

Zoning Case No. C14-2015-0146

RESTRICTIVE COVENANT

OWNER: JStrain, LLC, a Texas limited liability company

OWNER ADDRESS: 900 Bluebonnet Lane, Austin, Texas 78704

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:
3.232 acres of land out of Lots 11, 12 and 13, Block 1, Fredericksburg Road Acres, a subdivision of record in Volume 3, Page 168 of the Plat Records of Travis County, Texas, being those certain tracts conveyed to JStrain, LLC by deeds recorded in Document number 2014113524 and Document Number 2010101419 of the Official Public Records of Travis County, Texas, the said 2.323 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this document,

Tract 2:
Lot 10 less north 15 feet, Block 1, Fredericksburg Road Acres subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 2005020597 of the Official Public 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;

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. Shade trees shall be provided along the south property line fronting Oltorf Street every 30 feet on center in accordance with City Code Section 25-2, Subchapter E, Sections 2.2.2.B.1.a and 2.2.2.B.1.b.
2. The use of outdoor sound equipment to amplify sound within the boundaries described in Exhibit "B" is prohibited.

3. 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 November 2, 2015, 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") dated July 29, 2016, 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 Development Services Department.
4. 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.
5. 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.
6. 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.
7. 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 5th day of August, 2016.

OWNER: JStrain, LLC,
a Texas limited liability company

By: 

J. Scott Trainer
Managing Member

APPROVED AS TO FORM:

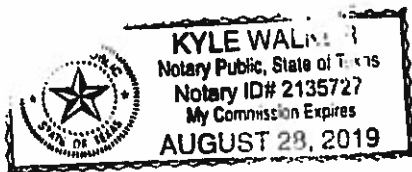
Assistant City Attorney
City of Austin

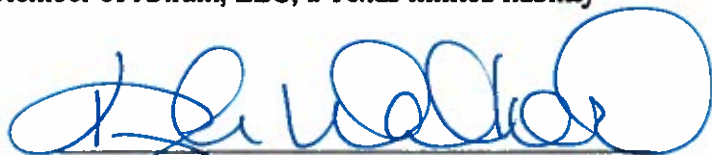
THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 5th day of August, 2016, by J. Scott Trainer, as Managing Member of JStrain, LLC, a Texas limited liability company, on behalf of said company.





Notary Public, State of Texas

**FIELD NOTES TO ACCOMPANY MAP OF SURVEY
3.232 ACRES
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS**

FIELD NOTE DESCRIPTION OF 3.232 ACRES OF LAND OUT OF LOTS 11, 12 AND 13, BLOCK 1, FREDERICKSBURG ROAD ACRES, A SUBDIVISION OF RECORD IN VOLUME 3, PAGE 168 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING THOSE CERTAIN TRACTS CONVEYED TO JSTRAIN, LLC BY DEEDS RECORDED IN DOCUMENT NUMBER 2014113524 AND DOCUMENT NUMBER 2010101419 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 3.232 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch diameter steel pin found on the east right-of-way line of West Oltorf Street at the southwest corner of Tract 1 in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the same being the northwest corner of that certain tract called Tract 1 in a deed to 1402 Oltorf, LLC, recorded in Document Number 2010107443 of the Official Public Records of Travis County, Texas;

THENCE, with the east right-of-way line of West Oltorf Street, the following four (4) courses and distances:

- 1) N 19°51'53" W, 79.55 feet to a 1 inch diameter iron pipe found at the northwest corner of the said Lot 13 and southwest corner of the said Lot 12;
- 2) N 19°33'53" W, 75.04 feet to a 1 inch diameter iron pipe found;
- 3) N 19°36'31" W, 74.99 feet to a ½ inch diameter iron pipe found at the northwest corner of the said Lot 12 and southwest corner of the said Lot 11;
- 4) N 19°30'48" W, 55.90 feet to a ½ inch diameter steel pin found at the northwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419 and being more particularly described in Volume 842, Page 535 of the Deed Records of Travis County, Texas;

THENCE, N 70°35'09" E, a distance of 105.00 feet, crossing the said Lot 11, to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc on the east line of the said Lot 11 and west line of Lot 10, the same being the west line of that certain tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597 of the Official Public Records of Travis County, Texas, and being more particularly described in Volume 1753, Page 195 of the Deed Records of Travis County, Texas, and being at the northeast corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419;

3.232 Acres
Page 2 of 3

THENCE, S 19°29'31" E, a distance of 55.90 feet to a ½ inch diameter steel pin found at the southeast corner of the said Lot 11 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419, the same being the southwest corner of the said Lot 10 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597;

THENCE, N 70°35'09" E, a distance of 114.92 feet to a 1 inch diameter steel pin found at the southeast corner of the said Lot 10 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597, the same being the southwest corner of Lot 9, the northeast corner of Tract 3 and an exterior corner of Tract 2 in the said deed to JSTrain, LLC recorded in Document Number 2014113524;

THENCE, N 70°39'51", a distance of 344.78 feet along the north line of the said Lot 12 to a 1 inch diameter steel pin found at the northeast corner of Tract 2 in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the same being at the southeast corner of Lot 7 and southwest corner of Lot 6 of the said Fredericksburg Road Acres subdivision;

THENCE, S 19°28'38" E, a distance of 161.97 feet, crossing the said Lot 12 to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc in the south line of the said Lot 12 and north line of the said Lot 13 at the southeast corner of Tract 2 in the said deed to JSTrain, LLC recorded in Document Number 2014113524;

THENCE, N 71°50'45" E, a distance of 114.58 feet to a ½ inch diameter steel pin found in the northwest right-of-way line of the Missouri Pacific Railroad at the southeast corner of the said Lot 12 and northeast corner of the said Lot 13, the same being the northeast corner of Tract 1 in the said deed to JSTrain, LLC recorded in Document Number 2014113524;


THENCE, S 48°03'17" W, a distance of 197.99 feet along the northwest right-of-way line of the Missouri Pacific Railroad, to a ½ inch diameter steel pin found at the southeast corner of Tract 1 in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the same being the northeast corner of the said tract called Tract 1 in a deed to 1402 Oltorf, LLC;

3.232 Acres
Page 3 of 3

THENCE, S 71°53'13" W, a distance of 495.57 feet to the **PLACE OF BEGINNING**, containing 3.232 acres of land, more or less.

BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83, CENTRAL ZONE GRID.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES.

 8-8-2016
Timothy A. Lenz, R.P.L.S. No. 4393

Lenz & Associates, Inc.
Firm No. 100290-00
4303 Russell Drive
Austin, Texas 78704
(512) 443-1174



2014-0020(ZONING 3.232 ac).doc

**MAP TO ACCOMPANY FIELD NOTE DESCRIPTION
BEING A PORTION OF BLOCK 1, FREDERICKSBURG ROAD ACRES
VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS**

LEGEND

- 1/2" STEEL PIN FOUND
(UNLESS NOTED)
 - 1/2" STEEL PIN SET W/CAP
MARKED 'LENZ & ASSOC.'
 - ⊙ PIPE FOUND
 - ① TRACT NUMBER
- (BRG.~DIST.) RECORD CALL DOC 2005003138
((BRG.~DIST.)) RECORD CALL DOC ADJOINING TRACT

TRACTS TABLE

- 1) JSTRAIN, LLC, DOC. 2014113524 - TRACT 1
- 2) JSTRAIN, LLC, DOC. 2014113524 - TRACT 2
- 3) JSTRAIN, LLC, DOC. 2014113524 - TRACT 3
- 4) JSTRAIN, LLC, DOC. 2010101419 (DESCRIBED VOL. 842, PG. 535)
- 5) JSTRAIN, LLC, DOC. 2005020597 (DESCRIBED VOL. 1753, PG. 195)
- 6) TAUHLEE WATTS, DOC. 2012216747
- 7) THE SIERRA GROUP, L.P., DOC. 2004156652
- 8) THE SIERRA GROUP, L.P., DOC. 2004156652
- 9) SIDNEY BORDER GRIEF, VOL. 11367, PG. 152
- 10) 2021 SOUTH LAMAR, LP, DOC. 2012183379
- 11) W.W. ENTERPRISES, VOL. 11013, PG. 920
- 12) MICHAEL R. MACARI, VOL. 10565, PG. 187
- 13) JOHNNY CUCHIA, DOC. 2001030906
- 14) CITY OF AUSTIN, VOL. 9775, PG. 546 (REMAINDER)
- 15) 2021 SOUTH LAMAR, LP, DOC. 2012183379
- 16) 1402 OLTORF, LLC, DOC. 2010107443 - TRACT ONE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N19°51'53"W	79.55
L2	N19°33'53"W	75.04
L3	N19°36'31"W	74.99
L4	N19°30'48"W	55.90
L5	N70°35'09"E	105.00
L6	S19°29'31"E	55.90
L7	S19°28'38"E	161.97
L8	N71°50'45"E	114.58
L9	N70°35'09"E	114.92

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	01°52'57"	2904.80	47.72	95.43	95.43	N69°38'40"E

LENZ & ASSOCIATES, INC.

FIRM NO. 100290-00
4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704
(512) 443-1174

**FIELD NOTES TO ACCOMPANY MAP OF SURVEY
0.709 ACRE
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS**

FIELD NOTE DESCRIPTION OF 0.709 ACRE OF LAND OUT OF LOTS 10, 11 AND 12, BLOCK 1, FREDERICKSBURG ROAD ACRES, A SUBDIVISION OF RECORD IN VOLUME 3, PAGE 168 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING OUT OF THOSE CERTAIN TRACTS CONVEYED TO JSTRAIN, LLC BY DEEDS RECORDED IN DOCUMENT NUMBER 2014113524, DOCUMENT NUMBER 2010101419 AND DOCUMENT NUMBER 2005020597 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 0.709 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch diameter steel pin found on the east right-of-way line of West Olton Street, the same being the west line of the said Lot 11, at the northwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419, the same being the southwest corner of that certain Tract 4 in a deed to Taulhee Watts, recorded in Document Number 2012216747 of the Official Public Records of Travis County, Texas;

THENCE, N 70°35'09" E, a distance of 105.00 feet, crossing the said Lot 11, to a ½ inch diameter steel pin set at the southeast corner of the said Taulhee Watts tract and northeast corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419, and being on the west line of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597;

THENCE, N 19°29'31" W, a distance of 157.05 feet along the west line of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597, the same being the west line of the said Lot 10 and east line of the said Lot 11 to a point, from which a ½ inch diameter steel pin set with cap stamped Lenz & Assoc on the south right-of-way line of South Lamar Boulevard at the northwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597 bears N 19°29'31" W, 155.84 feet;

THENCE, traversing the interior of the said Lots 10 and 12 and the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2005020597 and Tract 3 described in the said deed to JSTrain, LLC recorded in Document Number 2014113524, the following eleven (11) courses and distances:

- 1) With a curve to the right, having a central angle of 89°59'42", a radius of 100.00 feet, an arc of 157.08 feet and a chord bearing and distance of S 64°29'22" E, 141.43 feet to a point;
- 2) S 19°29'31" E, 57.04 feet to a point;
- 3) With a curve to the right, having a central angle of 16°08'53", a radius of 100.00 feet, an arc of 28.18 feet and a chord bearing and distance of S 11°25'04" E, 28.09 feet to a point;
- 4) S 70°35'08" W, 10.44 feet to a point;
- 5) S 26°54'46" W, 18.38 feet to a point;


- 6) S 70°35'08" W, 12.61 feet to a point;
- 7) S 19°24'52" E, 25.03 feet to a point;
- 8) S 70°35'08" W, 6.44 feet to a point;
- 9) S 19°24'52" E, 19.21 feet to a point;
- 10) With a curve to the right, having a central angle of 32°12'23", a radius of 100.00 feet, an arc of 58.21 feet and a chord bearing and distance of S 54°28'57" W, 55.47 feet to a point;
- 11) S 70°35'09" W, 104.75 feet to a point on the east line of West Oltorf Street, from which a 1 inch diameter iron pipe found at the southwest corner of Tract 3 described in the said deed to JSTrain, LLC recorded in Document Number 2014113524 bears S 19°36'31" E, 30.89 feet,

THENCE, along the east line of West Oltorf Street the following two (2) courses and distances:

- 1) N 19°36'31" W, 44.10 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc at the northwest corner of the said Tract 3, the same being the southwest corner of the said tract conveyed to JSTrain, LLC by deed recorded in Document Number 2010101419;
- 2) N 19°30'48" W, 55.90 feet to the PLACE OF BEGINNING, containing 0.709 acres of land, more or less.

BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83, CENTRAL ZONE GRID.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES.

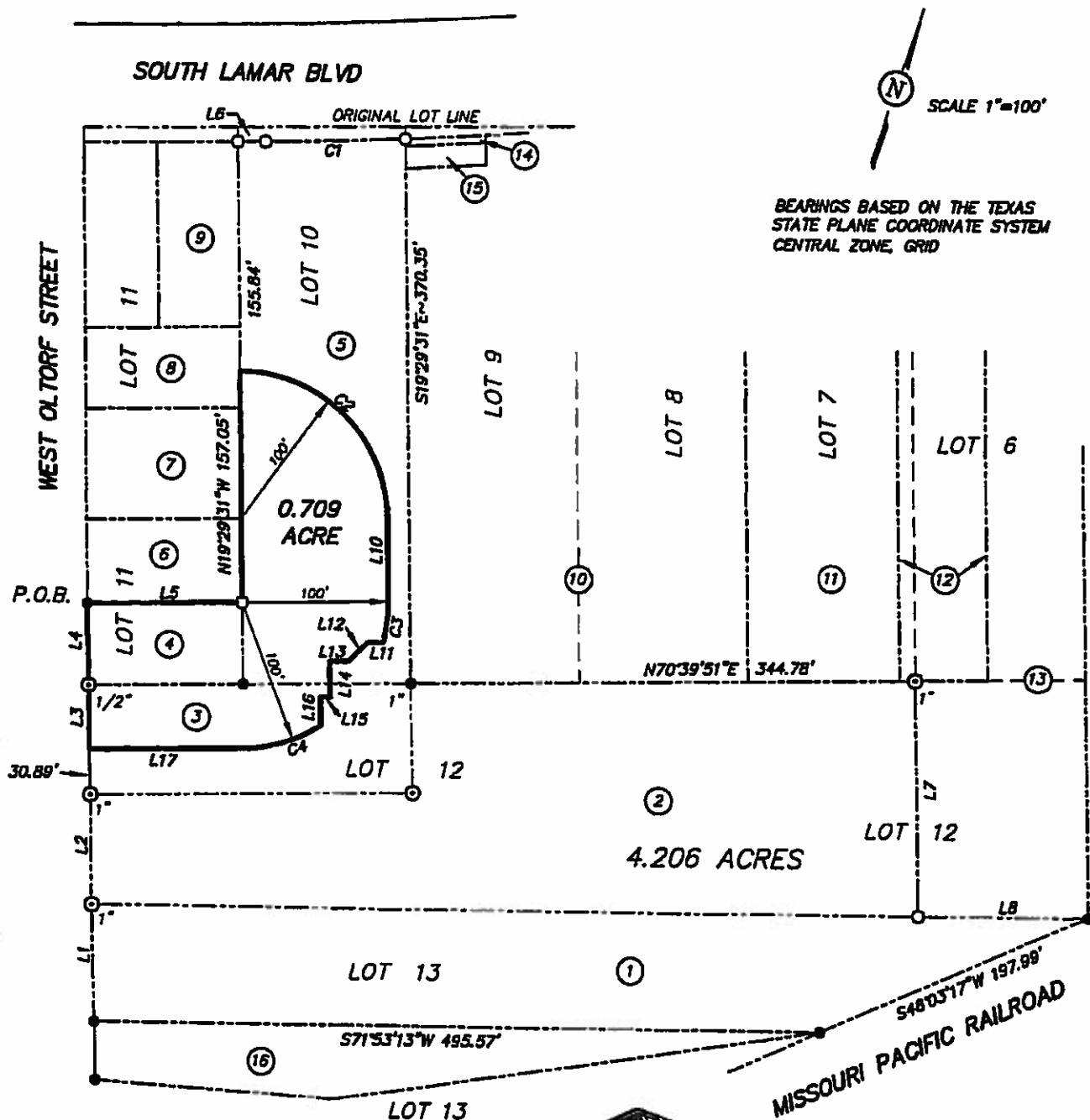
 12-29-2015
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2014-0020(MUSIC ZONING).doc



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BEING A PORTION OF BLOCK 1, FREDERICKSBURG ROAD ACRES
VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS



FIRM NO. 100290-00
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(512) 443-1174



12-29-2015

PAGE 1 OF 2

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VOL. 3, PAGE 168, PLAT RECORDS TRAVIS COUNTY, TEXAS**

LEGEND

- 1/2" STEEL PIN FOUND
(UNLESS NOTED)
- 1/2" STEEL PIN SET W/CAP
MARKED 'LENZ & ASSOC.'
- ⊙ PIPE FOUND
- ① TRACT NUMBER
- (BRG.-DIST.) RECORD CALL DOC 2005003138
- ((BRG.-DIST.)) RECORD CALL DOC ADJOINING TRACT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

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L3	N19°36'31"W	44.10
L4	N19°30'48"W	55.90
L5	N70°35'09"E	105.00
L6	N70°35'09"E	19.50
L7	S19°28'38"E	161.97
L8	N71°50'45"E	114.58
L9	S19°20'09"E	60.00
L10	S19°29'31"E	57.04
L11	S70°35'08"W	10.44
L12	S26°54'46"W	18.38
L13	S70°35'08"W	12.61
L14	S19°24'52"E	25.03
L15	S70°35'08"W	6.44
L16	S19°24'52"E	19.21
L17	S70°35'09"W	104.75

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	01°52'57"	2904.80	47.72	95.43	95.43	N69°38'40"E
C2	89°59'42"	100.00	100.00	157.08	141.43	S64°29'22"E
C3	16°08'53"	100.00	14.19	28.18	28.09	S11°25'04"E
C4	32°12'23"	100.00	28.87	56.21	55.47	S54°28'57"W

LENZ & ASSOCIATES, INC.

FIRM NO. 100290-00
4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704
(512) 443-1174

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