

**Zoning Case Nos. C14-2018-0126**

**RESTRICTIVE COVENANT**

OWNER: Frederic Clarke Morse, III, individually  
Scott N. Morse, individually and as trustee of the Scott Morse 2012  
Family Trust

OWNER ADDRESS: Frederic C. Morse, III  
4726 Twin Valley Drive, Austin, Texas 78731

Scott N. Morse, individually and as trustee  
2801 Bridle Path, Austin, Texas 78703

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: 29.33 acres out of the James O. Rice Survey No. 31, Travis County,  
Texas, being a part of that certain tract described as 160.0 acres in a  
Deed to Fred C. Morse, of record in Volume 765, Page 685, Deed  
Records of Travis County, Texas, being also a part of that certain tract  
described as 252.33 acres in a Deed to Texas Commerce Bank-Austin,  
Independent Executor of the Estate of Estelle Morse recorded in Volume  
11105, Page 743 of the Real Property Records of Travis County, Texas  
and SAVE and EXCEPT a tract of 61,546 square feet described in a  
Deed to Travis County, Texas recorded in Volume 10978, Page 776 of  
the Real Property Records of Travis County, Texas, said 29.33 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

("TIA") prepared by Jones and Carter, dated February 6, 2019, or as amended, and approved by the Director of the Austin Transportation Department. All development on the Property is subject to the Austin Transportation Department's staff memorandum dated April 2, 2019 ("memorandum") 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 Austin Transportation 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 \_\_\_\_\_, 2019.

Owner:

Frederic C. Morse, III, individually

Scott N. Morse, individually and as trustee for the Scott Morse  
2012 Family Trust

By: \_\_\_\_\_  
Frederic C. Morse, III

By: \_\_\_\_\_  
Scott N. Morse, individually and as trustee

**THE STATE OF TEXAS       §**  
**§**  
**COUNTY OF TRAVIS       §**

          This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_ 2019,  
by Frederic C. Morse, III.

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

**THE STATE OF TEXAS       §**  
**§**  
**COUNTY OF TRAVIS       §**

          This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_ 2019,  
by Scott N. Morse, individually and as trustee of the Scott Morse 2012 Family Trust.

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

APPROVED AS TO FORM:

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

29.33 acres

THAT PART OF THE JAMES O. RICE SURVEY No. 31 IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT DESCRIBED AS 160.0 ACRES IN A DEED TO FRED C. MORSE, OF RECORD IN VOLUME 765, PAGE 685, DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALSO A PART OF THAT CERTAIN TRACT DESCRIBED AS 252.33 ACRES IN A DEED TO TEXAS COMMERCE BANK-AUSTIN, INDEPENDENT EXECUTOR OF THE ESTATE OF ESTELLE MORSE RECORDED IN VOLUME 11105, PAGE 743 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND SAVE AND EXCEPT A TRACT OF 61,546 SQUARE FEET DESCRIBED IN A DEED TO TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 10978, PAGE 776 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a 1/2" iron rod found in the South Line of said 160.0 Acre Tract, same also being the Northwest Corner of a tract of land described as 3.203 acres in a deed to Robert Rose, of record in Volume 11583, Page 700, of the Real Property Records of Travis County, Texas, same being in the East Right-of-way Line of Dessau Road and being the most southerly corner of the said 61,546 square foot tract of land conveyed to Travis County;

THENCE crossing the said 160.0 Acre Tract and along the East Right of way Line of Dessau Road as described in the said Deed recorded in Volume 10978, Page 776, the following two courses:

1. 425.54 feet along the arc of a curve to the left, said curve having a radius of 7699.43 feet, a central angle of  $3^{\circ}10'00''$ , and a chord bearing  $N.30^{\circ}46'39''E.$ , 425.48 feet to an iron rod set;
2.  $N.29^{\circ}11'39''E.$  a distance of 45.36 feet to a 1/2" iron rod set at the Southwest Corner of that 3.15 Acre Tract of land conveyed to Continental Homes of Texas by deed recorded in Document No. 2006037363 of the Official Public Records of Travis County, Texas;

THENCE departing the said East Line of Dessau Road, across the said 160.0 Acre Tract and along the South Line of the said 3.15 Acre Tract the following two courses:

1.  $S.60^{\circ}02'04''E.$  a distance of 460.53 feet to a 1/2" iron rod set at a point of curvature of a curve to the left;
2. Easterly, along the arc of said curve to the left a distance of 72.39 feet, (said curve having a radius of 94.13 feet, a central angle of  $44^{\circ}03'37''$ , and a chord bearing  $S.82^{\circ}03'53''E.$ , 70.62 feet) to a 1/2" iron rod set at the Southeast Corner of the 3.15 Acre Tract and the Northerly Southwest Corner of that 11.11 Acre Tract of land conveyed to Continental Homes of Texas by deed recorded in Document No. 2007176864 of the Official Public Records of Travis County, Texas;

THENCE along the Southerly Line of the said 11.11 Acre Tract the following 12 courses:

1.  $N.81^{\circ}04'10''E.$  a distance of 303.94 feet to a 1/2" iron rod set at a point of curvature of a curve to the left;
2. Northeasterly, along the arc of said curve to the left a distance of 39.40 feet, (said curve having a radius of 25.00 feet, a central angle of  $90^{\circ}17'24''$ , and a chord bearing  $N.35^{\circ}55'28''E.$ , 35.44 feet);
3.  $N.09^{\circ}13'14''W.$  a distance of 12.91 feet;
4.  $N.80^{\circ}46'46''E.$ , at a distance of 48.00 feet pass a 1/2" iron rod set, in all a total distance of 347.59 feet to a 1/2" iron rod set at a point of curvature of a curve to the right;

**EXHIBIT "A"**

29.33 acres

5. Easterly, along the arc of said curve to the right a distance of 33.94 feet, (said curve having a radius of 142.00 feet, a central angle of  $13^{\circ}41'34''$ , and a chord bearing  $N.87^{\circ}37'33''E.$ , 33.86 feet) to a 1/2" iron rod set;
6.  $S.85^{\circ}31'40''E.$  a distance of 341.27 feet to a 1/2" iron rod set;
7.  $S.09^{\circ}12'52''E.$  a distance of 705.21 feet to a 1/2" iron rod set;
8.  $S.80^{\circ}47'08''W.$  a distance of 293.08 feet to a 1/2" iron rod set;
9.  $S.09^{\circ}12'52''E.$  a distance of 229.17 feet to a 1/2" iron rod set at a point of curvature of a curve to the right;
10. Southwesterly, along the arc of said curve to the right a distance of 88.84 feet, (said curve having a radius of 60.00 feet, a central angle of  $84^{\circ}50'02''$ , and a chord bearing  $S.33^{\circ}12'08''W.$ , 80.94 feet) to a 1/2" iron rod set at a point of reverse curvature of a curve to the left ;
11. Southwesterly, along the arc of said curve a distance of 19.68 feet, (said curve having a radius of 25.00 feet, a central angle of  $45^{\circ}05'57''$ , and a chord bearing  $S.53^{\circ}04'11''W.$ , 19.17 feet) to a 1/2" iron rod set;
12.  $S.30^{\circ}31'12''W.$  a distance of 115.54 feet to a 1/2" iron rod set in the South Line of the said 160.0 Acre Tract and the North Line of the plat of Bobby R. Wagner Addition, according to the plat thereof recorded in Plat Book 84, Page 3D, of the Plat Records of Travis County, Texas;

THENCE  $N.60^{\circ}17'51''W.$ , along the South Line of the 160.0 Acre Tract and the North Line of said Bobby R. Wagner Addition, a distance of 9.75 feet to a 1/2" iron rod found at the Northwest Corner of the said Bobby R. Wagner Addition and the Northeast Corner and end of Brown Lane, a right of way 50 feet wide;

THENCE  $N.59^{\circ}59'23''W.$ , along the North Line of the end of Brown Lane, a distance of 50.51 feet to a 1/4" iron rod found at the Northwest Corner of the end of Brown Lane and the Northeast Corner of Lot 1, Jackson-Davis Addition, according to the plat thereof recorded in Plat Book 50, Page 58 of the Plat Records of Travis County, Texas;

THENCE  $N.60^{\circ}03'48''W.$ , along the North Line of Lot 1 and Lot 2 of said Jackson-Davis Addition, a distance of 515.03 feet to a 1/2" iron rod found at the Northwest Corner of said Jackson-Davis Addition and the Northeast Corner of that 13.644 Acre Tract conveyed to John D. Byram by deed recorded in Volume 10772, Page 1898 of the Real Property Records of Travis County, Texas;

THENCE  $N.59^{\circ}44'57''W.$ , along the North Line of the said 13.644 Acre Tract and continuing along the North Line of the said Robert Rose 3.203 Acre Tract, a distance of 1144.17 feet to the said Point of Beginning.

Containing 29.33 acres, more or less.

*John K. Weigand 1-28-2011*

J. Kenneth Weigand  
Registered Professional Land Surveyor No. 5741  
State of Texas



RJ Surveying, Inc.  
1212 East Braker Lane  
Austin, Texas 78753

THIS SURVEY IS BASED ON THE ASSUMPTION THAT THE BOUNDARIES OF THE ADJACENT PROPERTIES ARE CORRECTLY SHOWN ON THE RECORD MAPS AND SURVEYS. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE ADJACENT PROPERTIES.



NO.	SECTION	AREA	PERCENT	TOTAL
1	1	1.00	100.00	1.00
2	2	1.00	100.00	1.00
3	3	1.00	100.00	1.00
4	4	1.00	100.00	1.00
5	5	1.00	100.00	1.00
6	6	1.00	100.00	1.00
7	7	1.00	100.00	1.00
8	8	1.00	100.00	1.00
9	9	1.00	100.00	1.00
10	10	1.00	100.00	1.00
11	11	1.00	100.00	1.00
12	12	1.00	100.00	1.00
13	13	1.00	100.00	1.00
14	14	1.00	100.00	1.00
15	15	1.00	100.00	1.00
16	16	1.00	100.00	1.00
17	17	1.00	100.00	1.00
18	18	1.00	100.00	1.00
19	19	1.00	100.00	1.00
20	20	1.00	100.00	1.00
21	21	1.00	100.00	1.00
22	22	1.00	100.00	1.00
23	23	1.00	100.00	1.00
24	24	1.00	100.00	1.00
25	25	1.00	100.00	1.00
26	26	1.00	100.00	1.00
27	27	1.00	100.00	1.00
28	28	1.00	100.00	1.00
29	29	1.00	100.00	1.00
30	30	1.00	100.00	1.00
31	31	1.00	100.00	1.00
32	32	1.00	100.00	1.00
33	33	1.00	100.00	1.00
34	34	1.00	100.00	1.00
35	35	1.00	100.00	1.00
36	36	1.00	100.00	1.00
37	37	1.00	100.00	1.00
38	38	1.00	100.00	1.00
39	39	1.00	100.00	1.00
40	40	1.00	100.00	1.00
41	41	1.00	100.00	1.00
42	42	1.00	100.00	1.00
43	43	1.00	100.00	1.00
44	44	1.00	100.00	1.00
45	45	1.00	100.00	1.00
46	46	1.00	100.00	1.00
47	47	1.00	100.00	1.00
48	48	1.00	100.00	1.00
49	49	1.00	100.00	1.00
50	50	1.00	100.00	1.00
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53	53	1.00	100.00	1.00
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71	71	1.00	100.00	1.00
72	72	1.00	100.00	1.00
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29.33 acres  
1,277,695 sq. ft.

DESSAU ROAD  
1301 ACRES - 180,000,000 sq. ft.  
1301 ACRES - 180,000,000 sq. ft.

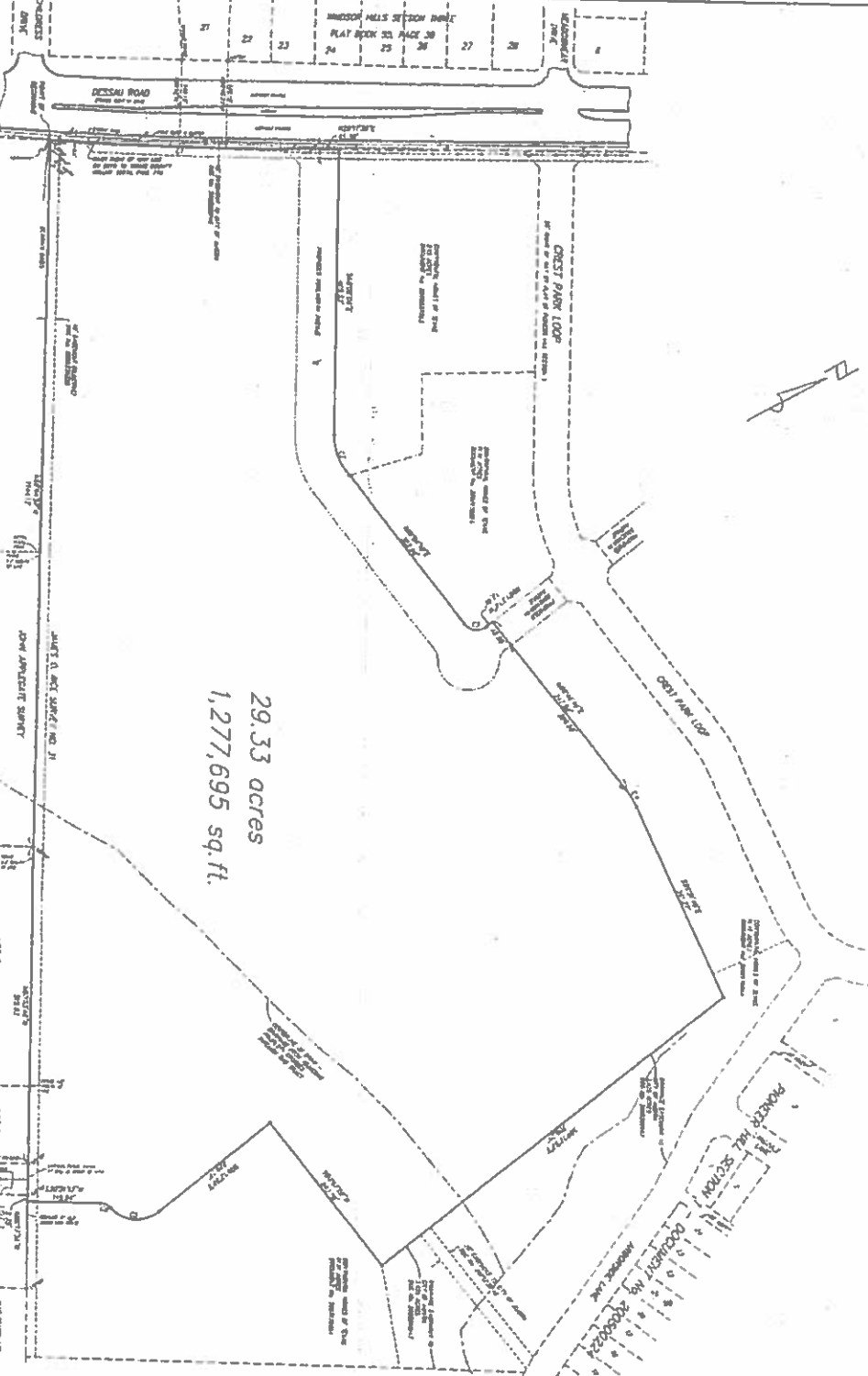
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