

**Zoning Case No. C14-2015-0010**

**RESTRICTIVE COVENANT**

OWNER: KC 4 Manchaca, L.P., a Texas limited partnership

ADDRESS: P.O. Box 162258, Austin, Texas 78716

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: Tract 1:  
2.00 acre tract of land out of the Walker Wilson League No. 2, said acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant,

Tract 2:  
4.03 acre tract of land out of the Walker Wilson League No. 2, said acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (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;

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 WHM Transportation Engineering Consultants, Inc., dated March 22, 2002, or as amended and approved by the Director of the Development Services Department. All development on the Property is subject to the Development Services 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 Zoning 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 4<sup>th</sup> day of JUNE, 2015.

**OWNER:**

KC4 Manchaca, L.P., a Texas limited partnership

KC 4 GP Manchaca, L.C., a Texas limited liability company, its general partner

By: 

John P. Cummings, Jr.  
Manager

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 4th day of June, 2015, by John P. Cummings, Jr., Manager of KC 4 GP Manchaca, L.C., a Texas limited liability company, general partner of KC 4 Manchaca LP, a Texas limited partnership, on behalf of said partnership.



Sherrie Marino  
Notary Public, State of Texas

FIELD NOTE 508  
UDG # 01-174

C14-2015-0010  
TRACT 1  
14.44 JOINT VENTURE  
2.00 ACRES  
ZONING  
TRACT 1

DESCRIPTION

DESCRIBING 2.00 ACRES OF LAND SITUATED IN THE WALKER WILSON LEAGUE NO. 2 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF TRACT OF LAND DESCRIBED IN VOLUME 12916, PAGE 1082 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.00 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING for reference at the northeast corner of Lot 1, Block C Hillcrest Section 1, a subdivision recorded in Volume 100, Page 104-105 of the Plat Records of Travis County, Texas, said reference corner being further described as being in a south right-of-way line of Ravenscroft Drive (R.O.W. varies) as described in said Hillcrest Section 1;

THENCE, along said line of Ravenscroft Drive the following two (2) courses:

- 1) N88°05'16"E, a distance of 31.11 feet to a point;
- 2) S89°02'59"E, a distance of 175.97 feet to the POINT OF BEGINNING of the herein described tract of land;

THENCE, continuing with the said line of Ravenscroft Drive, the following three courses:

- 1) S89°02'59"E, a distance of 84.35 feet to a point;
- 2) N88°05'16"E, a distance of 151.17 feet to a point;
- 3) Along a curve to the right having a radius of 25.00 feet, an arc length of 38.94 feet, a central angle of 89°14'23", and a chord which bears S47°17'47"E, 35.12 feet to a point in a west right-of-way line of Manchaca Road (R.M. 2304);

THENCE, with the said line of Manchaca Road, S02°40'50"E, a distance of 308.48 feet to a point;

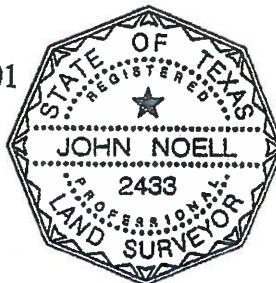
THENCE, through the interior of the said tract of land described in Volume 12,916, Page 1,082, the following two (2) courses:


- 1) S87°19'10"W, a distance of 260.00 feet to a point;
- 2) N02°40'50"W, a distance of 340.85 feet to the POINT OF BEGINNING and containing 2.00 acres of land.

Bearing Basis: Hillcrest Section 1, Vol. 100, Pages 104-105

Field Notes Prepared by

URBAN DESIGN GROUP  
3660 Stoneridge Road, # E101  
Austin, Texas 78746  
(512) 347-0040



  
John Noell, R.P.L.S. #2433  
Date: 3/17/09

Sketch or map attached.

C:\Jobs\14.44 Joint Venture - 01-174\Field Note 508.wpd

KAISER DRIVE (64' RIGHT-OF-WAY)

SCALE: 1"=100'

15	16	17	18	19	20	21	22	23
GREAT OAKS AT SLAUGHTER CREEK PHASE B VOL.100 PG.157-158				BLOCK B PHASE A VOL.97 PG.380-381				

DESCO DRIVE

HILLCREST SECTION 1  
VOL.100 PG.104-105  
BLOCK A  
30  
31  
32  
33  
34  
35  
POINT OF REFERENCE  
36

14.44 JOINT VENTURE  
REMAINING PORTION  
VOL.10762 PG.1082

N87°19'10"E 260.00'

2.00 ACRES  
(F.N. #509)

POINT OF BEGINNING

N85°13'31"E 174.87'

S88°05'16"W 149.29'

RAVENSCROFT DRIVE (RIGHT-OF-WAY VARIES)

N88°05'16"E 31.11'

S89°02'59"E

POINT OF REFERENCE

HILLCREST SECTION 1  
VOL.100 PG.104-105  
BLOCK C

POINT OF BEGINNING

S89°02'59"E 175.97'

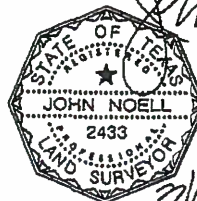
N02°40'50"W 340.85'

2.00 ACRES  
(F.N. #508)

LOT 34  
2.47 AC.  
POND

N01°54'44"W 566.78'

14.44 JOINT VENTURE  
REMAINING PORTION  
VOL.12916 PG.1082



474.37'

S88°04'54"W



3640 STONEMEN ROAD  
SUITE 201  
AUSTIN, TEXAS 78744  
PHONE: (512) 347-0040  
FAX: (512) 347-1311  
E-MAIL: GENERAL@UDG.COM  
WWW.UDG.COM

CONTINENTAL HOMES  
OF TEXAS L.P.  
DOC. 2001132357

M.L. PICKARD  
VOL.593 PG.678

Urban Design Group

THIS MAP TO ACCOMPANY FIELD NOTE 508 AND 509

UDG JOB NO.01-174

\\daniel\p\jcd\1165444\_N-01-174\fieldn 508 509.dgn



FIELD NOTE 510  
UDG # 01-174

C14-2015-0010  
TRACT 2  
14.44 JOINT VENTURE  
4.03 ACRES  
ZONING  
TRACT Z

DESCRIPTION

DESCRIBING 4.03 ACRES OF LAND SITUATED IN THE WALKER WILSON LEAGUE NO. 2 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF TRACT OF LAND DESCRIBED IN VOLUME 12916, PAGE 1082 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.03 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the northeast corner of Lot 1, Block C Hillcrest Section 1, a subdivision recorded in Volume 100, Page 104-105 of the Plat Records of Travis County, Texas, same being the northeast corner of said 4.03 acre tract of the herein described tract;

THENCE, along the north line of said 4.03 acre tract and the south right-of-way line of Ravenscroft Drive as described in said Hillcrest Section 1 the following two (2) courses:

- 1) N88°05'16"E, a distance of 31.11 feet to a point;
- 2) S89°02'59"E, a distance of 175.97 feet to a point;

THENCE, through the interior of the said tract of land described in Volume 12,916, Page 1,082, the following two (2) courses:

- 1) S02°40'50"E, a distance of 340.85 feet to a point;
- 2) N87°19'10"E, a distance of 260.00 feet to a point in a west right-of-way line of Manchaca Road (FM 2304);

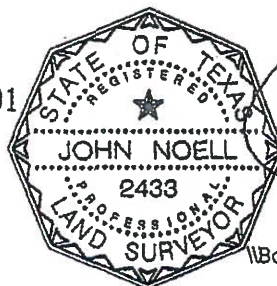
THENCE, S02°40'50"E along the east line of said 4.03 acre tract and west line of said Manchaca Road, a distance of 220.63 feet to a point for the southeast corner of the herein described tract;

THENCE, S88°04'54"W along the south line of said 4.03 acre tract and the north line of tract of land as described in Vol. 593, Page 378 and Doc. No. 200132357 of the Deed Records of Travis County, Texas, a distance of 474.37 feet to the southwest corner of Lot 34, Block C of said Hillcrest 1, same being the southwest corner of said 4.03 acre tract;

THENCE, N01°54'44"W, along the west line of said 4.03 acre tract and the east line of said Lot 34 and Lot 1, Block C, a distance of 566.78 feet to the POINT OF BEGINNING and containing 4.03 acres of land more or less.

Bearing Basis: Hillcrest Section 1, Vol. 100, Pages 104-105

Field Notes Prepared by  
URBAN DESIGN GROUP  
3660 Stoneridge Road, # E101  
Austin, Texas 78746  
(512) 347-0040



  
John Noell, R.P.L.S. #2433

Date: March 17, 2003

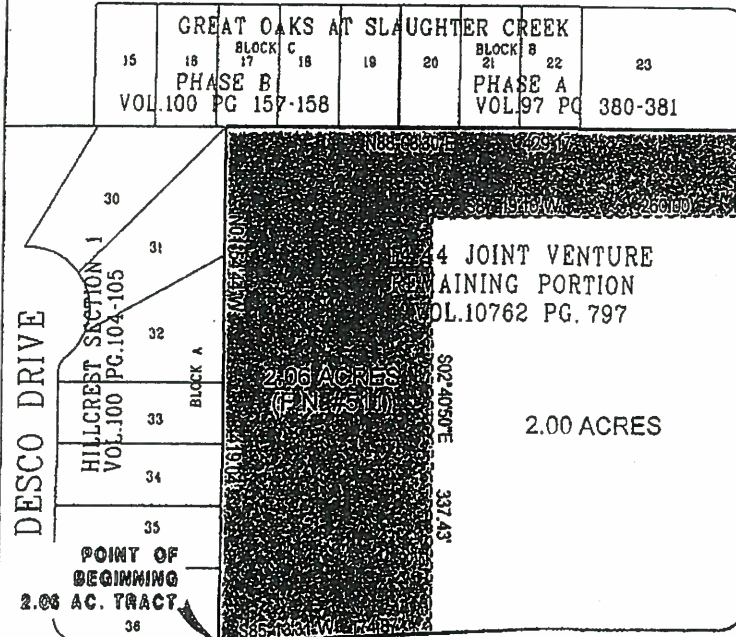
Sketch or map attached.

\\Bonnie-nancy\c\Jobs\14.44 Joint Venture - 01-174\Field Note 510.wpd

Exhibit B

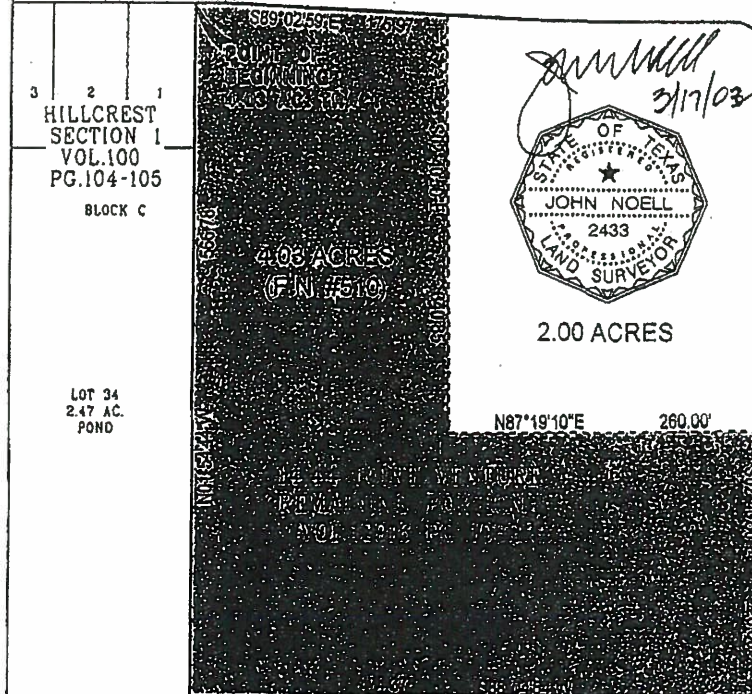
KAISER DRIVE (64' RIGHT-OF-WAY)

SCALE: 1"=100'



RAVENS CROFT DRIVE (RIGHT-OF-WAY VARIES)

N88°05'16"E 31.11'



Urban Design Group

3840 STONERIDGE ROAD  
SUITE 201  
AUSTIN, TEXAS 78744  
PHONE: (512) 347-0040  
FAX: (512) 347-1311  
EMAIL: GENERAL@UDG.COM  
WWW.WWW.UDG.COM

CONTINENTAL HOMES  
OF TEXAS L.P.  
DOC. 2001132357

M.L. PICKARD  
VOL. 593 PG. 878

THIS MAP TO ACCOMPANY FIELD NOTE 510 AND 511

UDG JOB NO. 01-174

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