

**RESTRICTIVE COVENANT**

**OWNER:** Azur Property Investment (USA) Inc. a Panama corporation

**ADDRESS:** 94047 Roxanna Drive, Austin, Texas 78748

**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:** 12.04 acre tract of land, more or less, out of the Santiago Del Valle Grant the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this Restricted Covenant,

0.77 acre tract of land, more or less, out of the Santiago Del Valle Grant the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this Restricted 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. Any portion of the Property used for a vehicle storage use that is not completely enclosed must be screened using the Screening Standards in Section 2.9.1 of the Environmental Criteria Manual.
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:**

AZUR PROPERTY INVESTMENT  
(USA) INC., a Panama corporation

\_\_\_\_\_  
Haidar Khazen  
Authorized Representative

**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 \_\_\_\_ day of \_\_\_\_\_,  
2013, by Haidar Khazen, Authorized Representative of Azur Property Investment (USA), Inc., a  
Panama corporation, on behalf of said corporation.

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Notary Public, State of Texas



Professional Land Surveying, Inc.  
Surveying and Mapping

C14-2013-0106  
Tract 1

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT " \_ "

PORTION OF AZUR PROPERTY  
INVESTMENT (USA) INC.  
(ZONING DESCRIPTION)

**12.043 ACRES**  
**SANTIAGO DEL VALLE GRANT**  
**CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 12.043 ACRES (APPROX. 524,600 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING ALL OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 12.043 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2 rebar with "Chaparral" cap set for an angle point in the north right-of-way line of East Ben White Boulevard/State Highway 71 (right-of-way width varies), same being the southwest corner of Lot A, Briarton Subdivision, a subdivision of record in Volume 72, Page 240 of the Plat Records of Travis County, Texas, being also the southeast corner of the said 12.821 acre tract, from which a TxDOT aluminum cap found bears South 82°59'29" East, a distance of 192.47 feet;

**THENCE** North 81°44'12" West, with the north right-of-way line of E. Ben White Boulevard and the south line of the 12.821 acre tract, a distance of 388.65 feet to a 1/2" rebar with "Chaparral" cap set for the southwest corner of the 12.821 acre tract, same being the southeast corner of Lot 1, Block A, Briarton Subdivision, a subdivision of record in Volume 96, Page 338 of the Plat Records of Travis County, Texas, from which a 1/2" rebar with aluminum cap found (Station 10835+25.68, 175.00' RT) in the south right-of-way line of E. Ben White Boulevard bears North 81°44'12" West, a distance of 393.79 feet, and South 08°15'48" West, a distance of 349.83 feet;

**THENCE** with the common line of Lot 1, Block A, of Briarton Subdivision (96/338), and the 12.821 acre tract, the following two (2) courses and distances:

1. North 27°47'45" East, a distance of 297.73 feet to a 1/2" rebar found;

2. North 81°43'14" West, a distance of 281.07 feet to a 1/2" rebar found for an angle point in the west line of the 12.821 acre tract, for the northwest corner of Lot 1, Block A, of said Briarton Subdivision (96/338), same being in the east line of Lot 1, Catholic Family Fraternal of Texas-KJZT Subdivision, a subdivision of record in Volume 89, Page 303 of the Plat Records of Travis County, Texas;

**THENCE** North 16°18'07" East, with the west line of the 12.821 acre tract and the east line of Lot 1 of said Catholic Family Fraternal of Texas-KJZT Subdivision, a distance of 143.56 feet to an axle found for an angle point in the west line of the 12.821 acre tract, for the northeast corner of Lot 1 of said Catholic Family Fraternal of Texas-KJZT Subdivision, same being an angle point in the east line of Lot 1, Block 1, St. Peter the Apostle Church Addition, a subdivision of record in Volume 89, Page 240 of the Plat Records of Travis County, Texas;

**THENCE** North 39°06'58" East, with the west line of the 12.821 acre tract and the east line of Lot 1, Block 1 of said St. Peter the Apostle Church Addition, a distance of 580.97 feet to a calculated point, from which a 1" iron pipe in concrete found for the northwest corner of the 12.821 acre tract and the northeast corner of Lot 1, Block 1 of said St. Peter the Apostle Church Addition, same being in the south line of a drainage lot in Block E, Sunridge Park, Section One, a subdivision of record in Volume 85, Page 107B of the Plat Records of Travis County, Texas, bears North 39°06'58" East, a distance of 76.61 feet;

**THENCE** over and across the 12.821 acre tract, the following five (5) courses and distances:

1. South 62°38'45" East, a distance of 260.43 feet to a calculated point;
2. South 62°50'20" East, a distance of 75.00 feet to a calculated point;
3. North 27°09'40" East, a distance of 35.00 feet to a calculated point;
4. South 62°50'20" East, a distance of 230.69 feet to a calculated point;
5. North 27°43'50" East, a distance of 40.00 feet to a calculated point in the north line of the 12.821 acre tract, being also in the south line of Lot 1, Block 1, Resubdivision of Sunridge Park, Section Two, a subdivision of record in Volume 98, Page 231 of the Plat Records of Travis County, Texas, from which a 1/2" rebar in concrete found for an angle point in the west line of said Lot 1, being also the southeast corner of Lot 39, Block A of said Sunridge Park Section One, bears North 62°50'20" West, a distance of 306.09 feet;

**THENCE** with the common line of the 12.821 acre tract and Lot 1, Block 1, of said Resubdivision of Sunridge Park, Section Two, the following two (2) courses and distances:

1. South 62°50'20" East, a distance of 200.00 feet to a 1" iron pipe found;
2. South 27°43'49" West, a distance of 200.27 feet to a 1/2" rebar found for an angle point in the east line of the 12.821 acre tract, same being the northeast corner of Lot A of said Briarton Subdivision (72/240);

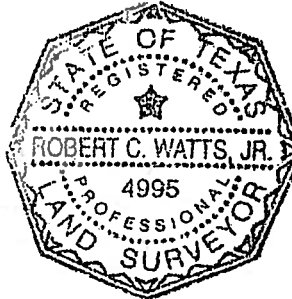
**THENCE** with the common line of the 12.821 acre tract and Lot A of said Briarton Subdivision (72/240), the following two (2) courses and distances:

1. North 62°47'42" West, a distance of 219.89 feet a 1/2" rebar found;
2. South 27°48'54" West, a distance of 664.31 feet to the **POINT OF BEGINNING**, containing 12.043 acres of land, more or less.

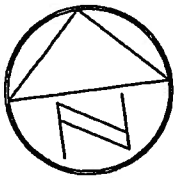
Surveyed on the ground June 20, 2013. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing 646-001-Z2.



Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



10-31-13



1" = 200'

SUNRIDGE PARK  
SECTION ONE  
(85/107B)

SUNRIDGE DRIVE  
(70' R.O.W.)

DRAINAGE LOT  
BLOCK E  
(85/107B)

LOT 39  
BLOCK A  
(85/107B)

LOT 1  
BLOCK 1  
RESUBDIVISION OF  
SUNRIDGE PARK  
SECTION TWO  
(98/231)

LOT 1  
BLOCK 1  
ST. PETER THE APOSTLE  
CHURCH ADDITION  
(89/240)

PORTION OF  
12.821 AC.  
(8936/289)

12.043 ACRES  
(APPROX. 524,600 SQ. FT.)

12.821 AC.  
AZUR PROPERTY INVESTMENT  
(USA) INC.  
(8936/289)

LOT 1  
CATHOLIC FAMILY  
FRATERNAL OF TEXAS-  
KJZT SUBDIVISION  
(89/303)

LOT 1  
BLOCK A  
BRIARTON  
SUBDIVISION  
(96/338)

P.O.B.  
STA  
10843+11.62  
170.62'LT

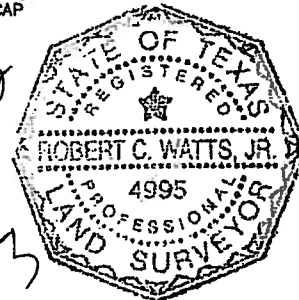
LOT A  
BRIARTON  
SUBDIVISION  
(72/240)

LOT 1  
BLOCK 1  
RESUBDIVISION OF  
SUNRIDGE PARK  
SECTION TWO  
(98/231)

ACAP  
STA  
10835+25.68  
175.00'RT  
S08°15'48"W  
349.83'  
TxDOT R.O.W. PER  
CSJ# 0113-13-086  
N81°44'12"W 393.79'  
N81°44'12"W 388.65'  
(N78°30'W 388.76')

EAST BEN WHITE BOULEVARD  
(S.H. 71)  
(RIGHT-OF-WAY WIDTH VARIES)

S27°48'54"W 664.31'  
(S31°03'W 664.65')



*Watts*  
10-31-13

DATE OF SURVEY: 06/20/13  
PLOT DATE: 10/31/13  
DRAWING NO.: 646-001-Z2  
PROJECT NO.: 646-001  
DRAWN BY: RCW

**Chaparral**

SKETCH TO ACCOMPANY A DESCRIPTION OF 12.043 ACRES (APPROX. 524,600 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED IN VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

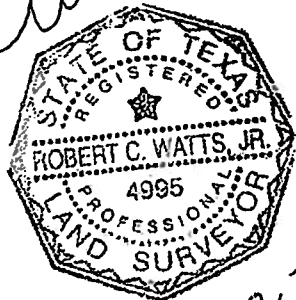
- 1/2" REBAR FOUND
- ⊙ 1" IRON PIPE FOUND
- ☒ AXLE FOUND
- △ CALCULATED POINT
- ACAP ● ALUM. TxDOT CAP FOUND
- 1/2" REBAR WITH CHAPARRAL CAP SET
- ( ) RECORD INFORMATION

LINE TABLE

LINE	BEARING	DISTANCE	RECORD INFO.
L1	N27°47'45"E	297.73'	(N31°03'E 298.20')
L2	N16°18'07"E	143.56'	(N19°28'E 143.31')
L3	S62°38'45"E	260.43'	
L4	S62°50'20"E	75.00'	
L5	N27°09'40"E	35.00'	
L6	S62°50'20"E	230.69'	
L7	N27°43'50"E	40.00'	
L8	S62°50'20"E	200.00'	
L9	S27°43'49"W	200.27'	(S31°03'W 200.00')
L10	N62°47'42"W	219.89'	(N59°34'W 220.00')
L11	N39°06'58"E	76.61'	
L12	N62°50'20"W	306.09'	
L13	S82°59'29"E	192.47'	

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 646-001-Z2



10-31-13

Chaparral

DATE OF SURVEY: 06/20/13  
 PLOT DATE: 10/31/13  
 DRAWING NO.: 646-001-Z2  
 PROJECT NO.: 646-001  
 DRAWN BY: RCW





**Professional Land Surveying, Inc.**  
**Surveying and Mapping**

C14-2013-0106  
Tract 2

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT " \_ "

**PORTION OF AZUR PROPERTY  
INVESTMENT (USA) INC.  
(ZONING DESCRIPTION)**

**0.776 ACRES  
SANTIAGO DEL VALLE GRANT  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.776 ACRES (APPROX. 33,797 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED IN VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.776 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1" iron pipe in concrete found for the northwest corner of the said 12.821 acre tract, same being the northeast corner of Lot 1, Block 1, St. Peter the Apostle Church Addition, a subdivision of record in Volume 89, Page 240 of the Plat Records of Travis County, Texas and also being in the south line of a drainage lot in Block E, Sunridge Park, Section One, a subdivision of record in Volume 85, Page 107B of the Plat Records of Travis County, Texas, from which a 1" iron pipe found in the north line of said Lot 1, same being the south line of said drainage lot, bears North 62°20'13" West, a distance of 38.67 feet;

**THENCE** South 62°38'45" East, with the north line of the said 12.821 acre tract, same being the south line of said drainage lot, the south termination of Sunridge Drive (70' right-of-way width), described in Volume 85, Page 107B of the Plat Records of Travis County, Texas and the south line of Lot 39, Block A, said Sunridge Park, Section One, a distance of 244.56 feet to a 1/2" rebar in concrete found for an angle point in the north line of the said 12.821 acre tract a, being the southeast corner of said Lot 39 and also being an angle point in the west line of Lot 1, Block 1, Resubdivision of Sunridge Park, Section Two, a subdivision of record in Volume 98, Page 231 of the Plat Records of Travis County, Texas;

**THENCE** South 62°50'20" East, with the common line of the said 12.821 acre tract and Lot 1, Block 1, of said Resubdivision of Sunridge Park, Section Two, a distance of 306.09 feet to a calculated point, from which a 1" iron pipe found for

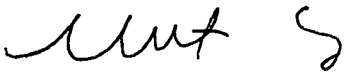
the northeast corner of the 12.821 acre tract, being also an angle point in the west line of Lot 1, bears South 62°50'20" East, a distance of 200.00 feet;

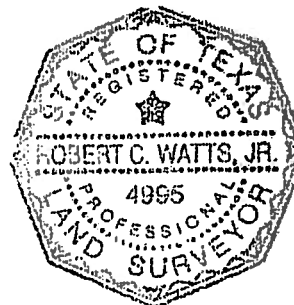
**THENCE** crossing said 12.821 acre tract, the following five (5) courses and distances:

1. South 27°43'50" West, a distance of 40.00 feet to a calculated point;
2. North 62°50'20" West, a distance of 230.69 feet to a calculated point;
3. South 27°09'40" West, a distance of 35.00 feet to a calculated point;
4. North 62°50'20" West, a distance of 75.00 feet to a calculated point;
5. North 62°38'45" West, a distance of 260.43 feet to a calculated point in the west line of the said 12.821 acre tract, same being the east line of Lot 1, Block 1, said St. Peter the Apostle Church Addition, from which an axle found for an angle point in the west line of the said 12.821 acre tract, being a southeast corner of said Lot 1, Block 1 said St. Peter the Apostle Church Addition and also being the northeast corner of Lot 1, Catholic Family Fraternal of Texas-KJZT Subdivision, a subdivision of record in Volume 89, Page 303 of the Plat Records of Travis County, Texas, bears South 39°06'58" West, a distance of 580.97 feet;

**THENCE** North 39°06'58" East, with the west line of the said 12.821 acre tract, same being the east line of Lot 1, Block 1, said St. Peter the Apostle Church Addition, a distance of 76.61 feet to the **POINT OF BEGINNING**, containing 0.776 acres of land, more or less.

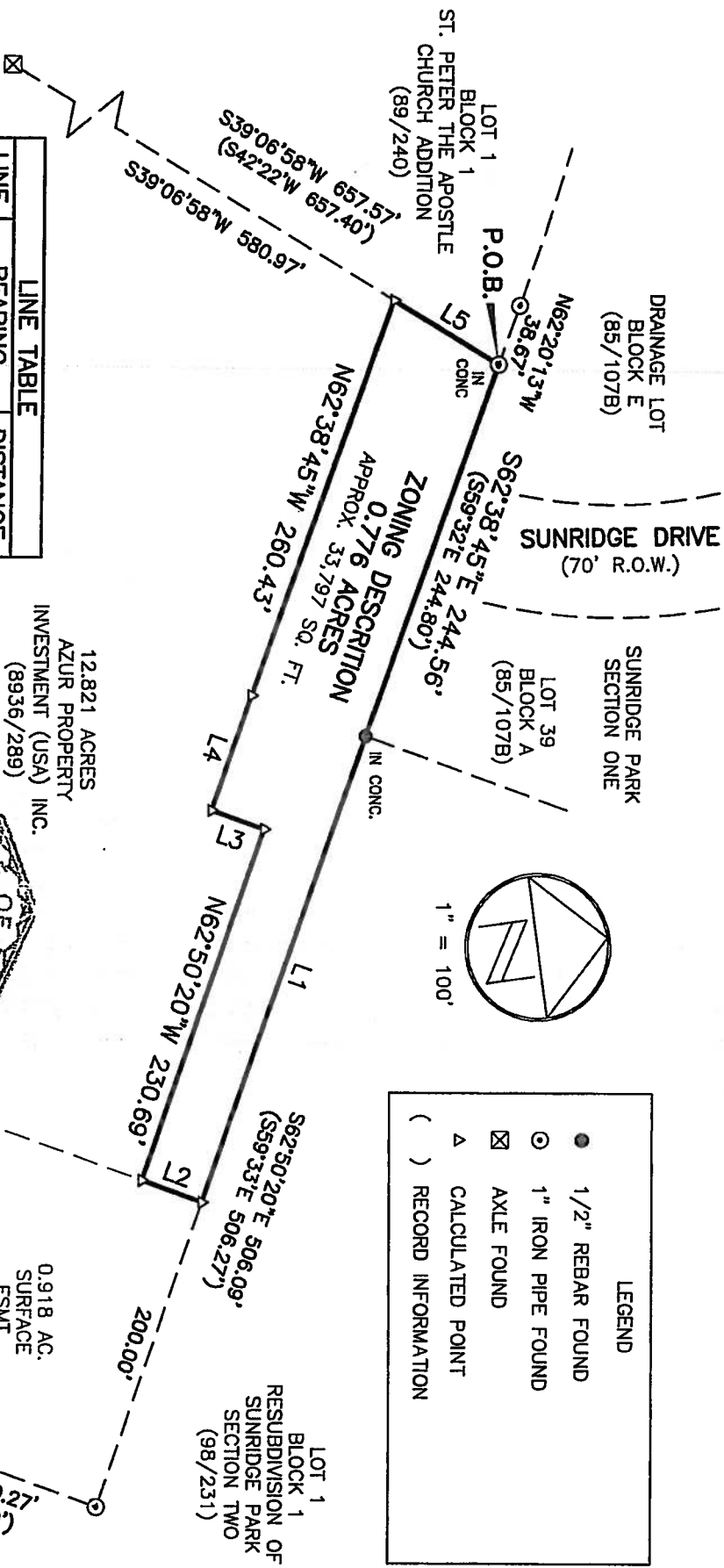
Surveyed on the ground June 20, 2013. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Survey Drawing 646-001-Z1.

  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



10-31-13

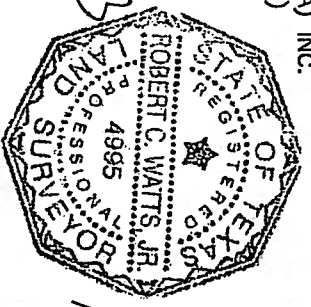
SKETCH TO ACCOMPANY A DESCRIPTION OF 0.776 ACRES (APPROX. 33,797 SQ. FT.) OF LAND IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 12.821 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO AZUR PROPERTY INVESTMENT (USA) INC., DATED NOVEMBER 14, 1989, AND RECORDED IN VOLUME 8939, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.



LINE	BEARING	DISTANCE
L1	S62°50'20"E	306.09'
L2	S27°43'50"W	40.00'
L3	S27°09'40"W	35.00'
L4	N62°50'20"W	75.00'
L5	N39°06'58"E	76.61'

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 646-001-Z1



Chaparral

DATE OF SURVEY: 06/20/13  
 PLOT DATE: 10/31/13  
 DRAWING NO.: 646-001-Z1  
 PROJECT NO.: 646-001  
 DRAWN BY: JDB

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

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