

**RESTRICTIVE COVENANT**

OWNER: The Riddell Family Limited Partnership, a Texas limited partnership

OWNER ADDRESS: 2028 East Ben White Boulevard, Suite 508,  
Austin, TX 78741

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 are acknowledged.

PROPERTY: Being 35.032 acres of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and being a portion of a 125.714-acre tract (Tract Three) as described in Warranty Deed to the Riddell Family Limited Partnership, a Texas limited partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, a portion of an 18.029-acre tract as described in Correction Deed to the Riddell Family Limited Partnership recorded in Document No. 2012026879 of the Official Public Records of Travis County, Texas, and all of a 2.775-acre tract of land as described to Riddell Family Limited Partnership in Deed Without Warranty recorded in Document Number 2015046420 of the Official Public Records of Travis County, Texas; said 35.032 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant, (the "Property"),

WHEREAS, the Owner 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 prepared by Jones Carter, dated October 4, 2016, and the Addendum, dated February 3, 2017 (collectively, the "TIA"). All development on the Property is subject to the

Development Services Department, Transportation Review Section's staff memorandum ("Memorandum") dated February 28, 2018, 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.

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 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Owner:

The Riddell Family Limited Partnership, a Texas limited partnership

By: WJR GP, LLC, a Texas limited liability company, its General Partner

By: \_\_\_\_\_  
Jim Henry, Manager

**THE STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_ 2018, by Jim Henry, as Manager of WJR GP, LLC, a Texas limited liability company, general partner of The Riddell Family Limited Partnership, a Texas limited partnership, on behalf of said partnership.

\_\_\_\_\_  
Notary Public, State of Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

LEGAL DESCRIPTION

Being 35.032 acres of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and being a portion of a 125.714-acre tract (Tract Three) as described in Warranty Deed to the Riddell Family Limited Partnership, a Texas limited partnership, recorded in Volume 12246, Page 585 of the Real Property Records of Travis County, Texas, a portion of an 18.029-acre tract as described in Correction Deed to the Riddell Family Limited Partnership recorded in Document No. 2012026879 of the Official Public Records of Travis County, Texas, and all of a 2.775-acre tract of land as described to Riddell Family Limited Partnership in Deed Without Warranty recorded in Document Number 2015046420 of the Official Public Records of Travis County, Texas; said 35.032 acres of land being more particularly described by metes and bounds as follows with bearings referenced to the Texas Coordinate System of 1983, Central Zone:

COMMENCING at a ½" iron rod found with cap stamped LENZ & ASSOCIATES at the intersection of the west right-of-way line of Interstate Highway No. 35 and the north right-of-way line of F.M. 1626, at the southeast corner of a 3.40 acre tract of land described in Special Warranty Deed to the Riddell Family Limited Partnership in Document No. 2009213698 of the Official Public Records of Travis County, Texas;

THENCE with the north right-of-way line of said F.M. 1626, N62°19'35"W a distance of 364.59 feet to a ½" iron rod found capped LENZ & ASSOCIATES at the southwest corner of said 3.40-acre tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, N62°24'24"W, pass a ½" iron rod found with cap stamped "CA INC." at the southeast corner of said 18.029-acre tract at a distance of 322.92 feet, and continuing for a total distance of 749.10 feet to 5/8" iron rod set with cap stamped "JONES | CARTER" for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, North 62°24'24" West a distance of 57.39 feet to a 1" iron pipe found at the southwest corner of said 18.029-acre tract;

THENCE continuing with the north right-of-way line of said F.M. 1626, North 62°24'18" West a distance of 423.72 feet to a concrete monument found for an angle point;

THENCE continuing with the north right-of-way line of said F.M. 1626, N61°45'20"W a distance of 46.85 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southeast corner of a 0.045-acre tract of land (Tract 2) as described in Street Deed to the City of Austin recorded in Document No. 2015046419 of the Official Public Records of Travis County, Texas, for the most southerly southwest corner of this tract, from which a concrete monument found bears N61°45'20"W a distance of 73.09 feet;

THENCE North 20°06'45" West, pass a ½" iron rod found with cap stamped TERRA FIRMA at the north corner of said City of Austin 0.045-acre tract at a distance of 85.83 feet and continuing for a total distance of 176.96 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southwest corner of said Riddell Family 2.775-acre tract, for the most northerly southwest corner of this tract;

THENCE North 27°12'18" East a distance of 67.92 feet to a ½" iron rod found with cap stamped TERRA FIRMA on the east line of a 2.730-acre tract (Tract 1) described in Street Deed to City of Austin in Document Number 2015046419 of the Official Public Records of Travis County, Texas;

THENCE continuing with the east line of said City of Austin 2.730-acre tract (Tract 1), the following four (4) courses:

- 1) North 27°12'18" East a distance of 565.19 feet to a ½" iron rod found with cap stamped TERRA FIRMA at a point of curvature of a curve to the right;
- 2) Northeasterly with said curve to the right having a radius of 424.50 feet and a delta angle of 30°26'26", an arc distance of 225.53 feet (the chord of said curve bears North 42°25'31" East a distance of 222.89 feet) to a ½" iron rod found with cap stamped TERRA FIRMA;
- 3) North 57°38'44" East a distance of 49.53 feet to a ½" iron rod found with cap stamped TERRA FIRMA at a point of curvature of a curve to the left;
- 4) Northeasterly with said curve to the left having a radius of 493.50 feet and a delta angle of 08°48'59", an arc distance of 75.94 feet (the chord of said curve bears North 53°14'15" East a distance of 75.86 feet) to a ½" iron rod found with cap stamped TERRA FIRMA on the west line of said Riddell Family 2.775-acre tract;

THENCE with the west line of said Riddell Family 2.775-acre tract, along a curve to the left having a radius of 493.50 feet and a delta angle of 21°58'12", an arc distance of 189.23 feet (the chord of said curve bears North 37°50'39" East a distance of 188.08 feet) to a ½" iron rod found with cap stamped TERRA FIRMA;

THENCE continuing with the west line of said Riddell Family 2.775-acre tract, N26°51'33"E a distance of 840.91 feet to a ½" iron rod found with cap stamped TERRA FIRMA on the east line of the 7.122-acre tract described in Street Deed to the City of Austin in Document Number 2010172930 of the Official Public Records of Travis County, Texas;

THENCE with the east line of said City of Austin 7.122-acre tract, N23°37'58"E a distance of 23.98 feet to a ½" iron rod found with cap stamped TERRA FIRMA at the southwest corner of a 24.532-acre tract described in Special Warranty Deed to Sterling/Babcock & Brown Double Creek, LP in Document No. 2008006671 of the Official Public Records of Travis County, Texas, for the northwest corner of this tract;

THENCE with the south line of said Sterling/Babcock 24.532-acre tract, S73°51'23"E a distance of 664.20 feet to a 5/8" iron rod found at the northwest corner of Lot A, RICHARD MARSHAL ADDITION, a subdivision as recorded in Book 78, Page 131 of the Plat Records of Travis County, Texas, for the northeast corner of the herein described tract;

THENCE with the west line of said Lot A, S16°08'43"W a distance of 649.24 feet to a 5/8" iron rod found at the southwest corner of said Lot A, on a north line of Lot 1, BARNETT SUBDIVISION, a subdivision as recorded in Document No. 201200162 of the Official Public Records of Travis County, Texas;

THENCE with the north line of Lot 1, BARNETT SUBDIVISION, N73°50'05"W a distance of 139.37 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA at the northwest corner of said Lot 1, BARNETT SUBDIVISION, for an inside corner of this tract;

THENCE with the west line of said Lot 1, BARNETT SUBDIVISION, S16°09'55"W a distance of 403.71 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA for the southwest corner of said Lot 1, BARNETT SUBDIVISION;

THENCE with the south line of said Lot 1, BARNETT SUBDIVISION, South 73°50'05" East a distance of 662.00 feet to a 1/2" iron rod found with cap stamped TERRA FIRMA on the west right-of-way line of Interstate Highway No. 35 for the southeast corner of said Lot 1;

THENCE with said west right-of-way of Interstate Highway No. 35, South 16°09'55" West a distance of 88.50 feet to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE with a non-tangent curve to the left having a radius of 25.00 feet and a delta angle of 22°10'57", an arc distance of 9.68 feet (the chord of said curve bears North 62°44'36" West a distance of 9.62 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE North 73°50'05" West a distance of 877.14 feet to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of curvature of a curve to the left;

THENCE with said curve to the left having a radius of 25.00 feet and a delta angle of 84°25'57", an arc distance of 36.84 feet (the chord of said curve bears South 63°56'56" West a distance of 33.60 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of reverse curvature to the right;

THENCE with said reverse curve to the right having a radius of 5020.00 feet and a delta angle of 05°55'15", an arc distance of 518.75 feet (the chord of said curve bears South 24°41'35" West a distance of 518.52 feet) to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE South 27°39'12" West a distance of 519.30 feet to a 5/8" iron rod set with cap stamped JONES|CARTER;

THENCE South 27°39'12" West a distance of 519.30 feet to a 5/8" iron rod set with cap stamped JONES|CARTER at a point of curvature of a curve to the left;

THENCE with said curve to the left having a radius of 23.00 feet and a delta angle of 19°56'02", an arc distance of 8.00 feet (the chord of said curve bears South 17°41'11" West a distance of 7.96 feet) to the POINT OF BEGINNING and CONTAINING an area of 35.032 acres of land.

This description has been prepared as the result of an on the ground survey completed on November 30, 2015.

  
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Gary C. Bowes  
Registered Professional Land Surveyor No. 4053

12/16/2015  
Date



# SKETCH TO ACCOMPANY ZONING DESCRIPTION

SCALE 1" = 300'



**JONES CARTER**

Texas Board of Professional Engineers Registration No. F-439  
Texas Board of Professional Land Surveying Registration No. 10046101  
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493



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