



RESTRICT 2005186695

11 PGS

Zoning Case No. C14-05-0015

RESTRICTIVE COVENANT

U

OWNER: Convict Hill Development, L.L.C., a Texas limited liability company

ADDRESS: 9211 U.S. Highway 290 East, Austin, Texas 78724

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 0.350 acre tract of land (15,242 square feet), more or less, out of the Jesse Williams Survey No. 62, in Travis County, 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. The use of coal tar based asphalt sealants for construction or repair of asphaltic concrete paving is prohibited on the Property.
2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "B". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "C", may not be included.
4. 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.
5. 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.

9-29-05

#70

6. 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.
7. 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 April, 2005.

OWNER:

Convict Hill Development, L.L.C.,
a Texas limited liability company

By: [Signature]
William K. Reagan II,
Manager

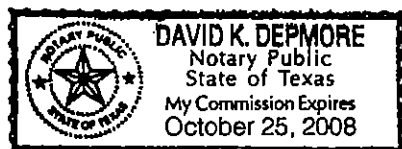
APPROVED AS TO FORM:

[Signature]
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 April, 2005, by William K. Reagan II, Manager of Convict Hill Development, L.L.C., a Texas limited liability company, on its behalf.



[Signature]
Notary Public, State of Texas

METES AND BOUNDS DESCRIPTION
0.350 ACRES (15,242 SQUARE FEET)
JESSE WILLIAMS SURVEY NO. 62
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

Being a tract containing 0.350 of one acre (15,242 square feet) of land situated in the Jesse Williams Survey No. 62, Travis County, Texas and being the same tract of land as recorded in Document No. TRV 2001016320 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.). Said 0.350 of one acre (15,242 square feet) tract being more particularly located and described as follows with all bearings based on the right-of-way map (Control Number 0113, Section Number 08 and Job Number 039) for United States Highway Number 290 West (US 290) (right-of-way varies) as supplied by the Texas Department of Transportation (TxDOT).

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "GARZA ENG" found on the southerly right-of-way line of said US 290 for the westernmost corner of Lot 19-A, Wedgewood Commercial Section One Subdivision as recorded in Book 59, Page 63 of the Travis County Plat Records (T.C.P.R.) and the northernmost corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, South 42°06'41" East, (South 40°07'22" East), along the common line of said Lot 19-A and said 0.350 acre tract, a distance of 191.88 feet (191.90 feet) to a 1/2-inch iron rod found for a corner of Lot 2, Oak Hill "Y" Section One Subdivision as recorded in Book 92, Pages 22 and 23, T.C.P.R. and the easternmost corner of this tract;

THENCE, South 89°51'11" West, (South 88°09'30" West), along a common line of said Lot 2 and said 0.350 acre tract, a distance of 130.38 feet to a cotton spindle found for a common corner;

THENCE, North 39°01'19" West, (North 37°02'00" West), along common lines of Lot 3 of said Oak Hill "Y" Section One, said Lot 2 and said 0.350 acre tract, a distance of 129.69 feet to a 1/2-inch iron rod with a TxDOT aluminum cap found on the arc of a non-tangent curve to the right being the southerly right-of-way line of said U.S. Highway 290 West, for the westernmost corner of this tract;

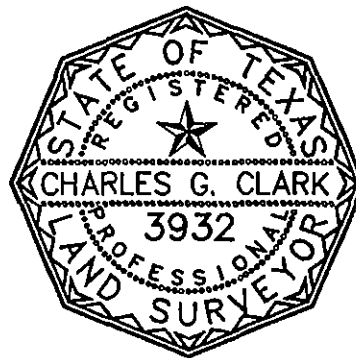
THENCE Northeasterly, an arc distance of 93.31 feet, along the southerly right-of-way line of said US 290 with said curve to the right having a Radius of 2,291.83 feet, a Delta of $02^{\circ}19'58''$ and a Chord Bearing and Distance of North $63^{\circ}18'02''$ East, 93.31 feet (Chord: North $65^{\circ}17'22''$ East, 93.33 ft.), to the **POINT OF BEGINNING** and containing a computed area of 0.350 of one acre (15,242 square feet) of land.

This Metes and Bounds description is accompanied by a Survey of the same date.
Calls in parenthesis denote record information.

Charles G. Clark 3/4/03

Charles G. Clark Date
Registered Professional Land Surveyor
Texas Registration Number 3932

SURVCON INC.
400 West 15th St., Suite 1030
Austin, TX 78701
(512) 457-7870
March 2003



U.S. HIGHWAY 290 WEST

0.150 ACRE
STATE OF TEXAS
(VOL. 11824, PG. 22, R.P.R.T.C.T.)

POINT OF BEGINNING

FOUND 1/2" IRON ROD
WITH PLASTIC CAP
STAMPED "GARZA ENG"

R.O.W. LINE U.S. 290 WEST

$R = 2291.83'$
 $L = 93.31'$
 $\Delta = 219.58^\circ$
 $\text{Chord} = N63.18^\circ 02' E$
 $93.31'$

FOUND 1/2" IRON
ROD WITH TXDOT
ALUMINUM CAP

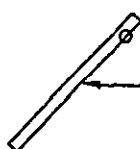
(CHORD: $N65.17^\circ 22' E$ 93.33')

LOT 19-A
WEDGEWOOD COMMERCIAL,
SECTION ONE
(BOOK 59, PAGE 63, T.C.P.R.)

0.350 ACRE

LOT 3
OAK HILL "Y"
SECTION ONE
(BOOK 92, PAGE
22-23, T.C.P.R.)

$N 39.01^\circ 19' W$
 $(N 37.02^\circ 00' W)$
129.69'



ELEVATED
BILLBOARD

($S 88.09^\circ 30' W$)

$S 89.51^\circ 11' W$

130.38'

FOUND 1/2" IRON ROD

FOUND COTTON
SPINDLE

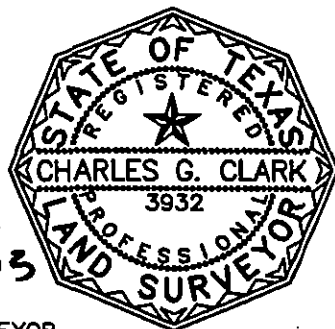
LOT 2
OAK HILL "Y" SECTION ONE
(BOOK 92, PAGE 22-23, T.C.P.R.)

NOTES:

1. BEARING BASIS: RIGHT-OF-WAY MAP (CSJ NO. 0113 08 039) OF U.S. HIGHWAY 290 WEST AS PROVIDED BY TXDOT.
2. TOP OF SIGN IS 56.9 FEET ABOVE THE MAIN TRAVEL LANES OF U.S. HIGHWAY 290.
3. THIS SURVEY IS ACCOMPANIED BY A NARRATIVE METES AND BOUNDS DESCRIPTION.
4. CALLS IN PARENTHESIS DENOTE RECORD INFORMATION.
5. R.P.R.T.C. = REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.
6. T.C.P.R. = TRAVIS COUNTY PLAT RECORDS.
7. O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
8. THIS TRACT LIES WITHIN ZONES X AND AE ACCORDING THE F.E.M.A. FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY PANEL NO. 48453C0255F, REVISED JUNE 5, 1997.

Charles G. Clark 3/4/03

CHARLES G. CLARK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 3932



BOUNDARY & IMPROVEMENT SURVEY

BEING 0.350 ACRES (15,242 SQ. FT.) OF LAND IN
THE JESSE WILLIAMS SURVEY NO. 62, TRAVIS
COUNTY, TEXAS AS RECORDED IN DOC. TRV
2001016320, O.P.R.T.C.T.

SHEET 1 OF 1

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED
OR RETRANSMITTED IN ANY WAY OR FORM (ELECTRONIC,
MECHANICAL, PHOTOCOPYING, OR OTHERWISE) WITHOUT THE
EXPRESS WRITTEN PERMISSION OF SURVCON INC.
DRAWING: Z:\490601 Reagon Sign.dwg\490601.dwg
PLOTTED: Mar 04, 2003 - 10:52am



SURVCON INC.
PROFESSIONAL SURVEYORS
400 WEST 15th STREET, SUITE 1030
AUSTIN, TEXAS 78701
P.O. (512) 457-7870
www.survcon.com

SCALE:	1"=50'	JOB NO.	4906-01
DATE:	MARCH 4, 2003	F.B. NO.	1187
DRAWN BY:	P. Yglesias	PAGE 3 OF 3	

EXHIBIT B

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
 Arizona Cypress *Cupressus arizonica*
 Big Tooth Maple *Acer grandidentatum*
 Cypress, Bald *Taxodium distichum*
 Cypress, Montezuma *Taxodium mucronatum*
 Elm, Cedar *Ulmus crassifolia*
 Elm, Lacebark *Ulmus parvifolia*
 Honey Mesquite *Prosopis glandulosa*
 Oak, Bur *Quercus macrocarpa*
 Oak, Chinquapin *Quercus muhlenbergii*
 Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*
 Oak, Lacey *Quercus glaucoides*
 Oak, Monterey (Mexican White) *Quercus polymorpha*
 Oak, Shumard *Quercus shumardii*
 Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)
 Pecan *Carya illinoensis*
 Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*
 Buckeye, Mexican *Ungnadia speciosa*
 Buckeye, Rec *Aesculus pavia*
 Caolina Buckthorn *Rhamnus caroliniana*
 Cherry Laurel *Prunus caroliniana*
 Crape Myrtle *Lagerstroemia indica*
 Desert Willow *Chilopsis linearis*
 Dogwood, Roughleaf *Cornus drummondii*
 Escarpment Black Cherry *Prunus serotina* var. *eximia*
 Eve's Necklace *Sophora affinis*
 Goldenball Leadtree *Leucaena retusa*
 Holly, Possumhaw *Ilex decidua*
 Holly, Yaupon *Ilex vomitoria*
 Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*
 Pistachio, Texas *Pistacia texana*
 Plum, Mexican *Prunus mexicana*
 Pomegranate *Punica granatum*
 Redbud, Mexican *Cercis canadensis* 'mexicana'
 Redbud, Texas *Cercis canadensis* var. 'texensis'
 Retama Jerusalem Thorn *Parkinsonia aculeata*
 Senna, Flowering *Cassia corymbosa*
 Smoke Tree, American *Cotinus obovatus*
 Sumac, Flameleaf *Rhus lanceolata*
 Viburnum, Rusty Blackhaw *Viburnum rufidulum*
 Viburnum, Sandankwa *Viburnum suspensum*

Shrubs

Abelia, Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica</i> 'Compacta
Agarita <i>Berberis trifoliata</i>	nana' 'Gulf Stream'
Agave (Century Plant) <i>Agave</i> sp.	Oleander <i>Nerium oleander</i>
American Beautyberry <i>Callicarpa</i>	Palmetto <i>Sabal minor</i>
<i>americana</i>	Prickly Pear <i>Opuntia engelmannii</i> var.
Artemisia <i>Artemisia</i> 'Powis Castle'	<i>lindheimeri</i>
Barbados Cherry <i>Malpighia glabra</i>	Rose, Belinda's Dream <i>Rosa</i> 'Belinda's
Barberry, Japanese <i>Berberis thunbergii</i>	Dream'
'Atropurpurea'	Rose, Lamarne <i>Rosa</i> 'Lamarne'
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy'
Black Dalea <i>Dalea frutescens</i>	Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie'
Bush Germander <i>Teucrium fruticans</i>	Rose, Martha Gonzales <i>Rosa</i> 'Martha
Butterfly Bush <i>Buddleja davidii</i>	Gonzales'
Butterfly Bush, Woolly <i>Buddleja</i>	Rose, Mutabilis <i>Rosa</i> 'Mutabilis'
<i>marrubiiifolia</i>	Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild'
Coralberry <i>Symphoricarpos orbiculatus</i>	Rose, Old Blush <i>Rosa</i> 'Old Blush'
Cotoneaster <i>Cotoneaster</i> sp.	Rose, Perle d'or <i>Rosa</i> 'Perle d'or'
Eleagnus <i>Eleagnus pungens</i>	Rock Rose <i>Pavonia lasiopetala</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Rosemary <i>Rosmarinus officinalis</i>
Flame Acanthus <i>Anisacanthus</i>	Sage, Mountain <i>Salvia regia</i>
<i>quadrifidus</i> var. <i>wrightii</i>	Sage, Texas (Cenizo) <i>Leucophyllum</i>
Fragrant Mimosa <i>Mimosa borealis</i>	<i>frutescens</i>
Holly, Burford <i>Ilex cornuta</i> 'Burfordii'	Senna, Lindheimer <i>Cassia</i>
Holly, Dwarf Chinese <i>Ilex cornuta</i>	<i>lindheimeriana</i>
'Rotunda nana'	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria</i>	Sumac, Evergreen <i>Rhus virens</i>
'Nana'	Sumac, Fragrant (Aromatic) <i>Rhus</i>
Jasmine, Primrose <i>Jasminum mesnyi</i>	<i>aromatica</i>
Kidneywood <i>Eysenhardtia texana</i>	Texas Sotol <i>Dasylirion texanum</i>
Lantana, Native <i>Lantana horrida</i>	Turk's Cap <i>Malvaviscus arboreus</i>
Mistflower, Blue (Blue Boneset)	Yucca, Paleleaf <i>Yucca pallida</i>
<i>Eupatorium coelestinum</i>	Yucca, Red <i>Hesperaloe parviflora</i>
Mistflower, White (Shrubby White	Yucca, softleaf <i>Yucca recurvifolia</i>
Boneset) <i>Ageratina havanense</i>	Yucca, Twistleaf <i>Yucca rupicola</i>
Mock Orange <i>Philadelphus coronarius</i>	

Perennials

Black-eyed Susan <i>Rudbeckia hirta</i>	Lantana, Trailing <i>Lantana montevidensis</i>
Bulbine <i>B. frutescens</i> or <i>caulescens</i>	Marigold, Mexican Mint <i>Tagetes lucida</i>
Bush Morning Glory <i>Ipomoea fistulosa</i>	Obedient Plant, Fall <i>Physostegia virginiana</i>
Butterfly Weed <i>Asclepias tuberosa</i>	Oregano, Mexican <i>Poliomintha longiflora</i>
Buterfly Weed 'Mexican' <i>Asclepias curassivica</i>	Penstemon <i>Penstemon</i> sp.
Cast Iron Plant <i>Aspidistra elatior</i>	Phlox, Fragrant <i>Phlox pilosa</i>
Chile Pequin <i>Capsicum annuum</i>	Pink Skullcap <i>Scutellaria suffrutescens</i>
Cigar Plant <i>Cuphea micropetala</i>	Plumbago <i>Plumbago auriculata</i>
Columbine, Red <i>Aquilegia canadensis</i>	Poinciana, Red Bird of Paradise, Pride of Barbados
Columbine, Yellow <i>Aquilegia chrysantha</i> 'Texas Gold'	<i>Caesalpinia pulcherrima</i>
Coreopsis <i>Coreopsis lanceolata</i>	Primrose, Missouri <i>Oenothera macrocarpa</i>
Daisy, Blackfoot <i>Melampodium leucanthum</i>	Purple Coneflower <i>Echinacea purpurea</i>
Daisy, Copper Canyon <i>Tagetes lemmonii</i>	Ruellia <i>Ruellia brittoniana</i>
Damiantia <i>Crysactina mexicana</i>	Sage, Cedar <i>Salvia roemeriana</i>
Fall Aster <i>Aster oblongifolius</i>	Sage, Jerusalem <i>Phlomis fruticosa</i>
Fern, River <i>Thelypteris kunthii</i>	Sage, Majestic <i>Salvia guaranitica</i>
Firebush <i>Hamelia patens</i>	Sage, Mealy Blue <i>Salvia farinacea</i>
Gaura <i>Gaura lindeheimeri</i>	Sage, Mexican Bush <i>Salvia leucantha</i>
Gayfeather <i>Liatris mucronata</i>	Sage, Penstemon, Big Red Sage <i>Salvia penstemonoides</i>
Gregg Dalea <i>Dalea greggii</i>	Sage, Russian <i>Perovaskia atricplifolia</i>
Hibiscus, Perennial <i>Hibiscus moscheutos</i> , <i>Hibiscus coccineus</i>	Sage, Scarlet or 'Tropical' <i>Salvia coccinea</i>
Honeysuckle, Mexican <i>Justicia spicigera</i>	Salvia, Gregg (Cherry Sage) <i>Salvia greggii</i>
Hymenoxys (Four Nerve Daisy) <i>Tetraneuris scaposa</i>	Shrimp Plant <i>Justicia brandegeana</i>
Indigo Spires <i>Salvia</i> 'Indigo Spires'	Texas Betony <i>Stachys coccinea</i>
Iris, Bearded <i>Iris albicans</i>	Verbena, Prairie <i>Verbena bipinnatifida</i>
Iris, Butterfly/Bicolor (African) <i>Dietes</i> sp.	Yarrow <i>Achillea millefolium</i>
Lamb's Ear <i>Stachys byzantina</i>	Zexmenia <i>Wedelia texana</i>
Lantana <i>Lantana x hybrida</i> (many varieties)	

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon*
glomeratus
 Bluestem, Little *Schizachyrium*
scoparium
 Fountain Grass, Dwarf *Pennisetum*
alopecuroides
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium*
latifolium

Mexican Feathergrass (Wiregrass) *Stipa*
tenuissima
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum*
asiaticum
 Carolina Jessamine *Gelsemium*
sempervirens
 Coral Vine *Antigonon leptopus*
 Crossvine *Bignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera*
sempervirens
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus*
quinquefolia

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horsetail *Calypocarpus vialis*
 Leadwort *Plumbago Ceratostigma*
plumbaginoides
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass)
Ophiopogon japonicus
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina*
chamaecyparissus
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Woolly Stemodia *Stemodia lanata*
(Stemodia tomentosa)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby',
 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common',
 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald',
 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur',
 'El Toro', 'Palis'

EXHIBIT C

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

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

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2005 Oct 06 02:12 PM 2005186695

BENAVIDESV \$56.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS