



RESTRICT 2005085372

5 PGS

Zoning Case No. C14-05-0014

RESTRICTIVE COVENANT**OWNER:** Edwin Tabb Harrell**ADDRESS:** P.O. Box 2184, Manchaca, Texas 78652**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 is acknowledged.**PROPERTY:** A 99.154 acres tract of land, more or less, out of the Stephen F. Slaughter Survey No. 1, Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this 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. 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 Robert J. Halls and Associates, dated March 2005, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 28, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant 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.



RESTRICT 2005085372

5 PGS

Zoning Case No. C14-05-0014

RESTRICTIVE COVENANT**OWNER:** Edwin Tabb Harrell**ADDRESS:** P.O. Box 2184, Manchaca, Texas 78652**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 is acknowledged.**PROPERTY:** A 99.154 acres tract of land, more or less, out of the Stephen F. Slaughter Survey No. 1, Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this 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;

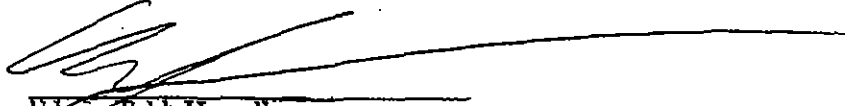
NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall 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 Robert J. Halls and Associates, dated March 2005, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 28, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant 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(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 6th day of May, 2005.

OWNER:


Edwin Tabb Harrell


APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

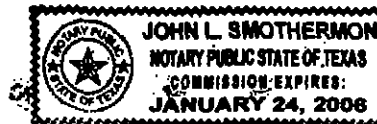
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 6th day of May, 2005 by Edwin Tabb Harrell.


Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant



C14-05-0014
SF-2 zoning**EXHIBIT A
FIELD NOTES**

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE STEPHEN F. SLAUGHTER SURVEY NO. 1, ABSTRACT 20, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED TO EDWIN TABB HARRELL, RECORDED IN DOCUMENT NO. 2003177350 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 99.154 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod set in the west right-of-way line of South 1st Street, a 120-foot wide right-of-way dedicated to the public and recorded in Document No. 1999143398 of the Official Public Records of Travis County, Texas, being also the southeast corner of that certain tract of land described as Tract 6 in a deed to the City of Austin, recorded in Volume 11532, Page 2203 of the Real Property Records of Travis County, Texas, for the northeast corner and the **POINT OF BEGINNING** of the herein described 99.154 acre tract of land,

THENCE, with the west right-of-way line of said South 1st Street, being also the east line of the herein described tract, the following five (5) courses and distances, numbered 1 through 5,

1. S09°16'50"E, a distance of 81.10 feet to an iron rod found at a point of curvature to the right,
2. with said curve to the right having a radius of 3832.91 feet, an arc length of 393.49 feet and whose chord bears, S06°20'23"E, a distance of 393.32 feet to an iron rod set at the point of tangency,
3. S03°23'55"E, a distance of 1895.47 feet to an iron rod set at a point of curvature to the right,
4. with said curve to the right having a radius of 1940.00 feet, an arc length of 837.40 feet and whose chord bears, S08°58'02"W, a distance of 830.91 feet to the point of tangency, and
5. S21°19'59"W, a distance of 644.95 feet to a point in the approximate centerline of Slaughter Creek, being at the northeast corner of that certain tract of land described in a deed to the Riddell Family Limited Partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, for the southeast corner of the herein described tract,

THENCE, departing the west right-of-way line of said South 1st Street, with the approximate centerline of said Slaughter Creek, being also the south line of said Harrell tract, and being also the north line of said Riddell tract and the north line of Lot 90, Block A of Stablewood at Slaughter Creek, Section Four, a subdivision recorded in Document No. 200100108 of the Official Public Records of Travis County, Texas, the following five (5) courses and distances, numbered 1 through 5,

1. N50°15'10"W, a distance of 414.22 feet to a point,
2. N39°04'05"W, a distance of 591.67 feet to a point,
3. N55°37'35"W, a distance of 123.30 feet to a point,
4. N61°51'30"W, a distance of 141.00 feet to a point, and

5. N84°10'34"W, a distance of 132.76 feet to a point at the southeast corner of that certain tract of land described in a deed to the City of Austin, recorded in Volume 10795, Page 535 of the Real Property Records of Travis County, Texas, for the southwest corner of the herein described tract,

THENCE, departing the approximate centerline of said Slaughter Creek, with the west line of said Harrell tract, being also the east line of said City of Austin tract and the east and north lines of that certain tract of land described as Tract 1 in a deed to the City of Austin, recorded in Volume 11427, Page 1721 of the Real Property Records of Travis County, Texas, the following fifteen (15) courses and distances, numbered 1 through 15,

1. N02°45'08"W, a distance of 1081.36 feet to an iron pipe found,
2. N02°01'28"W, a distance of 447.10 feet to an iron pipe found,
3. N02°29'07"W, a distance of 207.22 feet to an iron rod set,
4. N02°20'32"W, a distance of 238.83 feet to an iron pipe found,
5. N03°42'05"W, a distance of 241.53 feet to an iron pipe found,
6. N03°40'57"W, a distance of 54.65 feet to a point in the approximate centerline of Nichols Creek,
7. continuing with the approximate centerline of said Nichols Creek, S89°46'22"E, a distance of 23.13 feet to a point,
8. S88°04'18"E, a distance of 113.75 feet to a point,
9. N77°43'09"E, a distance of 153.89 feet to a point,
10. N52°04'12"E, a distance of 35.20 feet to a point,
11. N20°11'05"E, a distance of 56.81 feet to a point,
12. N45°43'57"E, a distance of 60.37 feet to a point,
13. N20°00'39"E, a distance of 90.83 feet to a point,
14. N07°15'25"E, a distance of 93.81 feet to a point, and
15. N58°16'12"E, a distance of 89.82 feet to a point at the most easterly corner of said City of Austin tract recorded in Volume 11427, Page 1721, being also the southwest corner of that certain tract of land described as Tract 2 in a deed to the City of Austin, recorded in Volume 11532, Page 2222 of the Real Property Records of Travis County, Texas,

THENCE, with the south and east lines of said City of Austin tract recorded in Volume 11532, Page 2222, being also the north line of said Harrell tract, the following six (6) courses and distances, numbered 1 through 6,

1. N75°09'35"E, a distance of 97.98 feet to a point,
2. S66°22'48"E, a distance of 96.48 feet to a point,
3. S54°54'14"E, a distance of 69.25 feet to a point,
4. S41°32'33"E, a distance of 95.42 feet to a point,
5. N16°55'46"E, a distance of 588.26 feet to a 60d nail found, and
6. N17°33'10"E, a distance of 7.66 feet to a point at the southeast corner of said City of Austin tract recorded in Volume 11532, Page 2203, for the most northerly corner of the herein described tract,

THENCE, with the north line of said Harrell tract, S65°10'36"E, a distance of 414.94 feet to **POINT OF BEGINNING** and containing 99.154 acres of land.

Surveyed by:

Thomas J. Dodd ~ R.F.L.S. No. 1882
Carlson, Brigance & Poring, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



G:\docs\4041\fin-title.doc

Bearing basis is from alignment of South 1st Street

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2005 May 18 01:47 PM

2005085372

CRIDERL \$22.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.