

RECEIVED

NOV 19 2015

Zoning Case No. C14-2014-0193

Planning & Zoning **RESTRICTIVE COVENANT**

OWNER: MMK Ventures, LLC, a Texas limited liability company

ADDRESS: 2207 W. Parmer Lane, Austin, Texas 78727

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: 29.17 acres of land out of the W. B. Harrison survey number 86, abstract number 382 and the S.A. & M.G.R.R. Co. survey number 290, abstract number 752, Travis County, Texas, and being out of that same property shown as 33.40 acres called Tracts "A" and "C" in that affidavit of partition recorded in Volume 2840, Page 212, of the Deed Records of Travis County, Texas and being more particularly described by metes and bounds in Exhibit "A" (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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Development Services Department (the "Department"), dated April 2, 2015. The NTA memorandum shall be kept on file at the 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 18th day of November, 2015.

OWNER:

MMK Ventures, LLC, a Texas limited liability company

By:


Saeed A. Minhas, President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

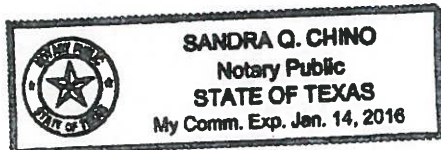
THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§

This instrument was acknowledged before me on this the 18th day of November, 2015, by Saeed A. Minhas, President of MMK Ventures, LLC, a Texas limited liability company.

Sandra Q. Chino
Notary Public, State of Texas

November 18, 2015



FIELD NOTE DESCRIPTION FOR A 29.17 ACRE TRACT OF LAND:

BEING 29.17 ACRES OF LAND OUT THE W.B. HARRISON SURVEY NUMBER 86, ABSTRACT NUMBER 382 AND THE S.A. &M.G.R.R. CO. SURVEY NUMBER 290, ABSTRACT NUMBER 752, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT SAME PROPERTY SHOWN AS 33.40 ACRES CALLED TRACTS "A" AND "C" IN THAT AFFIDAVIT OF PARTITION RECORDED IN VOLUME 2840, PAGE 212, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the Easterly corner of Cearley Subdivision, a subdivision recorded in Document Number 201300266, Plat Records, Travis County, same lying on the northeast line of said Tract "A" and "C", for the northeast corner of this tract;

THENCE South 62° 43' 32" East along the southerly line of said Village At River Oaks Section One, Lot 1, Block 1, recorded in Volume 89, Page 155, Plat Records, Travis County, along the northeasterly line of said Tract "A" and "C", a distance of 926.97 feet, to a fence corner post found, at an angle corner in the Northwesterly line of that certain City of Austin Walnut Creek Metropolitan Park 277.12 acre tract, same being the east corner of said Tract "C", for the east corner of this tract;

THENCE South 27° 23' 46" West, along the northwesterly line of said 277.12 acre tract, along the easterly line of Tract "C", at 17.06 feet pass an iron rod found and continue a total of 1,095.60 feet to an iron rod found in said line, same being the south corner of said Tract "C", for the south corner of this tract;

THENCE North 62° 34' 01" West, along the northerly line of said 277.12 acre tract, a distance of 677.25 feet, to a ½ inch iron rod found, for the southwest corner of this tract;

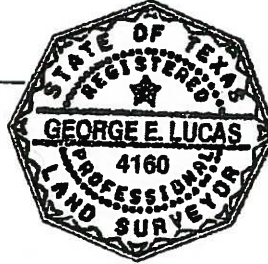
THENCE North 26° 34' 20" East, along the northerly line of said 277.12 acre tract, westerly line of Tract "C" and southerly line of Tract "A", a distance of 219.48 feet to an iron rod found, for an interior corner of this tract;

THENCE North 62° 41' 32" West, along the northerly line of said 277.12 acre tract, same being the southwest line of said Tract "A", a distance of 766.09 feet to an iron rod set, for the west corner of this tract;

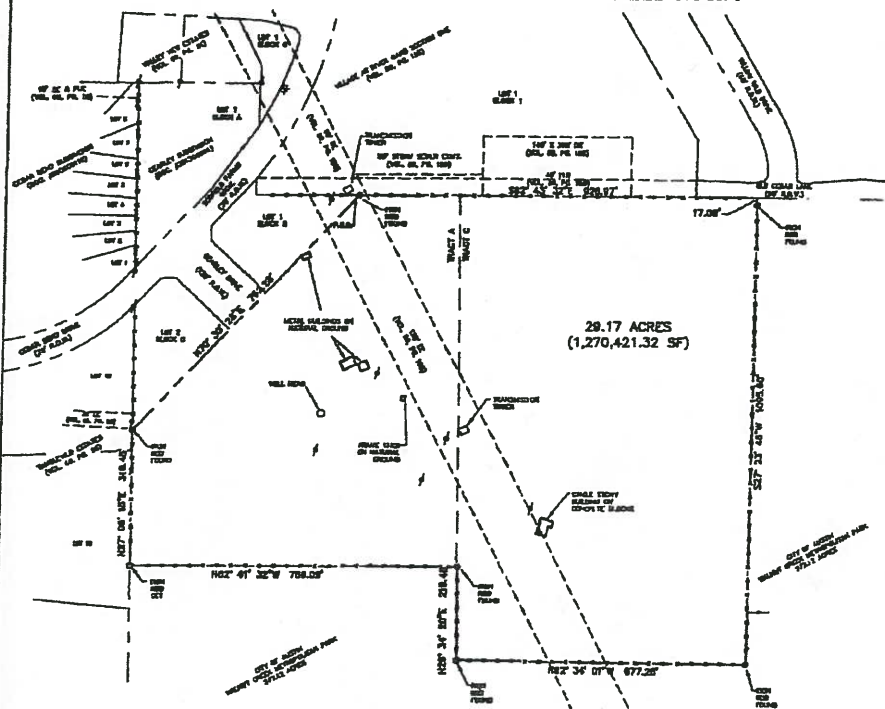
THENCE North 27° 08' 15" East, along the easterly line of Lots 12 and 13, Tanglewild Estates, a subdivision recorded in Volume 60, Page 56, Plat Records, Travis County, a distance of 318.45 feet to an iron rod found, marking the west corner of said Cearley Subdivision, for the northwest corner on this tract;

THENCE North 70°30' 28" East, through and across said Tract "A", along the south line of Cearley Subdivision and along the north line of this tract, a distance of 762.28 feet the POINT OF BEGINNING, containing 29.17 acres of land, more or less.


George E. Lucas
Registered Professional
Land Surveyor No. 4160
Celco Surveying, Firm Registration No. 10193975
2205 Stonecrest Path
Date: May 19, 2015



SKETCH TO ACCOMPANY
FIELD NOTES



29.17 ACRES
(1,270,421.32 SF)

LEGAL DESCRIPTION

3945 28.17 ACRES OF LANDOUT '86 VES. HANFORD SURVEY NUMBER 88, ABSTRACT NUMBER 288 AND
 S.A. SULLER, CO. SURVEY NUMBER 188, ABSTRACT NUMBER 782, TRAVIS COUNTY, TEXAS, AND
 CONSIST OF THAT EASE PROPERTY SHOWN AS 23.60 ACRES CALLED TRACTS "A" AND "B" IN THAT
 ATTORNEY OF PARTITION RECORDED IN VOLUME 3048, PAGE 232, OF THE DEED RECORDS OF TRAVIS
 COUNTY, TEXAS.

THE UNDERSIGNED DOES HEREBY CERTIFY TO STEWART TITLE GUARANTY COMPANY, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE ORDER OF THE PROPERTY INTEREST HEREON, AND THAT THERE ARE NO ENCUMBRANCES OF RECORD THEREON, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC HIGHWAY, EXCEPT AS SHOWN HEREON.

THE SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A SURVEY.

FLOOD INSURANCE: I HEREBY CERTIFY THAT THE PORTION OF THIS PROPERTY DESCRIBED HEREON IS
WHOLE, A SPECIFIC FLOOD HAZARD AREA, AS CERTIFIED BY THE FEDERAL INSURANCE
ADMINISTRATION DEPARTMENT OF HUD.

CELEBRITY PANEL DINNER: ~~4:00PM-5:00PM~~
FUND RAISE DINNER: SEPTEMBER 24, 2009

DATE: _____
TIME: _____
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✓

STANLEY C. LINDS
RECORDED PROFESSIONAL LAND SURVEYOR NO. 4180
C/O JOE SURNAME, FMS RECORDATION NO. 107877
220 STONECROFT PARK
NEW BRUNSWICK, NEW JERSEY 07130
OFFICE (512) 536-4007

DATE: 05/10/15

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