T.

[J]
JAMES BURLESON SURVEY NO. 19 ABSTRACT NO. 4

[K]
CALLED 0.32 ACRES
KATHRYN ANN POOL
DOC. NO. 2004026975
O.P.R.T.C.T.

[L]
CALLED 0.31 ACRES
WILLIAM JOHN REGIENE
DOC. NO. 2004026974
O.P.R.T.C.T.

[M]
CALLED 0.47 ACRES
VICTORIA MAE GABLE
DOC. NO. 2004026978
O.P.R.T.C.T.

[N]
REGIENE ROAD
(R.O.W. VARIES)
DEDICATED IN
VOL. 1795, PG. 249
D.R.T.C.T.

NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000029500981.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.

7/21/2021

STATE OF TEXAS
REGISTERED
STEVEN M. DUARTE
5940
PROFESSIONAL
LAND SURVEYOR

4.2633 ACRES
City of Austin, Travis County, Texas

4WARD Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2021
Project:	01049
Scale:	1" = 80'
Reviewer:	SMD
Tech:	AK
Field Crew:	WC
Survey Date:	APR. 2021
Sheet:	2 OF 3

P:\01049\Dwg\01049_zoning-2.dwg

LEGEND

———	PROPERTY LINE
— ——— —	EXISTING PROPERTY LINES
●	1/2" IRON ROD FOUND (UNLESS NOTED)
⊙	1/2" IRON PIPE FOUND (UNLESS NOTED)
△	CALCULATED POINT
⊗	COTTON SPINDLE FOUND
P.O.B.	POINT OF BEGINNING
VOL./PG.	VOLUME, PAGE
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DOC. NO. 2001031539
{.....}	RECORD INFORMATION PER VOL. 3101, PG. 1204
<.....>	RECORD INFORMATION PER PLAT VOL. 87, PG. 74D
[[.....]]	RECORD INFORMATION PER DOC. NO. 200426978

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S85°31'39"E	15.12'
L2	N03°44'50"W	53.11'
L3	N50°15'04"W	5.36'
L4	N25°20'23"E	104.50'

RECORD LINE TABLE

LINE #	DIRECTION	LENGTH
(L1)	S82°54'15"E	15.16'
<L2>	N01°17'00"W	53.09'
<L3>	N47°38'30"W	5.46'
{L4}	N27°47'00"E	103.39'

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
C1	142.05'	175.37'	46°24'35"	N27°06'28"W	138.20'

RECORD CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
<C1>	141.89'	175.37'	46°21'25"	N24°27'45"W	138.05'

4.2633 ACRES
City of Austin, Travis County, Texas

4WARD Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2021
Project:	01049
Scale:	1" = 80'
Reviewer:	SMD
Tech:	AK
Field Crew:	WC
Survey Date:	APR. 2021
Sheet:	3 OF 3

P:\01049\Dwg\01049_zoning-2.dwg

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