

RESTRICTIVE COVENANT

OWNER: Regiene Holdings, LLC, a Texas limited liability company

OWNER ADDRESS: 701C South Lamar Boulevard, Austin, TX 78704

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: 0.5145 acre (22,410 square feet) of land, out of the James Burleson Survey No. 19, Abstract No. 4 in Travis County, Texas, said 0.5145 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 WGI Engineering, dated December 11, 2020, and updated on June 14, 2021 and July 28, 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 10, 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:

Regiene Holdings, LLC, a Texas limited liability company

By:

Daryl Kunik, Manager

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2022, by Daryl Kunik, Manager, of Regiene Holdings, LLC, a Texas limited liability company, on behalf of the company.

Notary Public, State of Texas

EXHIBIT “_____”

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.5145 ACRE (22,410 SQUARE FEET) OUT OF THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 0.237 ACRE TRACT AND A CALLED 0.228 ACRE TRACT CONVEYED TO LAURIE LYNN ALKIER IN DOCUMENT NO. 2004026976 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.5145 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



TBPLS Firm #10174300
PO Box 90876
Austin, TX 78709
512.537.2384
www.4wardls.com

BEGINNING, at a 1/2-inch iron pipe found in the west line of a called 1.4041 acre tract (described as Tract 1) conveyed to Kunicko, LLC, in Document No. 2019143558 (O.P.R.T.C.T.), and being the northwest corner of Lot 1 of Kurachi Subdivision, recorded in Document No. 200400223 (O.P.R.T.C.T.), and being the southwest corner of said Alkier 0.228 acre tract, for the southwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found bears N56°50'40"E, a distance of 3.69 feet, and also from which, a 1/2-inch iron rod found in the north line of Lot 1 of the C. Ben Hibbetts Realty, Inc., Subdivision, recorded in Volume 75, Page 149 of the Plat Records of Travis County, Texas (P.R.T.C.T.) and being the common south corner of said Kunicko tract and Lot 1 of said Kurachi Subdivision bears, S01°43'29"W, a distance of 168.22 feet;

THENCE, with the east line of said Kunicko tract, in part with the east lines of said Alkier 0.228 acre and 0.237 acre tracts, **N00°45'16"E**, a distance of **240.69** feet to a 1/2-inch iron rod found for the northwest corner hereof, said point being an angle point in the south right-of-way line of Regiene Road (right-of-way varies, dedicated in Volume 1795, Page 249 of the Deed Records of Travis County, Texas (D.R.T.C.T.)), and being the common north corner of said Kunicko tract and said Alkier 0.237 acre tract;

THENCE, with the south right-of-way line of said Regiene Road and the north line of said Alkier 0.237 acre tract, **S46°50'06"E**, a distance of **159.33** feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being the northeast corner of said Alkier 0.237 acre tract;

THENCE, with the west right-of-way line of said Regiene Road, in part with the west lines of said Alkier 0.228 acre and 0.237 acre tracts, **S03°51'46"E**, passing at a distance of 63.97 feet, a 1/2-inch iron rod found at the common east corner of said Alkier 0.228 acre and 0.237 acre tracts, and continuing for a total distance of **128.95** feet to a 1/2-inch iron rod found for the southeast corner hereof, said point being the common east corner of Lot 1 of said Kurachi Subdivision and said Alkier 0.228 acre tract;

THENCE, leaving the west right-of-way line of said Regiene Road, with the common line of Lot 1 of said Kurachi Subdivision and said Alkier 0.228 acre tract, **S88°39'07"W**, a distance of **128.11** feet to the **POINT OF BEGINNING** and containing 0.5145 Acre (22,410 Square Feet) of land, more or less.

Notes:

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 1.000029500981. See attached sketch (reference drawing: 01049_zoning-3.dwg.)

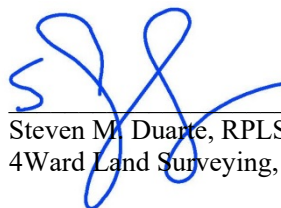
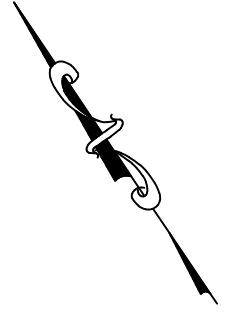
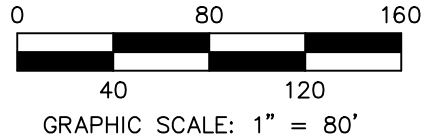

7/21/2021
Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC



Exhibit A



FROM WHICH A MAG
NAIL FOUND BEARS
N26°07'00"W, 1.16'

S53°55'00"W
48.36'

S51°19'15"E
66.54'
((S48°16'04"E
67.61'))

**U.S. HIGHWAY 183
(AKA ED BLUESTEIN BLVD.)
(R.O.W. VARIES)**

[B]

[H]

APPROXIMATE LOCATION
OF 5' WIDE ELECTRIC
AND TELEPHONE
SYSTEMS EASEMENT
VOL. 1916, PG. 15
D.R.T.C.T.

**REGIENE ROAD
(R.O.W. VARIES)**

DEDICATED IN
VOL. 1795, PG. 249
D.R.T.C.T.

**0.5145 ACRE(S)
22,410 SQUARE FEET**

S46°50'06"E
159.33'

N00°45'16"E
240.69'

S03°51'46"E
128.95'

[D]

S88°39'07"W
128.11'

FROM WHICH A
1/2" IRON ROD
FOUND BEARS
N56°50'40"E, 3.69'

P.O.B.

GRID N: 10070183.53
GRID E: 3137210.99

CALLD 0.20 ACRE
CITY OF AUSTIN
ELECTRIC EASEMENT
VOL 3815, PG. 1803
D.R.T.C.T.

CALLD 3.17 ACRE
CITY OF AUSTIN
ELECTRIC EASEMENT
VOL 3814, PG. 1788
D.R.T.C.T.

[E]

[G]

**0.5145 ACRE
City of Austin, Travis
County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2021
Project:	01049
Scale:	1" = 80'
Reviewer:	SMD
Tech:	AK
Field Crew:	WC
Survey Date:	APR. 2021
Sheet:	1 OF 2

LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINES
	1/2" IRON ROD FOUND (UNLESS NOTED)
	1/2" IRON PIPE FOUND (UNLESS NOTED)
	CALCULATED POINT
	COTTON SPINDLE FOUND
P.O.B.	POINT OF BEGINNING
VOL./PG.	VOLUME, PAGE
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DOC. NO. 2019143558

[A]
CALLED 1.4041 ACRE
(TRACT 1)
KUNICKO, LLC
DOC. NO. 2019143558
O.P.R.T.C.T.

[B]
CALLED 1.08 ACRES
GEORGE I. KURACHI, JR.
& BARBARA J. KURACHI
DOC. NO. 2001031539
O.P.R.T.C.T.

[C]
CALLED 0.237 ACRE
LAURIE LYNN ALKIER
DOC. NO. 2004026976
O.P.R.T.C.T.

[D]
CALLED 0.228 ACRE
LAURIE LYNN ALKIER
DOC. NO. 2004026976
O.P.R.T.C.T.

E]
LOT 1
KURACHI SUBDIVISION
DOC. NO. 200400223
O.P.R.T.C.T.

[F]
CALLED 0.673 ACRE
(PARCEL 132)
THE STATE OF TEXAS
DOC. NO. 2015197901
O.P.R.T.C.T.

[G]
REMAINDER OF LOT 1
C. BEN HIBBETTS
REALTY, INC. SUBD. NO. 2
VOL. 75, PG. 149
P.R.T.C.T.
CALLED 14.0224 ACRES
(TRACT 2)
KUNICKO, LLC
DOC. NO. 2019143558
O.P.R.T.C.T.

[H]
**JAMES BURLESON
SURVEY NO. 19
ABSTRACT NO. 4**

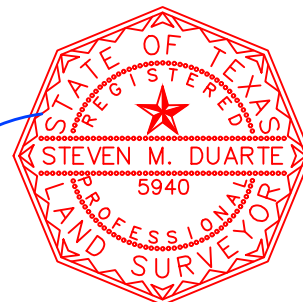
[I]
**J.C. TANNEHILL
SURVEY NO. 29,
ABSTRACT NO. 22**

NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000029500981.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.

7/21/2021

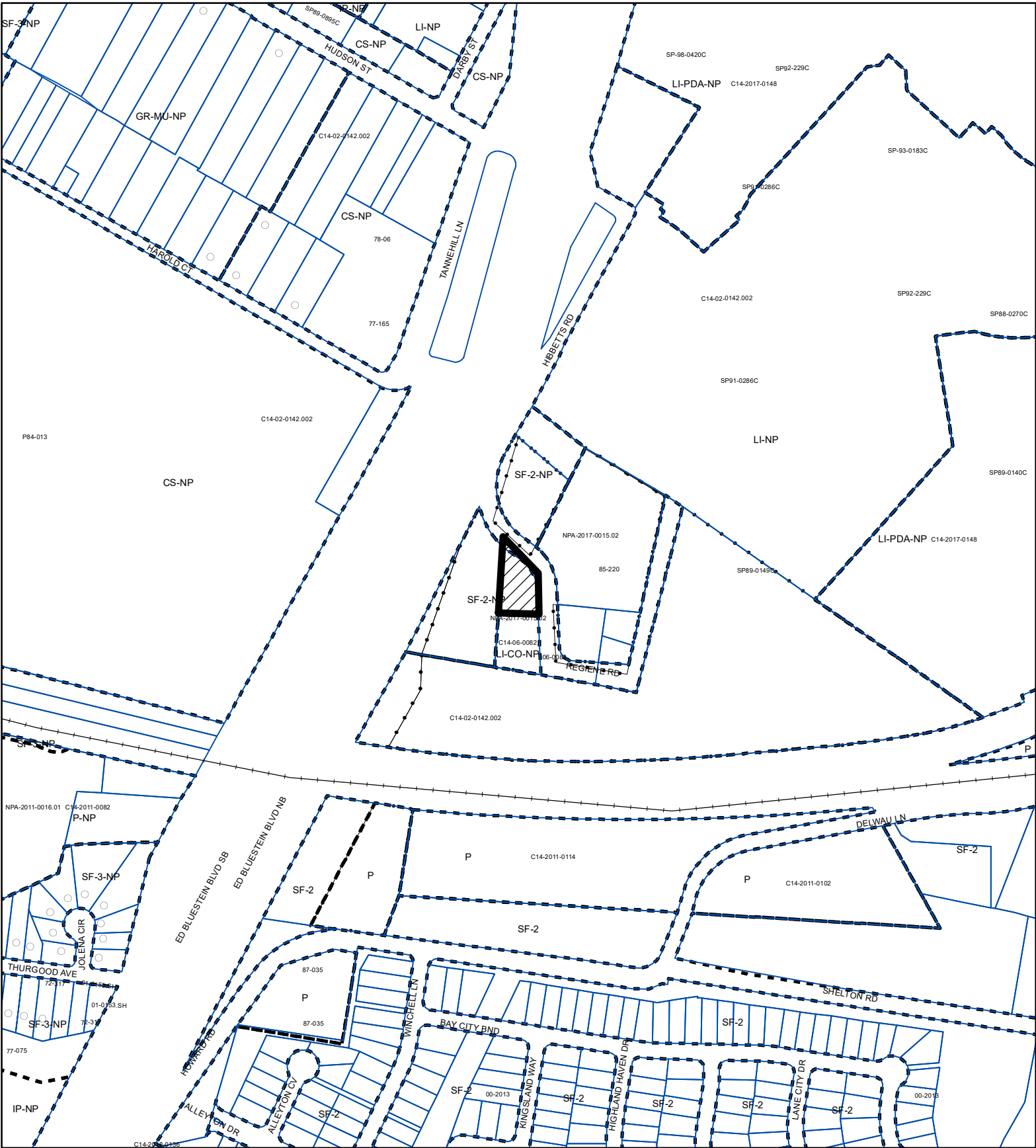





**0.5145 ACRE
City of Austin, Travis
County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	7/21/2021
Project:	01049
Scale:	1" = 80'
Reviewer:	SMD
Tech:	AK
Field Crew:	WC
Survey Date:	APR. 2021
Sheet:	2 OF 2



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2021-0158

Exhibit B

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 9/22/2021

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