

**Zoning Case No. C14-2014-0083RC**

**RESTRICTIVE COVENANT**

OWNER: 2416 East Sixth Street L.P., a Texas limited partnership

ADDRESS: 301 Congress Avenue, Suite 500, Austin, Texas 78701

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: 4.06 acre tract of land being all of Lot 1, and a portion of Lot 2, Outlot 10, Division "A" of the H & T.C.R.R. Addition, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Property").

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 HDR Engineering, Inc., dated October 23, 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 January 8, 2014. 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 \_\_\_\_\_, 2014.

**OWNER:**

2416 EAST SIXTH STREET L.P., a Texas limited partnership

By: 2416 EAST SIXTH STREET GP LP, a Texas limited partnership, its general partner

By: LLANO INVESTMENTS GP LLC, a Delaware limited liability company

By: \_\_\_\_\_  
M. Timothy Clark  
President

**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 \_\_\_\_\_, 2014, by M. Timothy Clark, President of Llano Investments GP LLC, a Delaware limited liability company, general partner of, 2416 East Sixth Street GP LP, a Texas limited partnership, general partner of, 2416 East Sixth Street L.P., a Texas limited partnership, on behalf of the partnership.

---

Notary Public, State of Texas

8405 Delavan Ave  
Austin, Tx. 78717



Off: (512) 258-6842  
Cell: (512) 669-4266

"westsurveyors@austin.rr.com"  
FIELD NOTE DESCRIPTION

4.061 Acres  
2416 East 6<sup>th</sup> Street  
Austin, Travis County, Texas

BEING A 4.061 ACRE TRACT OF LAND, BEING ALL OF LOT 1 AND A PORTION OF LOT 2, OUTLOT 10, DIVISION "A" OF H. & T.C.R.R. ADDITION, AN ADDITION TO THE CITY OF AUSTIN AND RECORDED IN VOLUME 2, PAGE 188 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING THE SAME TRACT DESCRIBED AS 4.0612 ACRES DESCRIBED IN VOLUME 4094, PAGE 1776 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/4 inch diameter drill hole set in a concrete walk at the intersection of the West Right-of-Way line of Pedernales Street ( 60 foot wide R.O.W.) and the North Right-of-Way line of East 6<sup>th</sup> Street ( 60 foot wide R.O.W.) for the Southeast corner of the tract herein described and from which a City of Austin Monument at the centerline intersection of East 6<sup>th</sup> Street and Pedernales Street bears South 22d 55' 47" West, 30.00 feet and South 66d 57' 00" East, a distance of 30.00 feet;

**THENCE** North 66d 57' 00" West, with the said, North R.O.W. line of East 6<sup>th</sup> Street, also being the South line of the tract herein described, a distance of 619.42 feet to a 1/2 inch iron rod SET for corner in the curving East R.O.W. line of the Southern Pacific Railroad for the Southwest corner of the tract herein described and from which a City of Austin monument at the centerline of East 6<sup>th</sup> Street and Robert Martinez Street bears South 23d 03' 00" West, a distance of 30.00 feet and North 66d 57' 00" West, a distance of 694.25 feet;

**THENCE** with said curve to the right being the East R.O.W. line of said Southern Pacific Railroad, also being the West line of the tract herein described whose elements are Delta = 18d 39' 29", Radius = 891.80 feet, Arc length = 290.41 feet and whose Chord bears North 28d 07' 00" East, a chord distance of 289.13 feet to a 1/2 inch iron rod FOUND in the South R.O.W. line of Hidalgo Street for the Northwest corner of the tract herein described;

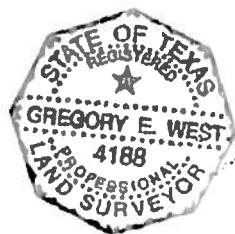
**THENCE** South 66d 57' 00" East with the South R.O.W. line of Hidalgo Street, also being the North line of the herein described tract, a distance of 593.28 feet to a 1/2 inch iron rod SET at the intersection of the West R.O.W. line of Pedernales Street and the South R.O.W. line of Hidalgo Street for the Northeast corner of the tract herein described;

**THENCE** South 22d 55' 47" West with the West R.O.W. line of Pedernales Street also being the East line of the tract herein described, a distance of 288.00 feet to the **POINT OF BEGINNING** and containing a calculated area of 4.061 Acres of land, subject to easements, conditions or restrictions of record, if any.

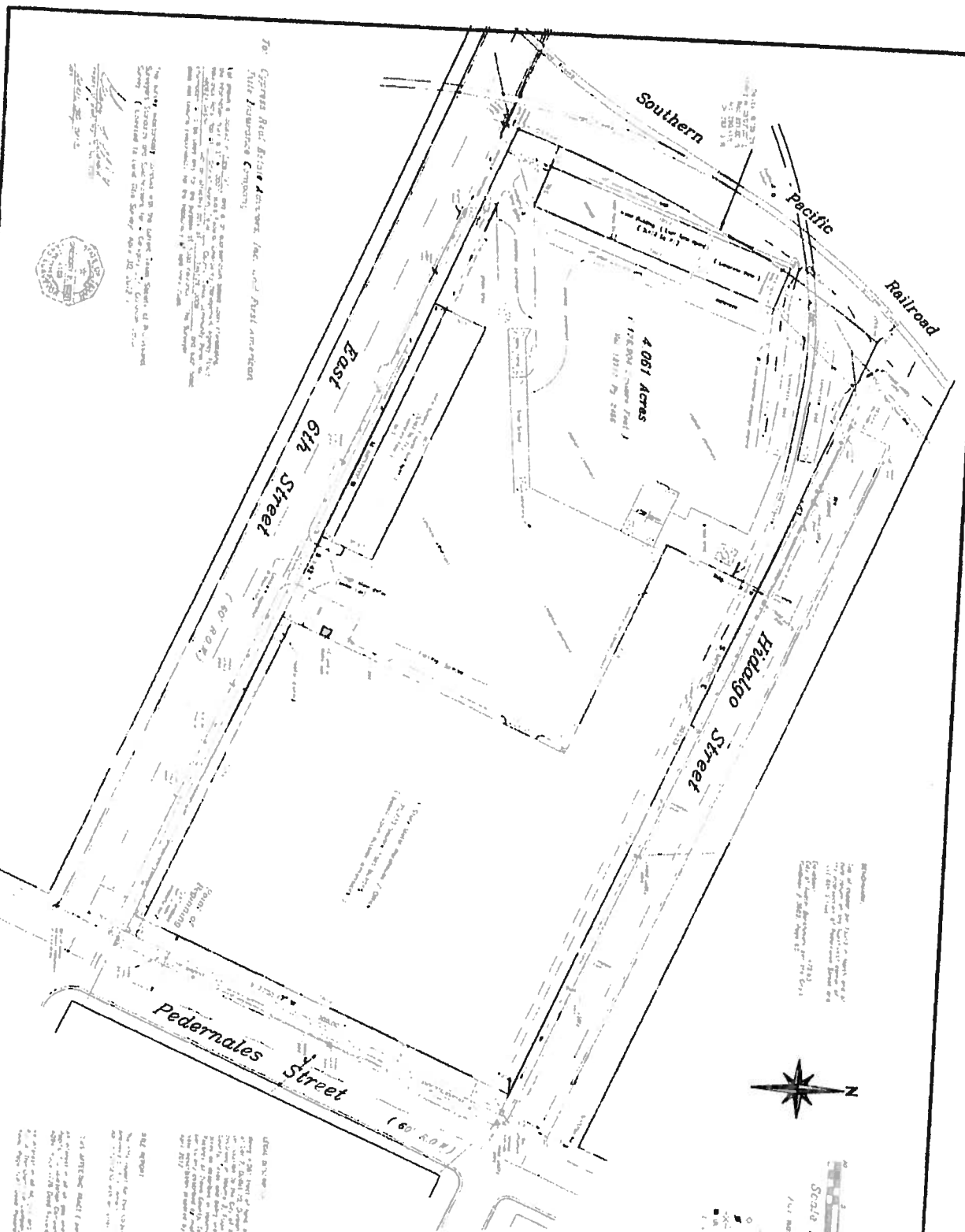
I hereby certify that the foregoing Field Notes were prepared from a survey on-the-ground, under my supervision and are true and correct to the best of my knowledge and belief

Witness my hand and seal this the 30<sup>th</sup> day of April 2012.

Gregory E. West, R.P.L.S. # 4188  
WEST SURVEYORS, INC.  
8405 Delavan Avenue  
Austin, Texas 78717  
Project No. M038-04



SCANNED



**Cypress Real Estate & Investment, Inc. and First American Title Insurance Company**

For a complete description of the property, see the plat of the property, which is on file in the office of the County Clerk of Travis County, Texas, under the name of the property, and also the plat of the property, which is on file in the office of the County Clerk of Travis County, Texas, under the name of the property.

The survey was made by the Surveyor General of Texas, and the plat of the survey was filed in the office of the County Clerk of Travis County, Texas, under the name of the property.



**DEED**

Being a part of the survey of the property, which is on file in the office of the County Clerk of Travis County, Texas, under the name of the property, and also the plat of the property, which is on file in the office of the County Clerk of Travis County, Texas, under the name of the property.

The survey was made by the Surveyor General of Texas, and the plat of the survey was filed in the office of the County Clerk of Travis County, Texas, under the name of the property.

<b>Cypress Real Estate Advisors, Inc.</b>		<b>Land Title Survey</b> 4.061 East 6th Street - 4.061 Acre Lot 1 & Part Lot 2, Outlot 10, Div. "A" of NACRR Addition City of Austin		<b>SURVEYORS, INC.</b> 6430 Calhoun Avenue Austin, Texas 78757 Ph. (512) 733-0242 Fax. (512) 733-0740	
Date: 11/11/11 Drawn by: J. L. L. L. Checked by: J. L. L. L. Filed: 11/11/11	State: TX County: Travis City: Austin	Book: 111 Page: 111	Plat: 111 Page: 111	Sheet: 111 Page: 111	Total: 111 Page: 111

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