

Zoning Case No. C14-2017-0097

RESTRICTIVE COVENANT

OWNER: Atex Investments LLC, a Texas corporation

OWNER ADDRESS: 1112 Augusta Bend Drive, Hutto, Texas 78734

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: A 5.215 acre (approximately 227,159 square feet) tract of land, situated in the J.C. Tannehill Survey No. 29, Abstract No. 22, Travis County, Texas and being all of those certain six (6) Tracts of land individually described as: A 1.058 acre (approximately 46,065 square feet) tract of land, conveyed to Williams Moseley in that certain Warranty Deed dated June 4, 1983, and appearing of record under Volume 8126, Page 705, of the Deed Records of Travis County, Texas; A 0.887 acre (approximately 38,624 square feet) tract of land, conveyed to William D. Moseley in that certain Warranty Deed dated July 23, 1986, and appearing of record under Volume 9802, Page 398, of the Real Property Records of Travis County, Texas; A 0.806 acre (approximately 35,099 square feet) tract of land, conveyed to Elleanor Warren Ware and William D. Moseley in that certain Warranty Deed dated September 23, 2003, and appearing of record under Document No. 2003227910 of the Official Public Records of Travis County, Texas; A 0.800 acre (approximately 34,860 square feet) tract of Land, conveyed to Charlie Williams, in that certain Warranty Deed dated July 9, 1986, and appearing of record under Volume 9829, Page 800, of the Real Property Records of Travis County, Texas; A 0.745 acre (approximately 32,447 square feet) tract of land and a 0.920 acre (approximately 40,063 square feet) tract of land conveyed to William D. Mosely in that certain General Warranty Deed dated May 1, 2003, and appearing of record under Document No. 2003099244 of the Official Public Records of Travis County, Texas, as shown 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. Development on the Property is subject to the recommendations contained in the Neighborhood Transportation Analysis ("NTA") memorandum from the Transportation Review Section of the Development Services Department (the "Department"), dated January 17, 2018. 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 12 day of FEBRUARY,
2018.

Owner:

Atex Investments LLC, a Texas corporation

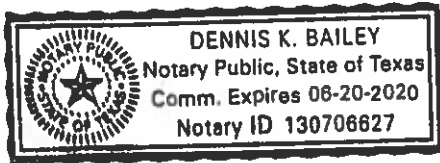
By: [Signature]
Adam Houtman, Managing Member

THE STATE OF TEXAS

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§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 12 day of FEB 2018,
by Adam Houtman, as Managing Member of Atex Investments LLC, a Texas corporation, on
behalf of said corporation.



[Signature]
Notary Public, State of TEXAS

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

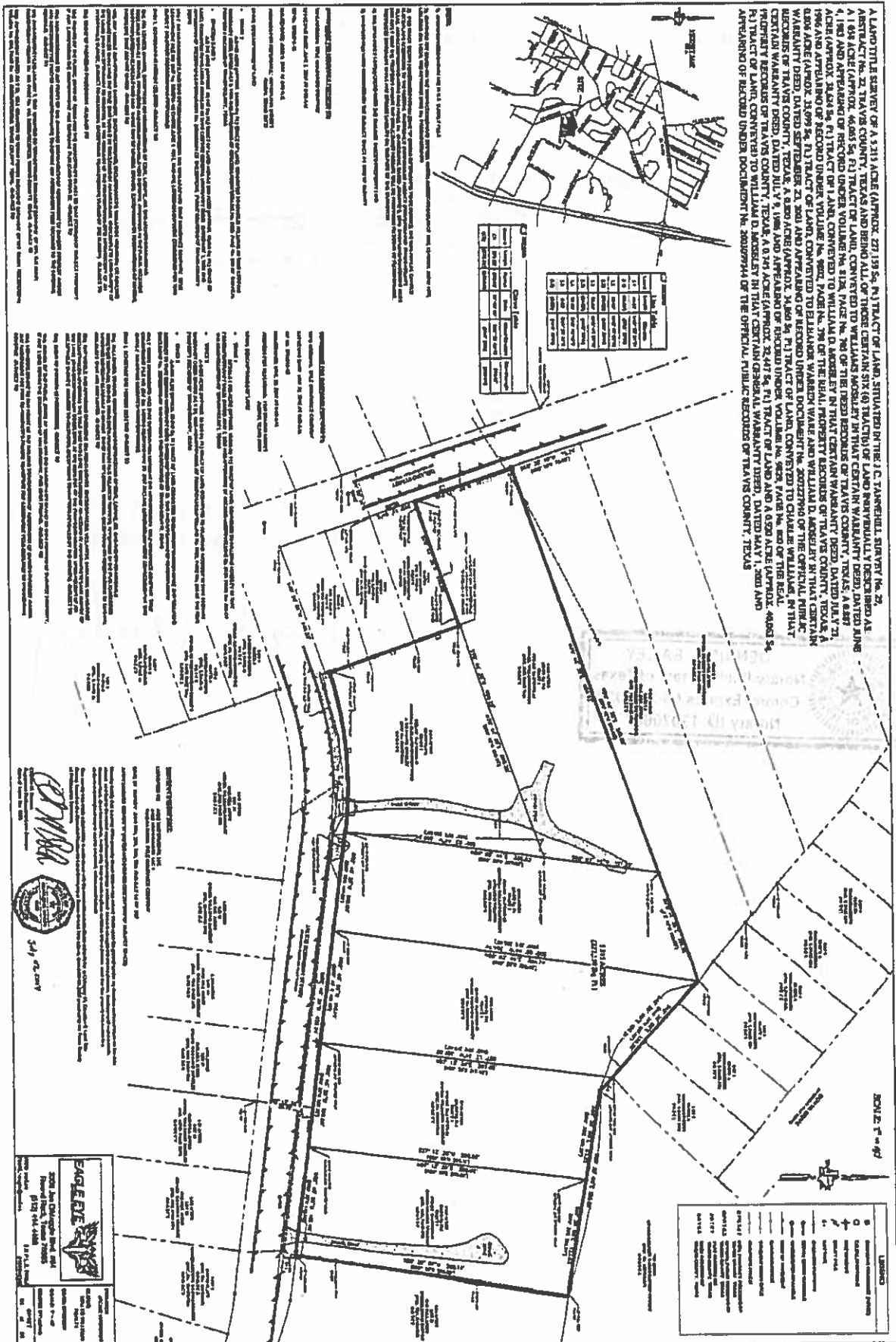


EXHIBIT A

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