

Zoning Case No. C14-2014-0034RC

RESTRICTIVE COVENANT

OWNER: JFP Industrial Interests, Inc., a Texas corporation

ADDRESS: 113 Industrial Boulevard, Building B-1, Austin, Texas 78745

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: 0.599 acre tract of land out of the Isaac Decker League, said 0.59 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant,

and

Lot A, William S. Drake Jr. Subdivision Three Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 78, Page 353, of the Plat Records of Travis County, Texas (cumulatively referred to as 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;q

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 September 5, 2014, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the Planning and Development Review Department, Transportation Review Section's staff memorandum ("memorandum"), and any amendments to the memorandum that address subsequent TIA updates for the

Property. The TIA and memorandum shall be kept on file at the Planning and Development Review Department.

2. A shared walkway/bicycle path shall be constructed on the Property from South Congress Avenue to the proposed food sales use.
3. 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.
4. 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.
5. 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.
6. 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:

JFP INDUSTRIAL INTERESTS, INC., a
Texas corporation

William Levihn-Coon
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 William Levihn-Coon, President of JFP Industrial Interests, Inc., a Texas corporation, on behalf of said corporation.

Notary Public, State of Texas

0.599 ACRE
ISAAC DECKER LEAGUE
AUSTIN, TX

FIELD NOTE FILE: 14.045
PROJECT NO.: 248-001
SEPTEMBER 27, 2014

LEGAL DESCRIPTION

BEING A 0.599 ACRE TRACT OUT OF THE ISAAC DECKER LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING THAT CERTAIN 0.599 ACRE TRACT CONVEYED TO JAMES F. PARKER INTERESTS, INC., BY DEED OF RECORD IN DOCUMENT NO. 2007068481, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.599 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod with "Terra Firma" cap found in the east line of Lot A, William S. Drake Jr. Subdivision Three, of record in Volume 78, Page 353, of the Plat Records of Travis County, Texas, being the southwest corner of that certain tract (called Tract 4) conveyed to Twin Oaks Associates, Ltd., by Deed of record in Document No. 2006077189, of said Official Public Records, for the northwesterly corner of said 0.599 acre tract and hereof;

THENCE, S60°48'58"E, leaving the east line of said Lot A, along the south line of said Twin Oaks Associates, Ltd. tract, being the north line of said 0.599 acre tract, a distance of 116.53 feet to a 1/2-inch iron rod with "Terra Firma" cap found at the northeast corner of said 0.599 acre tract, being in the west right-of-way line of Willow Springs Road (r.o.w. varies), for the northeasterly corner hereof;

THENCE, along said west right-of-way line of Willow Springs Road, being an east line of said 0.599 acre tract, along a non-tangent curve to the left, having a radius of 180.71 feet, a central angle of 03°00'18", an arc length of 9.48 feet, and a chord which bears S10°41'47"W, a distance of 9.48 feet to a calculated point at the end of said curve, being a north corner of that certain tract conveyed to Missouri Pacific Railroad Company, by Deed of record in Volume 1418, Page 48, of the Deed Records of Travis County, Texas;

THENCE, leaving said west right-of-way line, along the north and west lines of said Missouri Pacific Railroad Company tract, being the east line of said 0.599 acre tract, the following three (3) courses and distances:

- 1.) N62°22'43"W, a distance of 9.31 feet to a 1/2-inch iron rod with "Terra Firma" cap found, for an angle point;
- 2.) S27°51'02"W, a distance of 85.68 feet to a leaning 1/2-inch iron rod at the point of curvature of a curve to the right;
- 3.) Along said curve, having a radius of 267.45 feet, a central angle of 51°43'40", an arc length of 241.46 feet, and a chord which bears S53°54'05"W, a distance of 233.34 feet to a calculated point in an asphalt parking lot, being the southeast corner of said Lot A, for the most southerly corner of said 0.599 acre tract and hereof;

TWIN OAKS ASSOCIATES, LTD.
TRACT 4

DOC. NO. 2006077189

POINT OF BEGINNING S60°48'58"E 116.53'

WILLOW SPRINGS ROAD
(R.O.W. VARIES)

0.599 ACRE
(26,075 SQ. FT.)

JAMES F. PARKER
INTERESTS, INC.
0.599 ACRE
DOC. 2007068581

LOT A
WILLIAM S. DRAKE JR.
SUBDIVISION THREE
VOL. 78, PG. 353

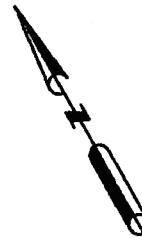
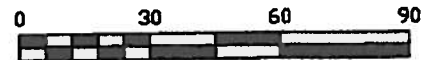
L2 N26°23'22"E 294.21'

C1 S27°51'02"W 85.68'

C2

LEGEND

- 1/2-INCH IRON ROD FOUND
- ▲ CALCULATED POINT



M.P.R.R. CO.
VOL. 1418
PG. 48



LINE TABLE

LINE	BEARING	DISTANCE
L1	N62°22'43"W	9.31'
L2	N27°51'18"E	13.01'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	180.71'	5°00'18"	9.48'	S10°41'47"W	9.48'
C2	267.45'	51°43'40"	241.46'	S53°54'05"W	233.34'

FIELD NOTE NO:

14.045

JOB NUMBER:

248-001

ISSUE DATE:

09/27/14

SHEET:

3 OF 3

0.599 ACRE OUT OF THE ISAAC
DECKER LEAGUE, TRAVIS
COUNTY, TEXAS.

AUSTIN, TX

BOUNDARY EXHIBIT



CLIENT INFORMATION

GROUND FLOOR DEVELOPMENT
3109 KNOX STREET
SUITE 305
DALLAS, TEXAS 75205
214-937-9305

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