

Zoning Case No. C14-2021-0141**RESTRICTIVE COVENANT**

OWNER: Agave Brown, Ltd, a Texas limited partnership, by 1500 Oliver GP, LLC, a Texas limited liability company, its General Partner

OWNER ADDRESS: 1520 Oliver Street, Houston, Harris County, Texas 77007

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: 4708 Rogers Lane and 7902 West Rogers Lane, Austin, Texas 78724 (the "Property"), more particularly described in the attached **Exhibit "A"**.

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 June 14, 2022. 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 _____, 2022.

Owner:

Agave Brown, Ltd, a Texas limited partnership

By: 1500 Oliver GP, LLC, a Texas limited liability company, General Partner

By:

Frank M. K. Liu, Manager

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me, the undersigned notary, by Frank M. K. Liu, as Manager of 1500 Oliver GP, LLC, a Texas limited liability company as General Partner of Agave Brown Ltd., a Texas limited partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____.

[Seal]

Notary Public, State of _____

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: D. Rybicki, Paralegal



LEGAL DESCRIPTION

BEING A 17.28 ACRE TRACT OF LAND IN THE JAMES BURLESON LEAGUE, BEING COMPRISED OF THREE TRACTS OF LAND, BEING A CALLED 4.344 ACRE TRACT REFERRED TO AS "SECOND TRACT", A CALLED 13.016 ACRE TRACT REFERRED TO AS "THIRD TRACT", DESCRIBED IN VOL. 2450, PG. 289, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND A 1.00 ACRE SAVE AND EXCEPT TRACT SAID TRACTS BEING CONVEYED TO YOLANDA T. BROWN RECORDED IN DOCUMENT No. 2003297621, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 17.28 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a **5/8" iron rod found** in the east line of the herein described tract, same being the southeast corner of said "Third Tract" at the northeast intersection of Rogers Lane, a 50' right-of-way, and Rogers Lane West, a 50' right-of-way, located on the west boundary of a called 8.651 acre tract conveyed to Southwest Key Programs, Inc., recorded in Document No. 2015137733, Official Public Records of Travis County, Texas;

THENCE N61°47'01"W with a south boundary of the herein described tract, the south boundary of said "Third Tract" and the north right-of-way line of said Rogers Lane West, at a distance of 60.00' passing the southeast corner of said 1.00 acre tract, at a distance of 268.71' passing the southwest corner of said 1.00 acre tract, and continuing for a total distance of **765.75'** to a **1/2" iron rod found** for an interior corner of the herein described tract at the northwest corner of said Rogers Lane West, same being the northeast corner of said "Second Tract";

THENCE S28°21'08"W with an east boundary of the herein described tract, the east boundary of said "Second Tract" and the west right-of-way line of said Rogers Lane West, at a distance of 50.00' passing 1.7' right of a 1/2" iron pipe found at the southwest corner of said Rogers Lane West, being the northwest corner of Lot 8, Hidrogo and Navarro Subdivision, a subdivision of record in Volume 55, Page 88, Plat Records of Travis County Texas, and continuing for a total distance of **285.77'** to a **1/2" iron rod found** for the southeast corner of the herein described tract, the southeast corner of said "Second Tract", being the southwest corner of said Lot 8, in the north boundary line of a called 3.227 acre tract conveyed to Sam Meredith and wife Esther A. Meredith recorded in Volume 5261, Page 1594, Deed Records of Travis County, Texas;

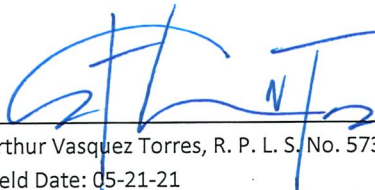
THENCE N61°22'19"W, with the south boundary of the herein described tract, the south boundary of said "Second Tract" at a distance of 641.82' passing 0.7' to the left of a 1/2" iron rod found near a fence corner, and continuing for a total distance of **652.32'** to a **1/2" iron rod found** for the southwest corner of the herein described tract, the southwest corner of said "Second Tract", the northwest corner of a called 6.47 acre tract conveyed to DAMAC Real Estate Investment recorded in Document No. 2018090593, Official Public Records of Travis County, Texas, being in the west boundary of a Boundary Line Agreement recorded in Volume 10324, Page 124 and Volume 10324, Page 140, Official Public Records of Travis County, Texas, same being the east line of Meadows at Trinity Crossing Phase 1-B, a subdivision of record in Volume 97, Page 46, Plat Records of Travis County, Texas;

THENCE N28°31'55"E, with the west boundary of the herein described tract, the east boundary of said Meadows at Trinity Crossing Phase 1-B, at a distance of 281.09' passing the northwest corner of said "Second Tract", the southwest corner of said "Third Tract" and continuing for a total distance of **675.25'** to a **1/2" iron rod found with cap stamped "Westwood"** for the northwest corner of the herein described tract, the northwest corner of said "Third Tract" and the southwest corner of a called 199.613 acre tract conveyed to M.H.C. Land Holdings LLC recorded in Document No. 2018149462, Official Public Records of Travis County, Texas;

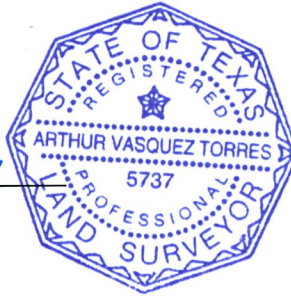
THENCE S62°17'07"E, with the north boundary of the herein described tract, the north boundary of said "Third Tract" at a distance of 1139.09' passing 0.3' to the right of a 1/2" iron rod found at the southeast corner of said 199.613 acre tract, same being the southwest corner of a called 26.34 acre tract conveyed to Hidden Valley M.H.C. LLC., recorded in Document No. 2015041825, Official Public Records of Travis County, Texas, continuing for a total distance of **1419.35'** to a **1" iron rod found** for the northeast corner of the herein described tract the northeast corner of said "Third Tract", and the northwest corner of a called 5.418 acre tract conveyed to Southwest Key Programs Inc., recorded in Document No. 2015137733, Official Public Records of Travis County, Texas;

THENCE S28°49'12"W, with the east boundary of the herein described tract, the east boundary of said "Third Tract" and partially with the west boundary line of said 5.418 acre tract for a distance of **406.60'** to the **POINT OF BEGINNING** containing **17.28 acres** more or less.

- A.) This field note description is produced in conjunction with an exhibit of same date.
- B.) This field note description is valid for this transaction only.
- C.) Basis of Bearings: Texas State Plane Coordinate System, Texas Central Zone.

 06.30.2021

Arthur Vasquez Torres, R. P. L. S. No. 5737
Field Date: 05-21-21
Job No.: SMS-LV596-21
Rev. 06-30-2021 (Added imp.to map)



4708 & 7902 ROGERS LANE

LEGEND

- WIRE FENCE —X—
CHAIN LINK FENCE —O—
IRON FENCE —I—
WOOD FENCE —//—
ESMT LINE —OHU—
OVERHEAD UTILITIES —OHU—
MH = MANHOLE
FNC = FENCE
FND = FOUND
ROW = RIGHT OF WAY
I.R. = IRON ROD
IP = IRON PIPE
PUE = PUBLIC UTILITY ESMT.
UE = UTILITY EASEMENT
O.P.R.T.C.TX = OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.TX = DEED RECORDS, TRAVIS COUNTY, TEXAS
P.R.T.C.TX = PLAT RECORDS, TRAVIS COUNTY, TEXAS
- X— FIRE HYDRANT
—O— WATER METER
—◇— UTIL. PEDESTAL
—MH— MANHOLE
—E— ELECT. BOX
—P— UTILITY POLE
—L— LIGHT STANDARD
—V— WATER VALVE
—T— PAD MOUNTED TRANSFORMER
—A/C— A/C PAD
—C— CONCRETE
—/— COVERED

NOTES:

PROPERTY SUBJECT TO RECORDED RESTRICTIONS, REGULATIONS, & ORDINANCES, IF ANY.

RESTRICTIVE COVENANTS AND EASEMENT RIGHTS RECORDED IN VOL. 1914, PG. 313, VOL. 3307, PG. 2395, VOL. 3658, PG. 224, VOL. 3814, PG. 1782 D.R.T.C.TX.

PROPERTY IS SUBJECT TO BOUNDARY LINE AGREEMENT IN VOLUME 10324, PAGE 124 AND VOLUME 10324, PAGE 140, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

PROPERTY IS NOT SUBJECT TO PIPELINE EASEMENT TO SINCLAIR REFINING COMPANY RECORDED IN VOLUME 889, PAGE 204, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

ABSTRACT INFORMATION PROVIDED HEREON IS BELIEVED TO BE SUFFICIENT AND CORRECT BY THE UNDERSIGNED SURVEYOR. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE ENCUMBRANCES OF RECORD, AS REFLECTED ON THIS SURVEY ARE BASED ON THE RECORDED MAP, PLAT AND/OR DEEDS IN CONJUNCTION WITH TITLE INFORMATION OBTAINED FROM THE TITLE REPORT LISTED HEREON.

OWNER/BUILDER MUST VERIFY MINIMUM PROPOSED FINISHED FLOOR REQUIREMENTS OF F.E.M.A. AND/OR LOCAL GOVERNMENT AUTHORITIES, INCLUDING APPLICABLE BENCHMARK DATUM AND ADJUSTMENT, PRIOR TO PLANNING AND/OR CONSTRUCTION.

ALL BUILDING LINES, RECORDED EASEMENTS, UNRECORDED EASEMENTS, BUILDING RESTRICTIONS (DEED RESTRICTIONS, ETC.) AND ZONING ORDINANCES, IF ANY, THAT AFFECT SUBJECT PROPERTY SHOULD BE VERIFIED.

THIS SURVEY DOES NOT ADDRESS ANY EAVES, GUTTERS OR OTHER OVERHANGING STRUCTURE FEATURES, WHICH MAY PROTRUDE OVER BOUNDARY, EASEMENT AND/OR BUILDING LINES, UNLESS OTHERWISE SHOWN HEREON.

A GROUND AND/OR AERIAL EASEMENT MAY EXIST ADJACENT TO ANY EXISTING UTILITY. OWNER AND BUILDER SHOULD VERIFY WITH APPLICABLE UTILITY COMPANIES PRIOR TO PLANNING OR CONSTRUCTION.

REVISIONS

NO.	DATE	REASON	BY
1	06-30-2021	ADDED IMPROVEMENTS TO TR. 1	AVT

PROPERTY INFORMATION

BEING 17.28 ACRES OF LAND OUT OF THE JAMES BURLESON LEAGUE, BEING A CALLED 17.769 ACRE TRACT MORE OR LESS CONVEYED TO YOLANDA T. BROWN IN DOCUMENT No. 2003297621, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 17.28 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO AND MADE A PART HEREOF.

AGAVE SENDERO INVESTMENTS
BORROWER: LTD. OR ASSIGNS

TITLE CO.: FIDELITY NATIONAL TITLE

G.F.# 14664-21-05413 G.F. DATE: 03-07-2021

SURVEYED FOR: DAVID FOOR

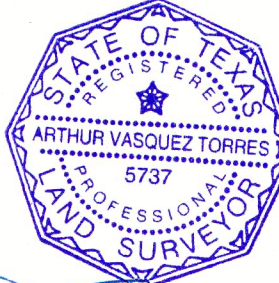
DRAWING INFORMATION

TRI-TECH JOB NO: SMS-LV596-21
CLIENT JOB NO: N/A
DRAWN BY: SMP
BEARING BASE: TX STATE PLANE (TX CEN)
FIELD DATE: 05-21-21

TRI-TECH
SURVEYING COMPANY, L.P.
155 Riverwalk Drive
San Marcos, Texas 78666
Phone: 512-440-0222
www.tritechtx.com

CERTIFICATION
I, the undersigned registered professional land surveyor, do hereby state that the plat shown hereon represents a boundary survey made on the ground under my supervision of the tract or parcel of land, according to the map or plat thereof, indicated hereon.

THIS SURVEY IS VALID FOR THIS TRANSACTION ONLY.
THIS SURVEY IS INVALID WITHOUT THE ORIGINAL EMBOSSED SURVEYORS SEAL AND SIGNATURE.
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06.30.2021
SURVEYOR REGISTRATION

