

Zoning Case No. C14-2016-0024

RESTRICTIVE COVENANT

OWNER: The Elmo Yard, LLC, a Texas limited liability company

ADDRESS: 1601 East 5th Street, Suite 108, Austin, Texas 78702

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: 0.167 acres (approximately 7,289 sq. ft.), being a portion of Lot 1, St. Elmo Warehouse Addition, a subdivision of record in Volume 58, Page 18 of the Plat Records of Travis County, Texas; said 0.167 acre tract being more particularly described by metes and bounds in Exhibit "A" 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 cocktail lounge use is limited to an area of the Property, designated at the time of site plan as a tasting room, where consumption and purchase of alcohol is authorized by a development permit.
2. The sale of alcohol is limited to alcoholic beverages manufactured, produced or distilled on the Property.
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.

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 8th day of June, 2016.

OWNER: The Elmo Yard, LLC,
a Texas limited liability company

By:


Adam Zimmerman
Manager

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

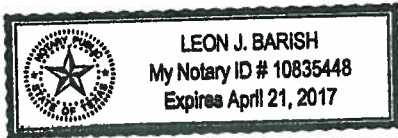
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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 8th day of June, 2016, by Adam Zimmerman, as Manager of The Elmo Yard, LLC, a Texas limited liability company, on behalf of said entity.





Notary Public, State of Texas



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

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

3500 McCall Lane
Austin, Texas 78744

C14-2016-0024

**0.167 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.167 ACRES (APPROXIMATELY 7,289 SQ. FT.), BEING A PORTION OF LOT 1, ST. ELMO WAREHOUSE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 58, PAGE 18 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.167 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the southeast corner of an existing one story metal building (north building), from which a 3/8" rebar found for the northernmost northeast corner of said Lot 1, being in the south line of St. Elmo Heights Section 1, a subdivision of record in Volume 5, Page 158 of the Plat Records of Travis County, Texas, being also the westernmost northwest corner of Lot 4, Duplex Addition, a subdivision of record in Volume 74, Page 84 of the Plat Records of Travis County, Texas, bears North 50°03'16" East, a distance of 152.14 feet;

THENCE South 28°09'26" West crossing said Lot 1, a distance of 59.97 feet to the northeast corner of an existing one story metal building (south building), from which a 3/8" rebar found for an angle point in the east line of said Lot 1, being the westernmost southwest corner of said Lot 4, bears South 01°24'00" East, a distance of 123.45 feet;

THENCE North 61°54'16" West crossing said Lot 1 and with the north face of the south building, a distance of 41.73 feet to a calculated point;

THENCE crossing said Lot 1 and through the interior of the south building, the following eleven (11) courses and distances:

1. South 28°05'50" West, a distance of 27.70 feet to a calculated point;
2. North 61°54'17" West, a distance of 6.00 feet to a calculated point;
3. South 28°05'44" West, a distance of 18.59 feet to a calculated point;
4. North 61°54'16" West, a distance of 47.00 feet to a calculated point;
5. North 28°05'44" East, a distance of 16.09 feet to a calculated point;
6. South 61°54'15" East, a distance of 27.75 feet to a calculated point;
7. North 28°05'44" East, a distance of 16.45 feet to a calculated point;

8. North 61°54'16" West, a distance of 1.50 feet to a calculated point;
9. North 28°05'44" East, a distance of 10.00 feet to a calculated point;
10. South 61°54'16" East, a distance of 1.50 feet to a calculated point;
11. North 28°05'44" East, a distance of 3.75 feet to a calculated point on the north face of the south building;

THENCE North 61°54'16" West crossing said Lot 1 and with the north face of the south building, a distance of 29.04 feet to the northwest corner of the south building;

THENCE North 28°01'40" East crossing said Lot 1, a distance of 60.14 feet to the southwest corner of the north building;

THENCE South 61°48'25" East crossing said Lot 1 and with the south face of the north building, a distance of 96.15 feet to the **POINT OF BEGINNING**, containing 0.167 acres of land, more or less.

Surveyed on the ground September 22, 2015

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone.

Attachments: Drawing 040-107-Z1

JB 9/24/15

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
T.B.P.L.S. Firm No. 10124500



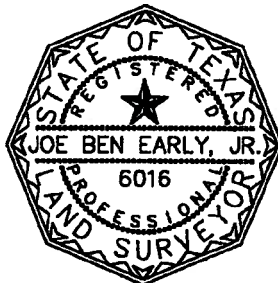
SKETCH TO ACCOMPANY A DESCRIPTION OF 0.167 ACRES (APPROXIMATELY 7,289 SQ. FT.), BEING A PORTION OF LOT 1, ST. ELMO WAREHOUSE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 58, PAGE 18 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- EXISTING BUILDING CORNER
- △ CALCULATED POINT
- () RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S28°09'26"W	59.97'
L2	N61°54'16"W	41.73'
L3	S28°05'50"W	27.70'
L4	N61°54'17"W	6.00'
L5	S28°05'44"W	18.59'
L6	N61°54'16"W	47.00'
L7	N28°05'44"E	16.09'
L8	S61°54'15"E	27.75'
L9	N28°05'44"E	16.45'
L10	N61°54'16"W	1.50'
L11	N28°05'44"E	10.00'
L12	S61°54'16"E	1.50'
L13	N28°05'44"E	3.75'
L14	N61°54'16"W	29.04'
L15	N28°01'40"E	60.14'
L16	S61°48'25"E	96.15'

DATE OF SURVEY: 9/22/15
 PLOT DATE: 9/23/15
 DRAWING NO.: 040-107-Z1
 T.B.P.L.S. FIRM NO. 10124500
 DRAWN BY: JBE
 SHEET 1 OF 2



9/24/15

Chaparral

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-107-Z1

DRAWING NO.: 040-107-Z1
SHEET 2 OF 2

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