

Zoning Case No. C14-2021-0194**RESTRICTIVE COVENANT**

OWNER: Jou Lee

OWNER ADDRESS: c/o Michael Y. Lin, Carrington, Coleman, Sloman & Blumenthal, LLP, 901 Main Street, Suite 5500, Dallas, Dallas County, Texas 75202

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: 6100 Blue Goose Road, Austin, Texas 78754 (the "Property"), more particularly described in the attached **Exhibit "A"**.

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, the Owner's 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 Kimley-Horn and Associates, Inc., dated February 18, 2022, including an update on April 14, 2022, or as amended, and approved by the Director of the Development Services Department. All development on the Property is subject to the Development Services Department, Transportation Review Section's staff memorandum ("memorandum") dated June 27, 2022, 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 _____, 2022.

Owner:

Jou Lee

THE STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared, by means of an interactive two-way audio and video communication, Jou Lee, who is known to me or has provided satisfactory evidence of identity in accordance with Chapter 406, Texas Government Code, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument. This notarial act was an online notarization.

Given under my hand and seal of office on _____.

[Seal]

Notary Public, State of _____

APPROVED AS TO FORM:

Name: _____

Assistant City Attorney

City of Austin

EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

earlysurveying.com

TBPELS Firm No. 10194487

88.196 ACRES TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 88.196 ACRES (APPROXIMATELY 3,841,796 SQ. FT.) IN THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, TRAVIS COUNTY, TEXAS, BEING ALL OF AN 88.1683 ACRE TRACT CONVEYED TO JOU LEE IN A GENERAL WARRANTY DEED DATED SEPTEMBER 28, 2011 AND RECORDED IN DOCUMENT NO. 2011141507 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 88.196 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found in the northeast right-of-way line of Blue Goose Road (public right-of-way width varies), being the westernmost corner of the said 88.1683 acre tract, being also the southernmost corner of a 98.700 acre tract described in Volume 11378, Page 166 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found in the northeast right-of-way line of Blue Goose Road, being the westernmost corner of the said 98.700 acre tract, bears North 62°45'38" West, a distance of 927.62 feet;

THENCE North 28°04'24" East with the northwest line of the said 88.1683 acre tract and the southeast line of the said 98.700 acre tract, a distance of 2841.85 feet to an 80D nail found for the northernmost corner of the said 88.1683 acre tract, being the westernmost corner of Lot 16, Block D, Sterling Bridge Section 5, a subdivision of record in Document No. 201300014 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with "Chaparral" cap found in the southeast line of the said 98.700 acre tract, being the northwest corner of Lot 18, Block D, of said Sterling Bridge Section 5, bears North 27°30'29" East, a distance of 251.07 feet;

THENCE with the northeast line of the said 88.1683 acre tract and the southwest line of Blocks D and C of said Sterling Bridge Section 5, the southwest termination of Gaelic Drive (50' public right-of-way width) as shown on said Sterling Bridge Section 5 and Block C, and Sterling Bridge Section 4, a subdivision of record in Document No. 201200064 of the Official Public Records of Travis County, Texas, the following eight (8) courses and distances:

1. South 62°50'04" East, a distance of 765.71 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost corner of Lot 4, Block D, being the westernmost corner of Lot 3, Block D;

2. South 62°50'04" East, a distance of 169.90 feet to a 1/2" rebar with "Chaparral" cap found for the westernmost termination of Gaelic Drive, being the southernmost corner of Lot 1, Block D, from which a 1/2" rebar with "Lenz" cap found in the northwest right-of-way line of Gaelic Drive, being in the southeast line of Lot 1, Block D, bears North 27°13'27" East, a distance of 110.86 feet;
3. South 62°50'04" East, a distance of 50.00 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost termination of Gaelic Drive and the westernmost corner of Lot 45, Block C, from which a 1/2" rebar with "Lenz" cap found in the southeast right-of-way line of Gaelic Drive, being in the northwest line of Lot 45, Block C, bears North 27°13'27" East, a distance of 110.98 feet;
4. South 62°50'04" East, a distance of 160.04 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost corner of Lot 43, Block C, being the westernmost corner of Lot 42, Block C;
5. South 62°50'04" East, a distance of 50.03 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost corner of Lot 42, Block C, being the westernmost corner of Lot 41, Block C;
6. South 62°50'04" East, a distance of 49.80 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost corner of Lot 41, Block C, being the westernmost corner of Lot 40, Block C;
7. South 62°50'04" East, a distance of 50.40 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost corner of Lot 40, Block C, being the westernmost corner of Lot 39, Block C;
8. South 62°50'04" East, a distance of 56.47 feet to a calculated point for the easternmost corner of the said 88.1683 acre tract, being the northernmost corner of Lot 31, Block C, being also the northernmost corner of Lot 34, Block C, from which a 1" rebar in concrete found, bears North 28°08'00" East, a distance of 0.42 feet;

THENCE South 28°08'00" West with the southeast line of the said 88.1683 acre tract and the northwest line of Lot 31, Block C, of said Sterling Bridge Section 4, a distance of 259.63 feet to a 1/2" rebar in concrete found for the westernmost corner of said Lot 31, being the northernmost corner of Lot 1, Harris Branch Elementary School Subdivision, a subdivision of record in Volume 90, Page 354 of the Plat Records of Travis County, Texas;

THENCE with the southeast line of the said 88.1683 acre tract and the northwest line of said Lot 1, the following two (2) courses and distances:

1. South 27°52'13" West, a distance of 86.01 feet to a 1" rebar in concrete found;
2. South 28°01'58" West, a distance of 691.45 feet to a 1/2" rebar found for the westernmost corner of said Lot 1, being the northernmost corner of a 10.010 acre tract described in Document No. 1999153100 of the Official Public Records of Travis County, Texas;

THENCE with the southeast line of the said 88.1683 acre tract and the northwest line of the said 10.010 acre tract, the following two (2) courses and distances:

1. South 27°51'50" West, a distance of 302.87 feet to a 1" rebar in concrete found;
2. South 28°22'36" West, a distance of 89.95 feet to a 1/2" rebar with "Chaparral" cap found for the westernmost corner of the said 10.010 acre tract, being the northernmost corner of Lot 65, Block D, Thornbury II, Section Two, a subdivision of record in Document No. 201200202 of the Official Public Records of Travis County, Texas, being also the northernmost corner of Lot 68, Block D, Thornbury II, Section Six, a subdivision of record in Document No. 201400125 of the Official Public Records of Travis County, Texas;

THENCE South 28°06'42" West with the southeast line of the said 88.1683 acre tract and the northwest line of said Lot 68, a distance of 643.79 feet to a 1/2" rebar with "CBD Setstone" cap found for the northernmost termination of Minnoch Lane (50' public right-of-way width) as shown on said Thornbury II, Section Six, being the westernmost corner of said Lot 68;

THENCE South 28°10'26" West with the southeast line of the said 88.1683 acre tract and the northwest termination of Minnoch Lane, a distance of 50.00 feet to a calculated point for the westernmost termination of Minnoch Lane, being the northernmost corner of Lot 29, Block B, Thornbury II, Section Five, a subdivision of record in Document No. 201400124 of the Official Public Records of Travis County, Texas;

THENCE with the southeast line of the said 88.1683 acre tract and the northwest line of said Lot 29, the following two (2) courses and distances:

1. South 28°10'26" West, a distance of 235.17 feet to a 1" rebar in concrete found;
2. South 27°56'08" West, a distance of 449.15 feet to a 1/2" rebar with "Delta" cap found for an angle point in the northeast right-of-way line of Blue Goose Road, being the westernmost corner of said Lot 29;

THENCE with the common right-of-way line of Blue Goose Road and the said 88.1683 acre tract, the following three (3) courses and distances:

1. South 27°56'08" West, a distance of 30.02 feet to a 1/2" rebar with "CBD Setstone" cap found for the southernmost corner of the said 88.1683 acre tract;
2. North 62°54'29" West, a distance of 30.83 feet to a 1/2" rebar found;
3. North 62°59'48" West, a distance of 1322.95 feet to the **POINT OF BEGINNING**, containing 88.196 acres of land, more or less.

Surveyed on the ground on June 4, 2021.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1086-002-JOU LEE 88AC



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

6/11/21

Date



After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: Annette Bogusch, Legal Program Specialist