

RESTRICTIVE COVENANT

OWNER: Shelby Lane Development, LLC, a Texas limited liability company

OWNER ADDRESS: 14747 North Northsight Boulevard, Suite 111-431
Scottsdale, Arizona 85260

CITY: **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation
situated in the counties of Hays, Travis, and Williamson

CITY'S ADDRESS: P.O. Box 1088
Austin, Travis County, Texas 78767-1088

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: 8.00 acres (348,481 square feet), more or less, being out of the Isaac
Decker Survey No. 20, Abstract No. 8 in Travis County, Texas, said
8.000 acres of land being more particularly described by metes and
bounds in **Exhibit "A"** incorporated into this restrictive covenant.

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 Pacheco Koch, dated August 18, 2021, 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 September 16, 2021 ("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 _____, 2022.

Owner:

Shelby Lane Development, LLC, a Texas limited liability company

By: VTC TX Investments Inc., a Texas corporation, its
manager

By: _____
Javier Aldrete, Vice President

THE STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2022, by Javier Aldrete, Vice President, of VTC TX Investments Inc., a Texas corporation, manager of Shelby Lane Development, LLC, a Texas limited liability company, on behalf of said company.

Notary Public, State of _____

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 8.0000 ACRES (348,481 SQUARE FEET), MORE OR LESS, BEING OUT OF THE ISAAC DECKER SURVEY NO. 20, ABSTRACT NO. 8 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CALLED 18.201 ACRE TRACT CONVEYED TO RI/RMT ACQUISITION, LTD IN DOCUMENT NO. 2005180622 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 8.0000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the northwest right-of-way line of Weidemar Lane (Right-of-way varies), being the southeast line of said RI/RMT remainder tract, for the southeast corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod with "Waterloo 4324" cap found in the northwest right-of-way line of said Weidemar Lane, being the southeast corner of said RI/RMT remainder tract, and being the northeast corner of Lot 1, Block A, Champion Toyota Weidemar Subdivision, a subdivision in Travis County, Texas, recorded in Document No. 201000040 (O.P.R.T.C.T.) bears, S28°05'07"W, a distance of 179.62 feet;

THENCE, leaving the northwest right-of-way line of said Weidemar Lane, over and across said RI/RMT remainder tract, **N61°53'00"W**, a distance of **395.15** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for the southwest corner hereof, said point being in the northwest line of said RI/RMT remainder tract, and being in the southeast line of Lot 23, Block "A", Colonial Trails Section One, a subdivision in Travis County, Texas, recorded in Document No. 200500048 (O.P.R.T.C.T.), from which a 1/2-inch iron rod with "4Ward-Boundary" cap set for an angle point in the northwest line of said RI/RMT remainder tract, and being the common east corner of said Lot 23 and Lot 22 of said Block "A", Colonial Trails Section One bears, S20°04'47"W, a distance of 9.18 feet;

THENCE, with the northwest line of said RI/RMT remainder tract and the southeast line of Lots 23-34, all of said Block "A", Colonial Trails Section One, the following nine (9) courses and distances:

- 1) **N20°04'47"E**, a distance of **52.80** feet to a 1/2-inch iron rod with "Landmark" cap found for an angle point hereof,
- 2) **N16°03'03"E**, a distance of **61.86** feet to a 1/2-inch iron rod found for an angle point hereof,
- 3) **N12°10'35"E**, a distance of **62.07** feet to a 1/2-inch iron rod with "Landmark" cap found for an angle point hereof,
- 4) **N07°58'35"E**, a distance of **62.14** feet to a 1/2-inch iron rod with illegible cap found for an angle point hereof,
- 5) **N03°57'53"E**, a distance of **61.88** feet to a 1/2-inch iron rod with "CFE" cap found for an angle point hereof,
- 6) **N02°01'08"E**, a distance of **220.00** feet to a 1/2-inch iron rod with "CFE" cap found for an angle point hereof,
- 7) **N02°11'12"E**, a distance of **57.89** feet to a 1/2-inch iron rod with "CFE" cap found for an angle point hereof,
- 8) **N07°05'49"E**, a distance of **60.08** feet to a 1/2-inch iron rod with "CFE" cap found for an angle point hereof, and
- 9) **N13°25'55"E**, a distance of **60.07** feet to a 1/2-inch iron rod with "Landmark" cap found for the northwest corner hereof, said point being in the south right-of-way line of Shelby Lane (80' Right-of-way), being the northwest corner of said RI/RMT remainder tract, and being the northeast corner of said Lot 34, Block "A", Colonial Trails Section One;

Exhibit A

THENCE, with the south right-of-way line of said Shelby Lane and the north line of said RI/RMT remainder tract, the following three (3) courses and distances:

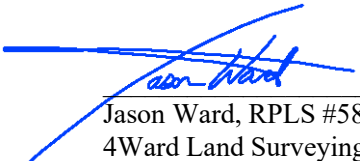
- 1) **S67°45'12"E**, a distance of **418.33** feet to a 1/2-inch iron rod found for a point of curvature hereof,
- 2) Along the arc of a curve to the right, whose radius is **360.00** feet, whose arc length is **227.91** feet and whose chord bears **S49°42'35"E**, a distance of **224.12** feet to a 1/2-inch iron rod found for a point of tangency hereof, and
- 3) **S31°58'53"E**, a distance of **26.95** feet to a 1/2-inch iron rod with "Terra Firma" cap found for the northeast corner hereof, said point being at the intersection of the south right-of-way line of said Shelby Lane with the northwest right-of-way line of said Weidemar Lane, and being the northeast corner of said RI/RMT remainder tract;

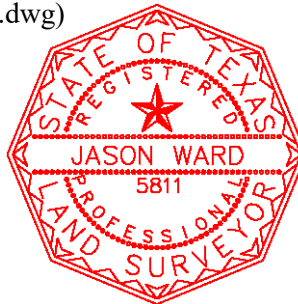
THENCE, with the northwest right-of-way line of said Weidemar Lane and the southeast line of said RI/RMT remainder tract, the following three (3) courses and distances:

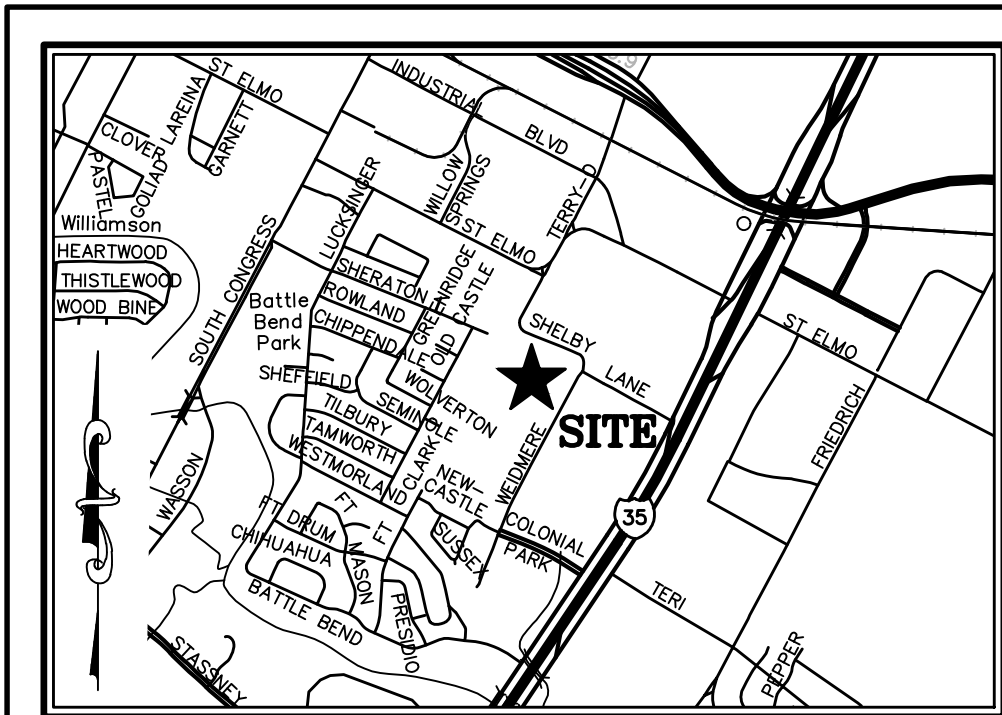
- 1) **S27°54'29"W**, a distance of **138.83** feet to a 1/2-inch iron rod found for a non-tangent point of curvature hereof,
- 2) Along the arc of a curve to the left, whose radius is **340.00** feet, whose arc length is **119.45** feet and whose chord bears **S38°23'25"W**, a distance of **118.84** feet to a 1/2-inch iron rod found for an angle point hereof, and
- 3) **S28°05'07"W**, a distance of **377.41** feet to the **POINT OF BEGINNING** and containing 8.0000 Acres (348,481 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000055208210. See attached sketch (reference drawing: 01053_ALTA Survey.dwg)


10/20/20
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC





VICINITY MAP

SCALE: 1" = 2000'

GENERAL NOTES:

- 1) PROPERTY ADDRESS: SHELBY LANE & WEIDEMAR LANE, AUSTIN, TEXAS 78745
- 2) THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
- 3) ADDITIONAL NUMBERS (IF SHOWN) IN THE TREE LIST AT THE END OF THE TREE DESCRIPTION, REPRESENT THE SIZES AND NUMBER OF MULTI-TRUNK TREES.
- 4) UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON UTILITY MAPS PROVIDED BY THE VARIOUS UTILITY COMPANIES. TEXAS811 WAS CONTACTED TO MARK UTILITIES FOR THIS SITE HOWEVER, NO UTILITIES WERE MARKED.
- 5) THERE WERE NO BUILDINGS ON THIS TRACT AT THE TIME OF THE ON-THE-GROUND FIELD SURVEY.
- 6) THERE WERE NO STRIPED PARKING SPACES ON THIS SITE AT THE TIME OF THE SURVEY.
- 7) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

TITLE COMMITMENT NOTES:
COMMITMENT FOR TITLE INSURANCE PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY
C.F. NO.: 202002136
EFFECTIVE DATE: AUGUST 19, 2020
ISSUED: OCTOBER 02, 2020

THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO THE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS. []

1) THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):

DOCUMENT NO. 2010032631 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO]

10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

A. A PIPE LINE AND APPURTENANCES EASEMENT GRANTED TO HOPE ENGINEERING AND SUPPLY COMPANY, BY INSTRUMENT DATED JANUARY 16, 1927, RECORDED IN VOLUME 413, PAGE 465 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS AFFECTED BY THOSE INSTRUMENTS RECORDED IN VOLUME 8606, PAGE 322 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND DOCUMENT NOS. 2014018447 AND 2017092094 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

B. AN ELECTRIC LINES AND SYSTEMS EASEMENT GRANTED TO THE CITY OF AUSTIN, BY INSTRUMENT DATED MARCH 20, 1972, RECORDED IN VOLUME 4290, PAGE 719 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

C. THE TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN REIMBURSEMENT AGREEMENT DATED SEPTEMBER 26, 2005, RECORDED UNDER DOCUMENT NO. 2005180623 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO]

D. THE TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS (WHICH MAY BE SECURED BY SEPARATELY RECORDED LIENS) OF THAT CERTAIN DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANT REGARDING MAINTENANCE OF DRAINAGE FACILITIES DATED MARCH 5, 2010, RECORDED UNDER DOCUMENT NO. 2010032631 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

LEGAL DESCRIPTION:
BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 8.00 ACRES, MORE OR LESS, SITUATED IN THE ISAAC DECKER LEAGUE, SURVEY NO. 20, TRAVIS COUNTY, TEXAS.

BEARING BASIS:
ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00005208210.

SURVEY CONTROL:
CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, WITH GRID COORDINATES (STATE PLANE, TEXAS CENTRAL - 4203) AND ELEVATIONS SHOWN HEREON DERIVED FROM NGS O.P.U.S. SOLUTION REPORT COMPUTED ON JULY 31, 2020.

FLOODPLAIN NOTE:
THIS PROPERTY IS LOCATED WITHIN ZONE "X", (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.I.R.M. MAP NO. 48453C0585H, TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS, MAP REVISED SEPTEMBER 26, 2008.

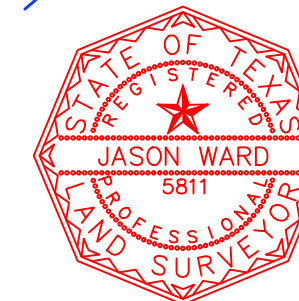
THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

UTILITY NOTE:
THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY), ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

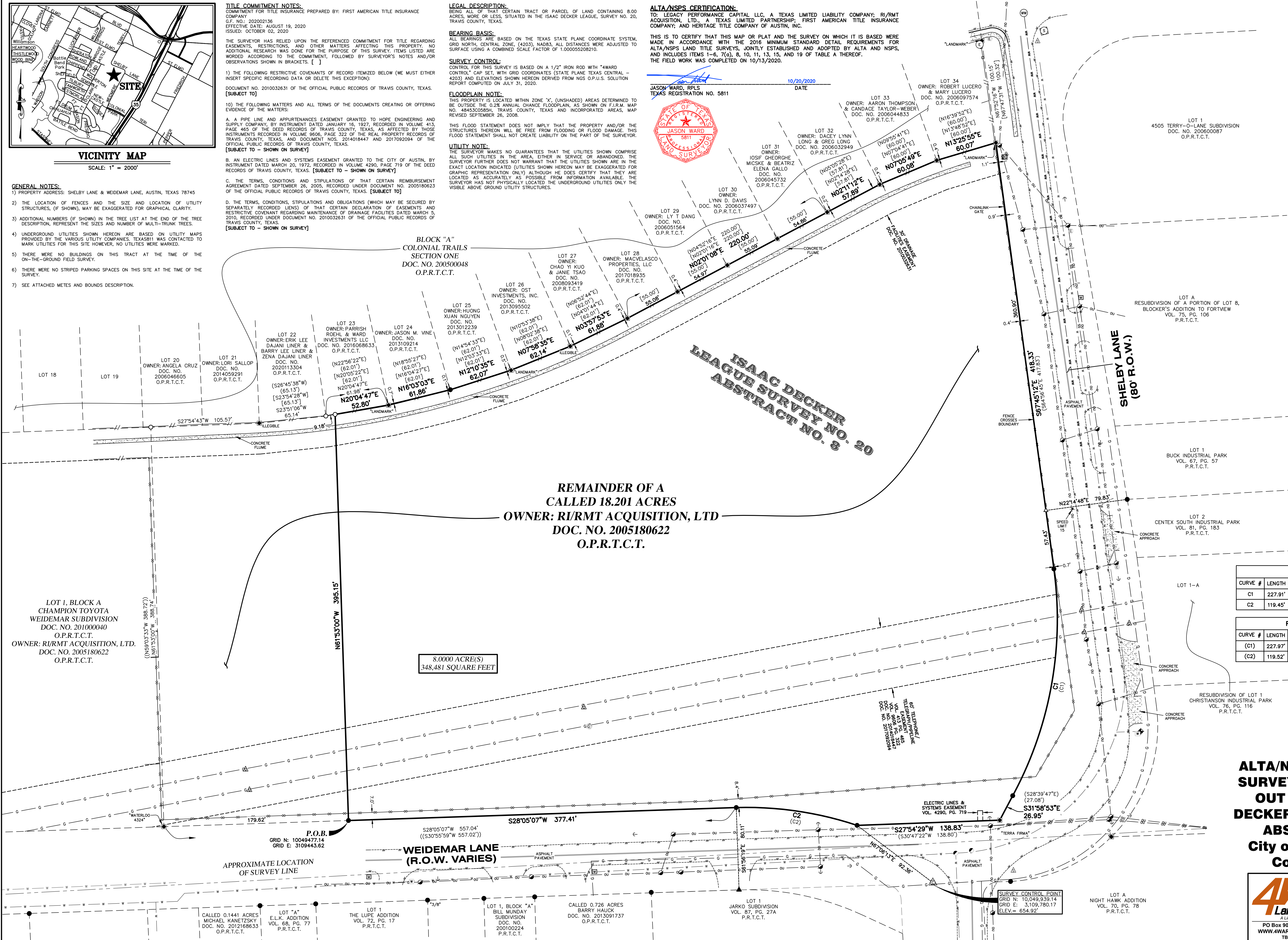
ALTA/NSPS CERTIFICATION:
TO: LEGACY PERFORMANCE CAPITAL, LLC, A TEXAS LIMITED LIABILITY COMPANY; R/RMT ACQUISITION, LTD., A TEXAS LIMITED PARTNERSHIP; FIRST AMERICAN TITLE INSURANCE COMPANY; AND HERITAGE TITLE COMPANY OF AUSTIN, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-6, 7(a), 8, 10, 11, 13, 15, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 10/13/2020.

JASON WARD, RPLS
TEXAS REGISTRATION NO. 5811



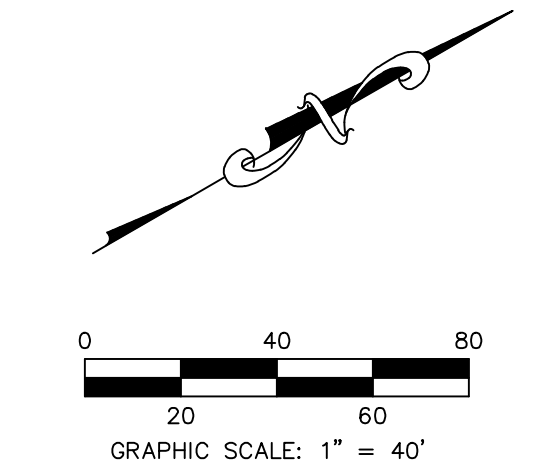
10/20/2020
DATE



REMAINDER OF A
CALLED 18.201 ACRES
OWNER: R/RMT ACQUISITION, LTD
DOC. NO. 2005180622
O.P.R.T.C.T.

8.0000 ACRE(S)
348,481 SQUARE FEET

LEGEND	
---	PROPERTY LINE
---	EXISTING PROPERTY LINES
---	EXISTING EASEMENTS
---	CONTOUR LINE
○	1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
●	1/2" IRON ROD FOUND (UNLESS NOTED)
●	IRON ROD WITH "OFF" CAP FOUND (UNLESS NOTED)
●	BENCHMARK
△	CALCULATED POINT
△	60D NAIL FOUND
△	SURVEY CONTROL POINT
○	CLEAN OUT
○	ELECTRIC JUNCTION BOX
○	ELECTRIC TRANSFORMER
○	ELECTRIC MANHOLE
○	FIRE HYDRANT
○	GAS VALVE
○	LIGHT POLE
○	MAILBOX
○	WATER VALVE
○	WATER METER
○	STORM SEWER MANHOLE
○	WASTEWATER MANHOLE
○	POWER/UTILITY POLE
○	GUY ANCHOR
○	GAS MARKER POST
○	STOP SIGN
---	EDGE OF ASPHALT
---	WOOD FENCE
---	CHAIN LINK FENCE
---	GAS LINE
---	OVERHEAD UTILITY
---	WASTEWATER LINE
---	WATER LINE
---	STORM SEWER LINE
---	CONCRETE
---	DOCUMENT NUMBER
---	VOL./PG.
---	R.O.W.
---	P.R.T.C.T.
---	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
---	RECORD INFORMATION PER DEED DOC. NO. 2005180622
---	RECORD INFORMATION PER DEED DOC. NO. 201000040
---	RECORD INFORMATION PER PLAT DOC. NO. 200500048



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
C1	227.91'	360.00'	36°16'21"	S49°42'35"E	224.12'
C2	119.45'	340.00'	20°07'46"	S38°23'25"W	118.84'

RECORD CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
(C1)	227.91'	360.00'	36°16'57"	S46°48'16"E	224.18'
(C2)	119.52'	340.00'	20°08'31"	S41°15'58"W	118.91'

**ALTA/NSPS LAND TITLE
SURVEY OF 8.00 ACRES
OUT OF THE ISAAC
DECKER SURVEY NO. 20,
ABSTRACT NO. 8**
City of Austin, Travis
County, Texas

PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174500

Date: 10/20/2020
Project: 01053
Scale: 1" = 40'
Reviewer: FM
Tech: DDL
Field Crew: WC
Survey Date: OCT. 2020
Sheet: 1 OF 1

APPROVED AS TO FORM:

Name: _____

Assistant City Attorney
City of Austin

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