

Zoning Case No. C14-2012-0083RC**RESTRICTIVE COVENANT**

OWNER: Cirrus Logic, Inc., a Delaware corporation

ADDRESS: 602, 604, 606, 700 and 702 West Avenue and 800 West 6th Street, Austin, Texas 78746

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 1.34 acre tract of land, more or less, a part of Outlot No. 1, Division E, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

A 0.27 acre tract of land, more or less, a part of Outlot 1, Division E, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, and;

A 0.23 acre tract of land, more or less, a part of Outlot 1, Division E, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance.

WHEREAS, the Owner (the "Owner", whether one or more), 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 Bury and Partners, dated June, 2012 and revised in October 2012, or as amended and approved by the Director of the Planning 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 Planning

and Development Review Department, dated February 1, 2013. The TIA shall be kept on file at the Planning and Development Review 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(s) 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 30 day of May, 2013.

OWNER:

CIRRUS LOGIC, INC., a Delaware corporation

By: 

Thurman Case
Chief Financial Officer

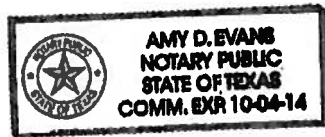
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 31 day of May, 2013, by Thurman Case, Chief Financial Officer of Cirrus Logic, Inc., a Delaware corporation, on behalf of said corporation.



Amy D. Evans
Notary Public, State of Texas

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

LOTS 1, 2, 3, 4, 5 AND
THE SOUTH 90 FEET OF LOT 6,
J. H. ROBINSON'S SUBDIVISION

PERIMETER DESCRIPTION OF THOSE CERTAIN TRACTS OR PARCELS OF LAND DESCRIBED AS LOTS 1, 2, 3, 4, 5 AND THE SOUTH 90 FEET OF LOT 6, J. H. ROBINSON'S SUBDIVISION OF A PART OF OUTLOT NO. 1, DIVISION E, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 28, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THE ABOVE SAID TRACTS OR PARCELS OF LAND BEING CONVEYED TO FORTIS COMMUNITIES-AUSTIN, L.P. BY DEED FILED OF RECORD UNDER DOCUMENT NO. 2005107309, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE PERIMETER OF SAID LOTS COMBINED IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an "x" found engraved into concrete at the Southeast corner of the above said Lot 1, J. H. Robinson's Subdivision, said "x" is at the intersection of the North right of way line of West 6th Street (r-o-w- varies) and the West right of way line of West Avenue (r-o-w- varies), said "x" is at the Southeast corner of Lot 1 as conveyed to the above said Fortis Communities-Austin, L.P. in Document No. 2005107309, Official Public Records of Travis County, Texas, (O.P.R.O.T.C.T.), for the Southeast corner of the herein described tract and the PLACE OF BEGINNING hereof;

THENCE N64°38'04" W, along the South line of the above said Lot 1, J. H. Robinson's Subdivision, same being the South line of Lot 1 as conveyed to Fortis Communities-Austin, L.P., same being the North right of way line of West 6th Street, 180.00 feet to a "v" found on the edge of a concrete and rock bridge footing, for the Southwest corner of said Lot 1, being the same corner of Lot 1 as conveyed to Fortis Communities-Austin, L.P., for the Southwest corner hereof; and from which a concrete nail was found at the intersection of the East right of way line of Wood Street and the North right of way line of West 6th Street bears N64°38'04" W, 211.09 feet;

THENCE along the West lines of said Lot 1, 2, 3, 4, 5 and the West line of the South 90 feet of Lot 6, being the same West lines conveyed to said Fortis Communities-Austin, L.P., the following six (6) courses and distances:

- 1) N20°05'00" E, 56.46 feet to a 1/2" iron rod with plastic cap found at the common West corner of the above said Lots 1 and 2, J. H. Robinson's Subdivision;
- 2) N22°34'01" E, 50.09 feet to a 1/2" iron rod with a plastic cap found at the common West corner of said Lots 2 and 3, J. H. Robinson's Subdivision;
- 3) N30°26'36" E, 50.99 feet to a calculated point (no monument recovered), for the common West corner of said Lots 3 and 4, J. H. Robinson's Subdivision;
- 4) N30°26'36" E, 50.99 feet to a calculated point (no monument recovered), for the West common corner of said Lots 4 and 5, J. H. Robinson's Subdivision;
- 5) N24°50'38" E, 50.25 feet to a calculated point (no monument recovered), said calculated point is the West common corner of said Lot 5 and the South 90 feet of Lot 6, of said J. H. Robinson's Subdivision, and from which calculated point, a witness corner in the form of a wag nail found in a rock wall bears S70°52'00" E with the dividing line of said Lot 5 and the South 90 feet of Lot 6, of said J. H. Robinson's Subdivision, 23.54 feet;

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ALL POINTS SURVEYING
611 South Congress Ave., Suite 100, Austin, TX 78704
Telephone: (512) 448-0071 Fax: (512) 448-0199

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Exhibit A

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- 6) N19°08'00" E, 90.20 feet to a calculated point (no monument recovered), for the Northwest corner of the South 90 feet of Lot 6, J. H. Robinson's Subdivision, being that same Northwest corner as conveyed to said Fortis Communities-Austin, L.P., and from which calculated point, a witness corner in the form of an "x" found engraved in concrete bears S70°48'14" E, 24.85 feet;


THENCE S70°48'14" E, along the North line of the South 90 feet of said Lot 6, J. H. Robinson's Subdivision, being the same line in that certain boundary line agreement in Volume 11951, Page 1810, Real Property Records of Travis County, Texas, being the same line as conveyed to Fortis Communities-Austin, L.P., passing the above said witness corner at 24.85 feet (said witness corner appears to be the Southwest corner of Lot 1, E. B. Robinson's Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 354 Page 226, Deed Records of Travis County, Texas and continuing, said along course being the dividing line of the South 90 feet of Lot 6 and the above said Lot 1 for a total distance of 150.00 feet to a ½" iron pipe found at the Northeast corner of the South 90 feet of Lot 6, being the same Northeast corner of the South 90 feet of Lot 6, as conveyed to Fortis Communities-Austin, L.P., said pipe is at the Southeast corner of that certain tract or parcel of land called "0.231 acre of land, being all of Lot 1, E. B. Robinson Subdivision of a portion of Outlot 1, Division E, of the Government Tracts adjoining the City of Austin" in a General Warranty Deed to Robin and Romy, Inc., filed of record under Document No. 2003242997, O.P.R.O.T.C.T., said iron pipe is in the West right of way line of West Avenue for the Northeast corner hereof;

THENCE S19°08'00" W, (bearing basis) along the East line of the South 90 feet of Lot 6, same being the West right of way line of West Avenue, same being the East line of said Lot as conveyed to Fortis Communities-Austin, L.P., 90.04 feet to a ½" iron rod found at the common East corner of said Lots 5 and the South 90 feet of Lot 6, J. H. Robinson's Subdivision;

THENCE S19°08'00" W, along the East line of Lots 5, 4, 3, and 2 of said J. H. Robinson's Subdivision, said line being the same line as conveyed to Fortis Communities-Austin, L.P., 200.00 feet to an "x" found engraved in concrete, being the common East corner of Lots 1 and 2, J. H. Robinson's Subdivision, said "x" is in the West right of way line of West Avenue;

THENCE S19°08'00" W, along the East line of said Lot 1, same being the East line of Lot 1 as conveyed to Fortis Communities-Austin, L.P., same being the West right of way line of West Avenue, 75.99 feet returning to the PLACE OF BEGINNING and containing 1.34 acres of land or 58,291 square feet of land.

This metes and bounds description is to accompany a survey map of same date.


DAVID BELL
R.P.L.S. No. 3994
JOB No. 03RI4610A



03/19/2010
Date

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2012 APR 19 10:10 AM

EXHIBIT

1

**LOT 2
E.B. ROBINSON'S
SUBDIVISION**

DESCRIPTION OF LOT 2, E. B. ROBINSON'S SUBDIVISION OF A PART OF OUTLOT 1, DIVISION E, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 354, PAGE 226, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING CONVEYED TO FORTIS COMMUNITIES-AUSTIN, L. P., BY DEED FILED OF RECORD UNDER DOCUMENT NO. 2005107309, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.O.T.C.T.), SAID LOT 2 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the Southeast corner of the above said Lot 2, being the same corner of Lot 2 as conveyed to Fortis Communities-Austin, L. P., said pipe also being the Northeast corner of that certain tract or parcel of land called Lot 1, E. B. Robinson's Subdivision of a Part of Outlot No. 1, Division E, a subdivision in Travis County, Texas, recorded in Volume 354, Page 226, Deed Records of Travis County, Texas, said Lot 1 being conveyed to Robin & Rony, Inc. by deed filed of record under Document No. 2003742997, O.P.R.O.T.C.T., said pipe is in the West right of way line of West Avenue and is the Southeast corner of the herein described tract and is the **PLACE OF BEGINNING** hereof;

THENCE N70°53'28" W, along the dividing line of said Lots 1 and 2, 210.00 feet to a calculated point (no monument recovered) for the Southwest corner of Lot 2, same being the Northwest corner of Lot 1 and being the same Southwest corner as conveyed to said Fortis Communities-Austin, L. P. and from which a witness to said calculated point is a 1/4" iron rod with cap found bears, S70°53'28" E, 44.00 feet;

THENCE N08°48'50" E, along the West line of said Lot 2, same being the West line as conveyed to said Fortis Communities-Austin, L. P., 55.82 feet to a 1/4" iron rod with plastic cap found at the Northwest corner of said Lot 2, same being the Northwest corner as conveyed to Fortis Communities-Austin, L. P., same being an angle corner in the south line of that certain tract or parcel of land called "Seven Hundred Six West Avenue Condominiums" of record in Volume 10, Page 1083 of the Condominium Records of Travis County, Texas, said iron rod is the Northwest corner hereof;

THENCE S70°52'00" E (following the Boundary Line Agreement, Volume 1270, Page 184), along the North line of said Lot 2, being the same line as conveyed to said Fortis Communities-Austin, L. P., said line being also the South line of said "Seven Hundred Six West Avenue Condominiums", 220.00 feet to a 1/4" iron rod with plastic cap found at the Northeast corner of said Lot 2, being the same Northeast corner of Lot 2, as conveyed to said Fortis Communities-Austin, L. P., said iron rod is in the West right of way line of West Avenue and is the Northeast corner hereof;

THENCE S19°04'00" W, (bearing back) with the East line of said Lot 2, same being the East line of Lot 2, as conveyed to Fortis Communities-Austin, L. P., same being the West right of way line of West Avenue, 54.83 feet, returning to the **PLACE OF BEGINNING** and containing 0.27 acre of land or 11,788 square feet of land.

This metes and bounds description is to accompany a survey map of same data.

David Bell
DAVID BELL
R.F.L.S. No. 3994
JOB No. 03BL46108



03/19/2010
Date

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I, Dora DeSousa, County Clerk, of Travis County, Texas, do hereby certify that the foregoing is a true and correct copy of the original of record in the Public Records of Travis County, Texas, and is subject to the provisions of the Texas Public Information Act.



DORA DE SOUSA, County Clerk
By DeSousa

P. Machado

Exhibit B

DESCRIPTION OF 0.231 ACRE OF LAND BEING ALL OF LOT 1, E. B. ROBINSON SUBDIVISION, A SUBDIVISION OF A PORTION OF OUTLOT 1, DIVISION E, OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 354 PAGE 226, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.231 ACRE OF LAND BEING CONVEYED TO ROBIN AND ROXY, INC. A TEXAS CORPORATION, BY DED OF RECORD UNDER DOCUMENT NUMBER 2003242997, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.231 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the West margin of West Avenue (a 20 feet wide public right of way), said pipe is at the Northeast corner of the herein described 0.231 acre, said pipe is also the Northeast corner of the above said Lot 1, same being the Southeast corner of Lot 2 of the same above said subdivision, said iron pipe is the Northeast corner of the herein described tract and is the **PLACE OF BEGINNING** hereof;

THENCE along the West margin of West Avenue, same being the East line of the above said Lot 1, S 19°08'00" W, (bearing base), 55.91 feet to an iron pipe found at the Southeast corner of said Lot 1, said iron pipe is also the Northeast corner of the South 90 feet of Lot 6, J.H. Robinson Subdivision of a Part of Outlot No. 1, Division E, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Plat Book 1 Page 28, Plat Records of Travis County, Texas, said pipe is the Southwest corner hereof, said pipe is also the agreed to corner monument as described in that certain Boundary Line Agreement recorded in Volume 11951 Page 1810, Real Property Records of Travis County, Texas;

THENCE along the dividing line of the above said Lot 1 and the above said South 90 feet of Lot 6, following along the agreed to boundary line as mentioned above in said Boundary Line Agreement of record in Volume 11951 Page 1810, N 70°47'29" W, 150.00 feet (N 70°53' W 150.00') to a calculated point in Shoal Creek at the Southwest corner of said Lot 1, same being the location of the agreed to corner as described in said Boundary Line Agreement, said calculated point is the Southwest corner of said Lot 1, same being the Northwest corner of the South 90 feet of said Lot 6, for the Southwest corner hereof, and from which Southwest corner an "X" found chiseled in concrete, to serve as a witness to said Southwest corner bears S 70°47'29" E, 24.85 feet;

THENCE along the West line of said Lot 1, N 28°00'14" W, 81.86 feet to a calculated point in Shoal Creek, for the Northwest corner hereof, said Northwest corner is also the Southwest corner of the above said Lot 2, E. B. Robinson Subdivision, and from said Northwest corner of said Lot 1, a 1/2" iron rod with a yellow plastic cap stamped "All Points" was set as a witness to said Northwest corner of Lot 1, bears S 70°52'29" E, 80.50 feet;

THENCE along the dividing line of said Lot 1 and Lot 2 of the E.B. Robinson Subdivision, S 70°52'29" E, passing the above said witness corner, being a 1/2" iron rod with a yellow plastic cap set at 80.50 feet and continuing for a total distance of 210.00 feet returning to the **PLACE OF BEGINNING** and containing 0.231 acre or 10,041 square feet of land.

This metes and bounds description is to accompany a survey map of same date.

David Bell
DAVID BELL
R.P.L.S. No. 3994
JOB No. 08R138-10



08/24/2010
Date

ALL POINTS SURVEYING
611 South Congress Ave., Suite 106, Austin, TX 78704
Telephone: (512) 440-0071 Fax: (512) 440-0199

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I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By *[Signature]*

DAVID HARRIS

Exhibit C