

Zoning Case No. C14-2013-0070RC
C14-2013-0071RC

RESTRICTIVE COVENANT

OWNER: Kanton Labaj

ADDRESS: 10625 North Lamar Boulevard, Austin, Texas 78753

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: 37.74 acre tract of land, more or less, out of the H.T. Davis 1/3 League Survey No. 30, Abstract No. 214 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant;

5.02 acre tract of land, more or less, out of the H.T. David 1/3 League Survey No. 30, Abstract No. 214, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and,

13.18 acre tract of land, more or less, out of the H.T. David 1/3 League Survey No. 30, Abstract No. 214, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant.

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 Alliance Transportation Group, dated January 31, 2013, 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 October 30, 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 _____ day of _____, 2013.

OWNER:

KANTON LABAJ

By: _____

Kanton Labaj

APPROVED AS TO FORM:

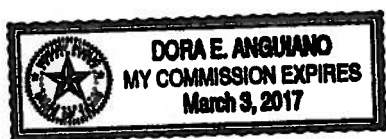
Assistant City Attorney
City of Austin

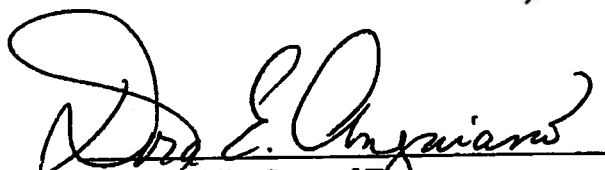
THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 10 day of December, 2013, by Kanton Labaj.




Notary Public, State of Texas

**TRACT 3
LEGAL DESCRIPTION**

BEING 37.7438 ACRES OF LAND, MORE OR LESS, SITUATED IN THE II. T. DAVIS 1/3 LEAGUE SURVEY NO. 30, ABSTRACT NO. 214 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT REMAINDER TRACT OF LAND CONVEYED TO KANTON LABAJ IN DOCUMENT NUMBER 2011028822, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS BEING THAT CALLED 112.66 ACRE TRACT OF LAND DESCRIBED IN VOLUME 2644, PAGE 561, SAVE AND EXCEPT (i) 41.796 ACRES OF LAND CONVEYED IN VOLUME 4178, PAGE 1106, DEED RECORDS, TRAVIS COUNTY, TEXAS, (ii) 12.280 ACRES OF LAND DESCRIBED IN VOLUME 4612, PAGE 997, DEED RECORDS, TRAVIS COUNTY, TEXAS (iii) 2.340 ACRES OF LAND DESCRIBED IN VOLUME 4655, PAGE 484, DEED RECORDS, TRAVIS COUNTY, TEXAS, (iv) 0.2897 OF AN ACRE OF LAND CONVEYED IN VOLUME 11359, PAGE 169, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, (v) 0.0437 OF AN ACRE OF LAND CONVEYED IN VOLUME 11293, PAGE 2116, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 37.7438 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a capped rebar found at the intersection of the southerly right of way line of Old Manor Road and the easterly right of way line of Crainway Drive, said point being at the point of tangency of a curve to the right and being a northwesterly corner hereof;

THENCE running with said Old Manor Road, being the northerly line hereof, the following four (4) calls:

1. N 68°30'00" E (Bearing Basis), a distance of 1208.11 feet to a ½" rebar found for an angle point hereof;
2. N 70°13'37" E, a distance of 226.04 feet to a ½" rebar found for an angle point hereof;
3. N 73°53'00" E, a distance of 161.13 feet to a ½" rebar found for an angle point hereof;
4. N 80°38'04" E, a distance of 182.18 feet to a ½" rebar found at the northwesterly corner of that called Tract 1, a 2.49 acre tract of land conveyed to the City of Austin in Document Number 2003037429, Official Public Records of said County for the northeasterly corner hereof;

THENCE with the common boundary line of said 2.49 acre tract and the tract hereof, the following two (2) calls:

1. S 03°20'14" E, a distance of 127.90 feet to a ½" rebar found for an angle point hereof;

2. S 00°43'47" W, a distance of 270.07 feet to a ½" rebar found at the northwest corner of that called 36.670 acre tract of land conveyed to the City of Austin in Volume 9776, Page 888, Deed Records of said County, said point being the southwesterly corner of said 2.49 acre tract and being an angle point hereof;

THENCE with the common boundary line of said 36.670 acre tract of land and the tract hereof, the following three (3) calls:

1. S 00°56'07" W, a distance of 413.70 feet to a ½" rebar found for an exterior angle point hereof;
2. S 54°31'33" W, a distance of 11.28 feet to an iron pipe found for an interior angle point hereof;
3. S 06°31'56" E, a distance of 671.22 feet to a ½" rebar found at the northeasterly corner of Lot 9, Block B, Northridge Park, Section Two, Phase A-1, a subdivision recorded in Volume 86, Page 141B, for the southeasterly corner hereof;

THENCE S 77°34'47" W with the common boundary line of said Northridge Park and the tract hereof, passing a ½" rebar found in concrete at 810.39 feet at the northwesterly corner of Lot 1, Block B of said Northridge Park, and continuing for a total distance of 812.58 feet to a ½" rebar found in the easterly right of way line of Lazy Court Drive for the southern most corner hereof;

THENCE N 12°21'41" W, with the common boundary line of said Lazy Court Drive and the tract hereof, a distance of 867.34 feet to a ½" rebar found in the northerly right of way line of Lazy Court Drive for and interior ell corner hereof;

THENCE with the said northerly right of way line of Lazy Court Drive, the following five (5) calls:

1. S 77°10'13" W, a distance of 119.82 feet to a capped rebar found at the point of curvature of a curve to the left;
2. 179.90 feet along the arc of said curve, having a radius of 430.00 feet and a chord bearing and distance of S 65°50'01" W, 178.59 feet to a ½" rebar found at the point of curvature of a reverse curve to the right;
3. 194.43 feet along the arc of said curve, having a radius of 523.00 feet and a chord bearing and distance of S 64°13'47" W, 193.31 feet to a ½" rebar found at the end of said curve;
4. S 75°04'23" W, a distance of 186.77 feet to a ½" rebar found at the point of curvature of a curve to the right;
5. 23.53 feet along the arc of said curve, having a radius of 15.00 feet and a chord bearing and distance of N 60°06'12" W, 21.19 feet to a ½" rebar found in the aforesaid easterly right of way line of Crainway Drive at the end of said curve;

THENCE with said Crainway Drive being the westerly line hereof, the following two (2) calls:

1. N 15°01'29" W, a distance of 436.97 feet to a capped rebar found at the point of curvature of said curve to the right;
2. 22.31 feet along the arc of said curve to the right, having a radius of 15.00 feet and a chord bearing and distance of N 27°46'00" E, 20.31 feet to the **PLACE OF BEGINNING** hereof and containing 37.7438 acres of land, more or less.

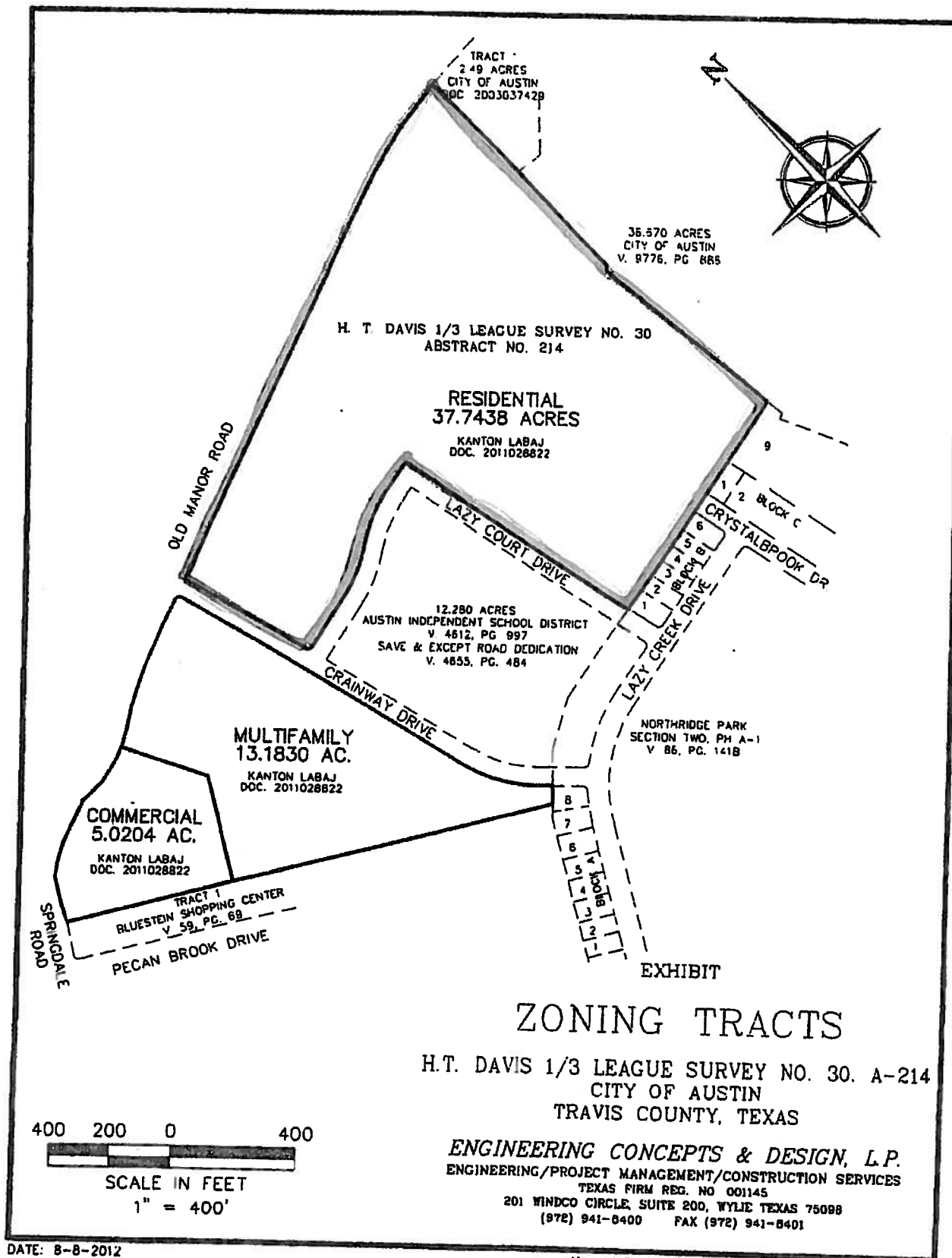
THIS DESCRIPTION TO BE USED WITH THE ATTACHED SURVEY DRAWING ONLY.


VICTOR M. GARZA, R.P.L.S. 4740

4-3-13
DATE

REF #: B0308413_TR3_LEGAL





**TRACT 1
LEGAL DESCRIPTION**

BEING 5.0204 ACRES OF LAND, MORE OR LESS, SITUATED IN THE H. T. DAVIS 1/3 LEAGUE SURVEY NO. 30, ABSTRACT NO. 214 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT REMAINDER TRACT OF LAND CONVEYED TO KANTON LABAJ IN DOCUMENT NUMBER 2011028822, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, BEING THAT CALLED 112.66 ACRE TRACT OF LAND DESCRIBED IN VOLUME 2644, PAGE 561, SAVE AND EXCEPT (i) 41.796 ACRES OF LAND CONVEYED IN VOLUME 4178, PAGE 1106, DEED RECORDS, TRAVIS COUNTY, TEXAS, (ii) 12.280 ACRES OF LAND DESCRIBED IN VOLUME 4612, PAGE 997, DEED RECORDS, TRAVIS COUNTY, TEXAS (iii) 2.340 ACRES OF LAND DESCRIBED IN VOLUME 4655, PAGE 484, DEED RECORDS, TRAVIS COUNTY, TEXAS, (iv) 0.2897 OF AN ACRE OF LAND CONVEYED IN VOLUME 11359, PAGE 169, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, (v) 0.0437 OF AN ACRE OF LAND CONVEYED IN VOLUME 11293, PAGE 2116, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 5.0204 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a Texas Department of Transportation Brass Disk found in the easterly right of way line of Springdale Road, said point being the northeasterly corner of Tract 1, Bluestein Shopping Center, a Subdivision of record in Volume 59, Page 69 of the Plat Records of Travis County, Texas, and being the western most northerly corner hereof;

THENCE with the easterly right of way of said Springdale Road, the following two (2) calls:

1. N 24°26'14" E, a distance of 49.54 feet to a ½" capped rebar set for an angle point hereof;
2. N 30°00'09" E, a distance of 103.42 feet to a Texas Department of Transportation Brass Disk found at the intersection of said road with the southerly right of way line of Old Manor Road for an angle point hereof;

THENCE with the southerly right of way line of said Old Manor Road, the following four (4) calls:

1. N 51°33'24" E, a distance of 46.56 feet to a ½" rebar found for an angle point hereof;
2. N 60°53'05" E, a distance of 69.48 feet to a ½" rebar found for an angle point hereof;
3. N 68°47'09" E, a distance of 148.92 feet to a capped rebar found at the point of curvature of a non-tangent curve to the left for an angle point hereof;

4. 218.73 feet along the arc of said curve to the left, having a radius of 392.72 feet and a chord bearing and distance of N 79°55'00" E, 215.92 feet to a calculated point;

THENCE leaving the southerly right of way of said Old Manor Road, and crossing through said Labaj tract, the following two (2) courses and distances:

1. S 27°22'41"E, a distance of 296.53 feet to a calculated point, and
2. S 30°07'08"W, a distance of 352.07 feet to a calculated point in the southwest line of said Labaj tract, same being the northeast line of said Tract 1, Bluestein Shopping Center;

THENCE N 59°52'52"W, passing a capped rebar found at a distance of 525.56 feet, and continuing for a total distance of 555.48 feet to the **PLACE OF BEGINNING** hereof and containing 5.0204 acres of land, more or less.

BEARING BASIS: A northerly line of said Labaj remainder tract, as shown on attached survey drawing, same being the southerly right of way of said Old Manor Road, said line having a bearing of, N 68°30'00"E, a distance of 1401.94 feet.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SURVEY DRAWING ONLY.


VICTOR M. GARZA, R.P.L.S. 4740

4-3-13
DATE

REF #: B0308413_TR1_LEGAL



**TRACT 2
LEGAL DESCRIPTION**

BEING 13.1830 ACRES OF LAND, MORE OR LESS, SITUATED IN THE H. T. DAVIS 1/3 LEAGUE SURVEY NO. 30, ABSTRACT NO. 214 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT REMAINDER TRACT OF LAND CONVEYED TO KANTON LABAJ IN DOCUMENT NUMBER 2011028822, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS BEING THAT CALLED 112.66 ACRE TRACT OF LAND DESCRIBED IN VOLUME 2644, PAGE 561, SAVE AND EXCEPT (i) 41.796 ACRES OF LAND CONVEYED IN VOLUME 4178, PAGE 1106, DEED RECORDS, TRAVIS COUNTY, TEXAS, (ii) 12.280 ACRES OF LAND DESCRIBED IN VOLUME 4612, PAGE 997, DEED RECORDS, TRAVIS COUNTY, TEXAS (iii) 2.340 ACRES OF LAND DESCRIBED IN VOLUME 4655, PAGE 484, DEED RECORDS, TRAVIS COUNTY, TEXAS, (iv) 0.2897 OF AN ACRE OF LAND CONVEYED IN VOLUME 11359, PAGE 169, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, (v) 0.0437 OF AN ACRE OF LAND CONVEYED IN VOLUME 11293, PAGE 2116, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 13.1830 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING a ½" rebar found at the southeasterly corner of Tract 1, Bluestein Shopping Center, a Subdivision of record in Volume 59, Page 69 of the Plat Records of Travis County, Texas, said rebar also being in the northerly line of Northridge Park, Section Two, Phase A-1, a subdivision recorded in Volume 86, Page 141B, said rebar being the southernmost corner hereof;

THENCE N 59°52'52" W, with the common boundary line of said Tract 1, Bluestein Shopping Center, and the tract hereof, a distance of 1053.46 feet to a calculated point;

THENCE leaving the northerly line of said Tract 1, Bluestein Shopping Center, and crossing through said Labaj tract, the following two (2) courses and distances:

1. N 30°07'08"E, a distance of 352.07 feet to a calculated point,
2. N 27°22'41"W, a distance of 296.53 feet to a calculated point in the curving southern right of way of Old Manor Road, same being the northerly line of said Labaj remainder tract;

THENCE with the southern right of way of said Old Manor Road and the north line of the tract hereof, the following four (4) courses and distances:

1. 56.53 feet along the arc of said curve to the left, having a radius of 392.72 feet and a chord bearing and distance of N 59°50'13" E, 56.48 feet to a capped rebar found at the point of curvature of a reverse curve to the right;
2. 290.75 feet along the arc of said curve to the right, having a radius of 1306.10 feet and a chord bearing and distance of N 62°07'50" E, 290.15

feet to a capped rebar found stamped "S.A. Garza Engineering, Inc." at the end of said curve for an angle point hereof;

3. N 66°34'16" E, a distance of 60.46 feet to a ½" rebar found for an angle point hereof;
4. N 68°30'00" E (Bearing Basis), a distance of 103.00 feet to a capped rebar found at the point of curvature of a curve to the right in the westerly right of way line of Crainway Drive, an undeveloped road;

THENCE with the westerly right of way line of Crainway Drive, the following four (4) calls:

1. 25.19 feet along the arc of said curve to the right having a radius of 15.00 feet and a chord bearing and distance of S 63°21'32" E, 22.33 feet to a capped rebar found at the end of said curve;
2. S 15°07'19" E, passing a 60D Nail found at 734.48 feet and continuing for a total distance of 1055.35 feet to a ½" capped rebar set at the point of curvature of a curve to the left;
3. 258.90 feet along the arc of said curve, having a radius of 476.46 feet and a chord bearing and distance of S 30°36'56" E, 255.73 feet to a ½" capped rebar set at the end of said curve;
4. S 46°17'56" E, a distance of 42.73 feet to a ½" rebar found in a water meter in the northerly line of Northridge Park, Section Two, Phase A-1, a subdivision recorded in Volume 86, Page 141B, Plat Records of Travis County, Texas, for the southeasterly corner hereof;

THENCE S 43°50'53" W with the common boundary line of said Northridge Park, Lot 8, Block A of said Northridge Park, in part, and the tract hereof, passing a ½" rebar found at 2.19 feet and continuing for a total distance of 60.80 feet to the **PLACE OF BEGINNING** hereof and containing 13.1830 acres of land, more or less.

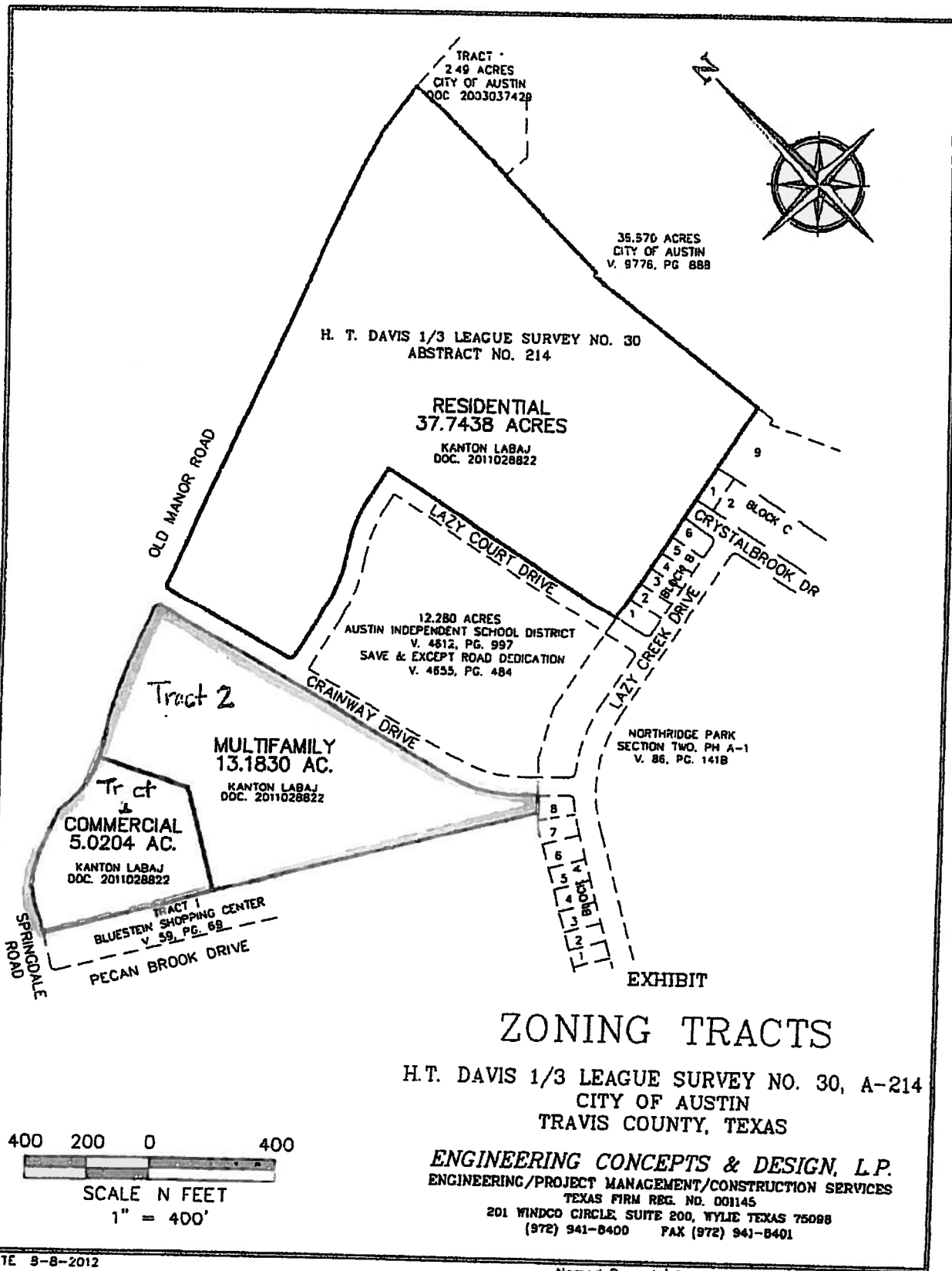
THIS DESCRIPTION TO BE USED WITH THE ATTACHED SURVEY DRAWING ONLY.


VICTOR M. GARZA, R.P.L.S. 4740

4-3-17
DATE

REF #: B0308413_TR2_LEGAL





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