

Zoning Case No. C14-2022-0118**RESTRICTIVE COVENANT**

OWNER: CITY OF AUSTIN, A TEXAS HOME RULE CITY AND MUNICIPAL CORPORATION

OWNER ADDRESS: City of Austin
Finance Department: Real Estate Services
Attention: Michael Gates
P.O. Box 1088
Austin, 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: 7211, 7309, 7313 1/2 North Interstate 35 Highway 35 Northbound Service Road, 819 1/2 Blackson Avenue, and 910 1/2 East St. Johns Avenue, City of Austin, Travis County, Texas, said 19.056 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this 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. Development on the Property is subject to the recommendations contained in the Zoning Transportation Analysis (ZTA) memorandum from the Transportation Development Services (TDS) Division of the Austin Transportation Department dated November 29, 2022. The ZTA memorandum shall be kept on file at the 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: CITY OF AUSTIN, A TEXAS HOME RULE CITY
AND MUNICIPAL CORPORATION

By: _____
Michael Gates, Real Estate Services Officer

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2022, by Michael Gates, as Real Estate Services Officer of City of Austin, on behalf of said municipality.

Notary Public, State of Texas

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: H. Bonds, Paralegal

EXHIBIT A
BOUNDARY SURVEY
19.056 ACRES

BEING A 19.056 ACRE (OR 830,083 SQUARE FEET) TRACT OF LAND SITUATED IN THE THOMAS J. CHAMBERS SURVEY, ABSTRACT NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, THE REMAINDER OF LOT 1 OF THE CHRYSLER ADDITION, AN ADDITION TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 49, PAGE 1, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING ALL OF A CALLED 5.300 ACRE TRACT CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN INSTRUMENT NUMBER 2013198275, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND ALL OF THE REMAINING PORTION OF A CALLED 13.808 ACRE TRACT CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN INSTRUMENT NUMBER 2008196617, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 19.056 ACRE (OR 830,083 SQUARE FEET) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND (CONTROLLING MONUMENT & RECORD MONUMENT) AT THE NORTHEAST CORNER OF SAID 5.300 ACRE TRACT AND BEING THE NORTHEAST CORNER OF SAID LOT 1 OF THE CHRYSLER ADDITION, AND THE SOUTHERLY RIGHT-OF-WAY LINE OF A 5-FOOT RIGHT-OF-WAY DEDICATION TO BLACKSON AVENUE (A 60-FOOT WIDE RIGHT-OF-WAY, AT THIS POINT) AS RECORDED IN VOLUME 3611, PAGE 798, DEED RECORDS, TRAVIS COUNTY, TEXAS AND ALSO BEING THE WEST LINE OF LOT 8, BLOCK 16, ST. JOHN'S COLLEGE ADDITION, AN ADDITION TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 4, PAGE 71, PLAT RECORDS, TRAVIS COUNTY, TEXAS, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 62 DEGREES 25 MINUTES 09 SECONDS EAST, 159.00 FEET, AND FROM WHICH A 1/2-INCH IRON PIPE FOUND BEARS SOUTH 57 DEGREES 58 MINUTES 14 SECONDS WEST, 0.85 FEET;

THENCE, SOUTH 27 DEGREES 25 MINUTES 36 SECONDS WEST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, COINCIDENT WITH THE COMMON LINE OF SAID BLOCK 16 AND CALLED 5.300 ACRE TRACT, IN PASSING AT A DISTANCE OF 146.70 FEET A 1/2-INCH PIPE FOUND (RECORD MONUMENT) AT THE COMMON LOT CORNER OF LOT 5 AND LOT 6, SAID BLOCK 16, CONTINUING ALONG SAID COMMON LINE, IN PASSING AT A DISTANCE OF 148.26 FEET A 1/2-INCH IRON ROD WITH 2-INCH YELLOW CAP STAMPED "DCA INC SURVEY MARKER" FOUND (RECORD MONUMENT) FOR THE SOUTHEAST CORNER OF SAID CALLED 5.300 ACRE TRACT AND THE NORTHEAST CORNER OF AFORESAID CALLED 13.808 ACRE TRACT, CONTINUING ALONG THE COMMON LINE OF SAID BLOCK 16 AND CALLED 13.808 ACRE TRACT, IN PASSING AT A DISTANCE OF 296.70 FEET A 1/2-INCH IRON PIPE FOUND AT THE COMMON LOT CORNER OF LOT 2 AND LOT 3, SAID BLOCK 16, CONTINUING ALONG THE COMMON LINE OF SAID BLOCK 16 AND CALLED 13.808 ACRE TRACT IN ALL FOR A TOTAL DISTANCE OF 297.79 FEET TO A 1/2-INCH IRON ROD FOUND (CONTROLLING & RECORD MONUMENT) AT THE COMMON CORNER OF SAID 13.808 ACRE TRACT AND A CALLED 0.97 ACRE TRACT CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 2835, PAGE 167, DEED RECORDS, TRAVIS COUNTY, TEXAS;

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THENCE, DEPARTING SAID COMMON LINE, COINCIDENT WITH THE COMMON LINE OF SAID 13.808 ACRE TRACT AND 0.97 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

NORTH 62 DEGREES 34 MINUTES 24 SECONDS WEST, A DISTANCE OF 201.05 FEET TO A 1/2-INCH IRON ROD WITH 2-INCH YELLOW CAP STAMPED "DCA INC SURVEY MARKER" FOUND (RECORD MONUMENT) FOR CORNER;

SOUTH 27 DEGREES 25 MINUTES 36 SECONDS WEST, A DISTANCE OF 210.34 FEET TO A POINT FOR CORNER, FROM WHICH A 1/2-INCH IRON ROD WITH AN ILLEGIBLE RED CAP FOUND BEARS NORTH 24 DEGREES 10 MINUTES 47 SECONDS WEST, A DISTANCE OF 0.59 FEET;

SOUTH 62 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 201.05 FEET TO A POINT FOR THE COMMON CORNER OF SAID 13.808 ACRE TRACT, SAID 0.97 ACRE TRACT, AND LOT 8 AND LOT 9, BLOCK 9 OF SAID ST. JOHNS COLLEGE ADDITION, FROM WHICH A 1/2-IRON ROD FOUND (RECORD MONUMENT) BEARS NORTH 62 DEGREES 34 MINUTES 24 SECONDS WEST, A DISTANCE OF 0.40 FEET;

THENCE, SOUTH 27 DEGREES 25 MINUTES 36 SECONDS WEST, DEPARTING SAID COMMON LINE, COINCIDENT WITH THE COMMON LINE OF SAID 13.808 ACRE TRACT AND SAID BLOCK 9, IN PASSING AT A DISTANCE OF 300.00 FEET A 1/2-INCH IRON ROD FOUND AT THE COMMON CORNER OF LOT 2 AND LOT 3 OF SAID BLOCK 9, CONTINUING ALONG SAID COMMON LINE IN PASSING AT A DISTANCE OF 350.00 FEET A 1/2-INCH IRON PIPE FOUND AT THE COMMON CORNER OF LOT 1 AND LOT 2 OF SAID BLOCK 9, CONTINUING ALONG SAID COMMON LINE FOR A TOTAL DISTANCE OF 369.91 FEET TO THE SOUTHEAST CORNER OF SAID 13.808 ACRE TRACT AND BEING IN THE NORTHERLY RIGHT-OF-WAY LINE OF A 30-FOOT RIGHT-OF-WAY DEDICATION TO ST. JOHNS AVENUE AS A SAVE AND EXCEPT (A 80-FOOT WIDE RIGHT-OF-WAY, AT THIS POINT) RECORDED IN VOLUME 4632, PAGE 1175, DEED RECORDS, TRAVIS COUNTY, TEXAS, FROM WHICH THE SOUTHWEST CORNER OF LOT 1, BLOCK 9 BEARS SOUTH 27 DEGREES 25 MINUTES 36 SECONDS WEST, A DISTANCE OF 30.00 FEET, AND ALSO FROM WHICH A 5/8-INCH IRON FOUND BENT BEARS SOUTH 30 DEGREES 52 MINUTES 38 SECONDS WEST, A DISTANCE OF 14.08 FEET;

THENCE, NORTH 64 DEGREES 58 MINUTES 41 SECONDS WEST, DEPARTING SAID COMMON LINE, COINCIDENT WITH THE COMMON LINE OF SAID 13.808 ACRE TRACT AND SAID NORTHERLY RIGHT-OF-WAY LINE, IN PASSING AT A DISTANCE 0.58 FEET A 1/2-INCH IRON ROD FOUND, CONTINUING ALONG SAID COMMON LINE IN ALL A TOTAL DISTANCE OF 880.52 FEET TO A 5/8 INCH IRON ROD WITH A 3-INCH ALUMINUM CAP STAMPED "TEXAS DEPT. OF TRANSPORTATION R.O.W. MONUMENT" FOUND (RECORD MONUMENT) AT THE SOUTHEAST CORNER OF PARCEL NO. 30 CONVEYED TO THE STATE OF TEXAS AS RECORDED IN INSTRUMENT NUMBER 2021083035, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS;

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THENCE, DEPARTING SAID COMMON LINE, COINCIDENT WITH THE NORTHERLY LINE OF SAID PARCEL NO. 30 THE FOLLOWING COURSES AND DISTANCES:

NORTH 20 DEGREES 04 MINUTES 43 SECONDS WEST, A DISTANCE OF 95.68 FEET TO A 5/8 INCH IRON ROD WITH A 3-INCH ALUMINUM CAP STAMPED "TEXAS DEPT. OF TRANSPORTATION R.O.W. MONUMENT" FOUND (RECORD MONUMENT) AT A POINT FOR CORNER;

NORTH 64 DEGREES 48 MINUTES 59 SECONDS WEST, A DISTANCE OF 9.68 FEET TO A 5/8 INCH IRON ROD WITH A 2-INCH ALUMINUM CAP STAMPED "TEXAS DEPT. OF TRANSPORTATION PROPERTY CORNER" FOUND (RECORD MONUMENT) AT A POINT FOR CORNER ON THE COMMON LINE OF SAID 13.808 ACRE TRACT AND THE EASTERLY RIGHT-OF-WAY LINE INTERSTATE HIGHWAY 35 (IH35), A VARIABLE WIDTH RIGHT-OF-WAY, AS CONVEYED IN PARCEL NO. 43 TO THE STATE OF TEXAS AS RECORDED IN VOLUME 2176, PAGE 421, DEED RECORDS, TRAVIS COUNTY, TEXAS;

THENCE, NORTH 24 DEGREES 49 MINUTES 20 SECONDS EAST, DEPARTING SAID NORTHERLY LINE OF SAID PARCEL NO. 30, COINCIDENT WITH THE COMMON LINE OF SAID EASTERLY RIGHT-OF-WAY LINE AND PARCEL NO. 43 AND SAID 13.808 ACRE TRACT A DISTANCE OF 75.91 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

THENCE, NORTH 24 DEGREES 36 MINUTES 49 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 224.70 FEET TO A 3-INCH BRASS DISK IN CONCRETE STAMPED "TEXAS DEPARTMENT OF HIGHWAY PUBLIC TRANSPORTATION" FOUND (RECORD MONUMENT) FOR COMMON CORNER OF SAID PARCEL NO. 43 AND A PREVIOUSLY RECORDED PARCEL NO. 43 CONVEYED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 11005, PAGE 1122, AND VOLUME 10978, PAGE 1300, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE, CONTINUING ALONG SAID 13.808 ACRE TRACT AND EASTERLY RIGHT-OF-WAY LINE, AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 41.71 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 50 MINUTES 15 SECONDS, A RADIUS OF 2,853.29 FEET, AND A LONG CHORD WHICH BEARS NORTH 27 DEGREES 19 MINUTES 28 SECONDS EAST, A DISTANCE OF 41.71 FEET TO A 3-INCH BRASS DISK IN CONCRETE STAMPED "TEXAS DEPARTMENT OF HIGHWAY PUBLIC TRANSPORTATION" FOUND (RECORD MONUMENT) FOR CORNER;

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THENCE, NORTH 27 DEGREES 44 MINUTES 35 SECONDS EAST, ALONG THE COMMON LINE OF SAID 13.808 ACRE TRACT AND SAID EASTERLY RIGHT-OF-WAY LINE, IN PASSING AT A DISTANCE OF 220.22 FEET THE COMMON CORNER OF SAID 13.808 ACRE TRACT AND AFORESAID 5.300 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF PARCEL NO. 42 CONVEYED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 11916, PAGE 856, DEED RECORDS, TRAVIS COUNTY, TEXAS, FROM WHICH A 60D NAIL FOUND IN CONCRETE BEARS NORTH 64 DEGREES 56 MINUTES 44 SECONDS WEST, A DISTANCE OF 0.36 FEET, CONTINUING ALONG COMMON LINE OF SAID EASTERLY RIGHT-OF-WAY LINE AND SAID 5.300 ACRE TRACT FOR A TOTAL DISTANCE OF 501.66 FEET TO A 3-INCH BRASS DISK IN CONCRETE STAMPED "TEXAS DEPARTMENT OF HIGHWAY PUBLIC TRANSPORTATION" FOUND (RECORD MONUMENT) FOR CORNER;

THENCE, NORTH 72 DEGREES 43 MINUTES 41 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE A DISTANCE OF 21.18 FEET TO A 3-INCH BRASS DISK IN CONCRETE STAMPED "TEXAS DEPARTMENT OF HIGHWAY PUBLIC TRANSPORTATION" FOUND (RECORD MONUMENT) FOR THE NORTHWEST CORNER SAID 5.300 ACRE TRACT AND BEING IN AFORESAID SOUTHERLY LINE OF BLACKSON AVENUE;

THENCE, SOUTH 62 DEGREES 06 MINUTES 24 SECONDS EAST, COINCIDENT WITH THE COMMON LINE OF SAID 5.300 ACRE TRACT AND SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 956.72 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 830,083 SQUARE FEET OR 19.056 ACRES OF LAND.

A PARCEL PLAT OF EQUAL DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

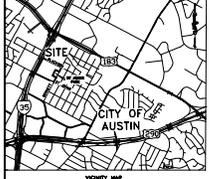


MARK E. KEETON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6790
JACOBS ENGINEERING GROUP, INC.
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TXBPLS FIRM # 10152300

OCTOBER 19, 2021



FIELD NOTES REVIEWED
BY John R. Ridd DATE: 11/01/21
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT



LEGEND

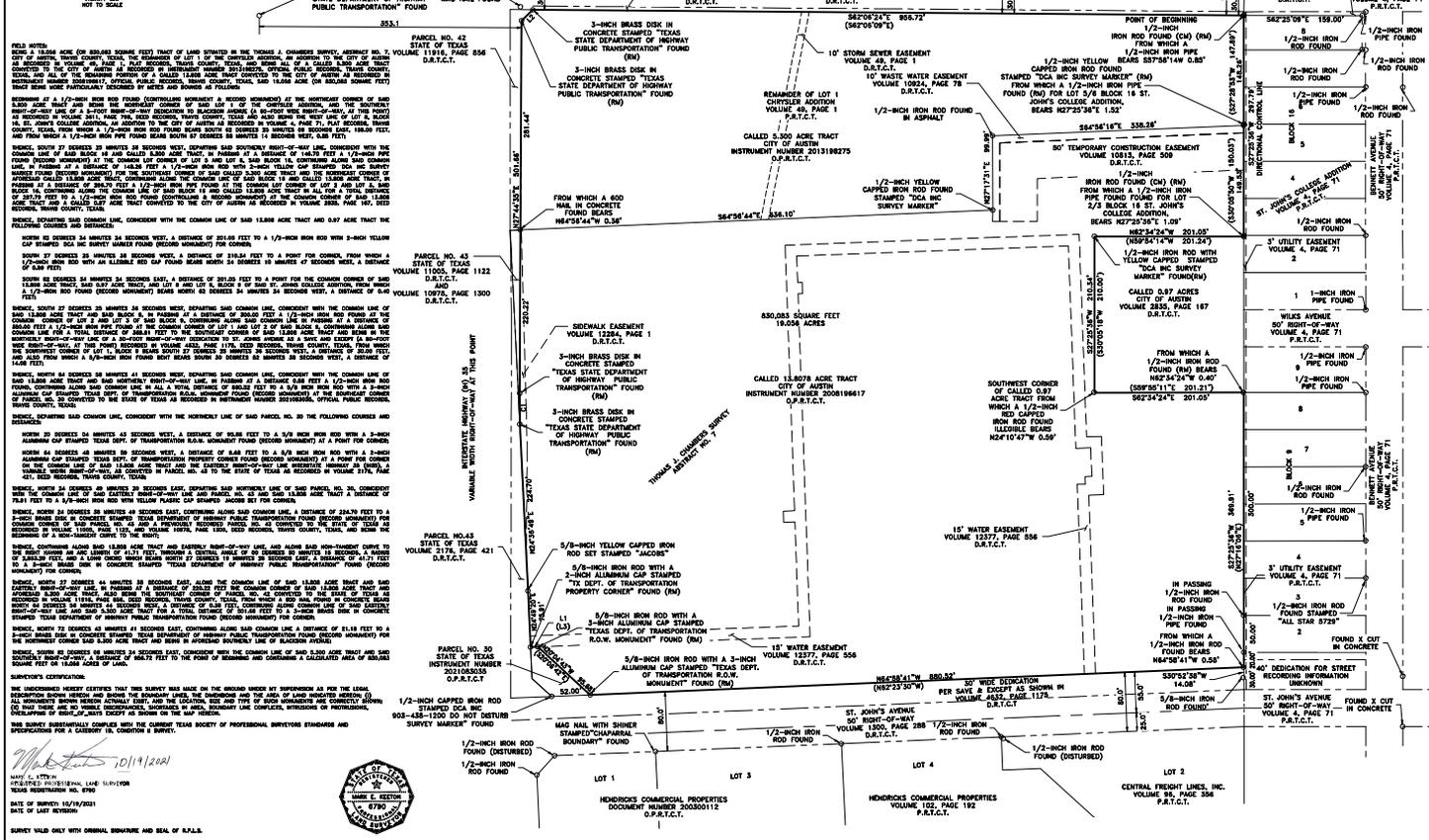
(M) FOUND SURVEY MONUMENT
 (C) RECORD MONUMENT
 (CM) CONTROLLING MONUMENT
 (D) D.E.T.C.T. DEED RECORD, TRAVIS COUNTY, TEXAS
 (P) P.L.C.T. PUBLIC RECORD, TRAVIS COUNTY, TEXAS
 (R) RECORD BEARING AND/OR DISTANCE PER VESTING DEED

CURVE	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	93°01'	S88°17'23"E	41.71'	41.71'

LINE	BEARING	DISTANCE
L1	N64°42'59"W	2.65'
L2	S77°23'41"W	21.18'
L3	S42°53'23"E	1.18'

GENERAL NOTES

1. BEARING AND DISTANCE FROM 2011 TEXAS COORDINATE SYSTEM, ZONE 14N, NAD 83, UNITS IN FEET AND DECIMALS THEREOF. UNITS ARE CALCULATED FROM 2011 ADJUSTED POINT DATA. UNITS ARE CALCULATED FROM 2011 ADJUSTED POINT DATA. UNITS ARE CALCULATED FROM 2011 ADJUSTED POINT DATA.
2. THE NEW "PROPERTY OF 'ZEPHYRUS' AS SHOWN HAS USED NEITHER BOUNDARY MONUMENTS NOR BOUNDARY MARKERS. THE PROPERTY OWNER HAS NOT CONDUCTED A PROFESSIONAL SURVEY TO DETERMINE THE EXACT BOUNDARY OF THE PROPERTY. THE PROPERTY OWNER HAS NOT CONDUCTED A PROFESSIONAL SURVEY TO DETERMINE THE EXACT BOUNDARY OF THE PROPERTY.
3. ALL CORNERS ARE AS SHOWN ON MAP. BLACKSTONE AVENUE ADDITION VOLUME 21, PAGE 58 D.E.T.C.T.
4. SUBJECT PROPERTY IS ZONED R-22 ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48053-0001A, REVISED BY CHARTER 1, 2014.
5. THE SUBJECT PROPERTY IS LOCATED ALONG THE EAST RIGHT-OF-WAY LINE OF H 35 AND HAS LIMITED ACCESS TO ACCESS ROAD OF H 35.
6. SUBJECT TRACTS ARE ZONED INTERMEDIATE PLANNING (IP) PER CITY ORDINANCE NO. 2013-04-0101, EFFECTIVE MAY 7, 2013.
7. THE BOUNDARY WAS RECONSTRUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OLDER THAN 30 DAYS OLD. ALL EASEMENTS SHOWN HEREIN ARE TO THE BEST OF OUR KNOWLEDGE.



DATE: 10/19/2024
 SURVEY MADE ONLY WITH ORIGINAL SIGNATURE AND SEAL OF S.P.L.S.



BOUNDARY SURVEY
 530.063 ACRES

PROJECT NO. W7026401
 DRAWN BY: JME
 APPROVED BY: JME
 DATE: 10/19/2024

STATED BY: JAMES E. ESTEP
 TRAVIS COUNTY, CITY OF AUSTIN, TEXAS

Jacobs
 1000 BURNING TREE DRIVE, SUITE 1000
 AUSTIN, TEXAS 78750-1348
 PHONE: (512) 424-1000
 FAX: (512) 424-1001
 WWW.JACOBS.COM

SHEET 1 OF 1

