

RESTRICTIVE COVENANT

OWNER: HEART OF MANOR, LP, A TEXAS LIMITED PARTNERSHIP

OWNER ADDRESS: 9900 U.S. Highway 290 E
Manor, Texas, 78653

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: 10711 and 10711 ½ Decker Lane, City of Austin, Travis County, Texas, said 99.72 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. 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 September 8, 2022, and updated on January 18, 2023, February 16, 2023, and March 22, 2023, or as amended, and approved by the Director of the Austin Transportation Department. All development on the Property is subject to the recommendations contained in a memorandum from the Transportation Development Services division of the Austin Transportation Department dated June 7, 2023. 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 _____, 2023.

OWNER:

HEART OF MANOR, LP,
A TEXAS LIMITED PARTNERSHIP

By: _____
Name: Peter A. Dwyer,
Title: Authorized Signatory

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Peter A. Dwyer, Authorized Signatory, General Partner of Heart of Manor, LP, a Texas limited partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____, 2023

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

A METES AND BOUNDS
DESCRIPTION OF
A 99.720 ACRE TRACT OF LAND

EXHIBIT A

BEING a 99.720 acre (4,343,794 square feet) tract of land situated in the William H. Sanders Survey No. 54, Abstract No. 690 and Phillip McElroy Survey No. 18, Abstract No. 16, Travis County, Texas; and being all of a called 99.720 acre tract of land described in General Warranty Deed with Vendor's Lien to HEART OF MANOR, LP recorded in Document No. 2007037703, Official Public Records, Travis County, Texas; and being more particularly described as follows:

BEGINNING at a point in the easterly right-of-way line of State Highway FM 3177 (Decker Lane) (a variable width right-of-way) and being the northwest corner of the tract described herein;

THENCE, along the northerly line of said 99.720 acre tract, the following eight (8) calls:

1. South 78°49'44" East, 652.21 feet to a point;
2. South 53°55'14" East, 76.50 feet to a point;
3. South 54°06'58" East, 171.76 feet to a point;
4. South 10°44'24" East, 7.31 feet to a point;
5. South 32°28'35" West, 254.92 feet to a point;
6. South 66°34'41" East, 279.25 feet to a point;
7. North 34°25'35" East, 256.31 feet to a point;
8. South 63°05'53" East, 535.97 feet to a point for the northeast corner of the tract described herein;

THENCE, along the easterly line of said 99.720 acre tract, the following four (4) calls:

1. South 26°49'37" West, 530.21 feet to a point;
2. South 26°46'29" West, 388.19 feet to a point;
3. South 27°45'31" West, 1,342.81 feet to a point;
4. South 28°04'07" West, 44.13 feet to a point in the north right-of-way line of the former Southern Pacific Railroad; and for the southeast corner of the tract described herein;

THENCE, along the southerly line of said 99.720 acre tract, North 89°26'34" West, 1,729.89 feet to a point in the easterly line of said Decker Lane; and being the southwest corner of the tract described herein;

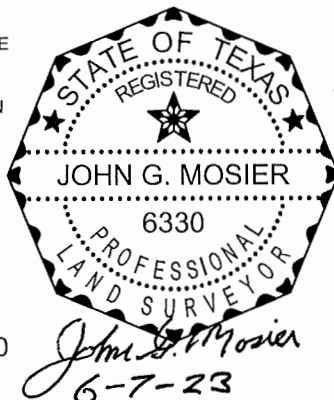
THENCE, along the westerly line of said 99.720 acre tract, the following thirteen (13) calls:

1. North 26°45'29" East, 201.91 feet to a point;
2. North 25°26'59" East, 191.91 feet to a point;
3. In a northerly direction along a non-tangent curve to the left, having a radius of 973.25 feet, a chord North 20°45'42" East, 160.90 feet, a central angle of 09°28'59", and an arc length of 161.08 feet to a point;
4. North 16°07'08" East, 199.89 feet to a point;
5. North 16°10'38" East, 292.19 feet to a point;
6. In a northerly direction along a non-tangent curve to the right, having a radius of 931.33 feet, a chord North 17°31'36" East, 85.87 feet, a central angle of 05°17'05", and an arc length of 85.90 feet to a point;
7. South 61°45'08" East, 146.76 feet to a point;
8. North 26°37'49" East, 286.47 feet to a point;
9. North 63°39'55" West, 146.28 feet to a point;
10. North 27°27'32" East, 104.09 feet to a point;
11. North 27°39'17" East, 499.77 feet to a point;
12. North 26°14'41" East, 833.80 feet to a point;
13. North 26°52'39" East, 82.47 feet to the POINT OF BEGINNING, and containing 99.720 acres of land in Travis County, Texas. The basis of this

description are based upon the bearings, distances areas and coordinates are based upon the description contained in General Warranty Deed with Vendor's Lien to HEART OF MANOR, LP recorded in Document No. 2007037703. This description was generated on 6/7/2023 at 7:52 AM, based on geometry in the drawing file K:\SNA_Survey\WILDHORSE DEVELOPMENT\069244528-Wildhorse Ranch-Webb\Drawings\Exhibits\069244528-Wildhorse Ranch-Webb_ZONING EX_99.720 AC.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

SURVEYORS CERTIFICATION: THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
greg.mosier@kimley-horn.com



ZONING EXHIBIT OF A
99.720 ACRE TRACT

WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690
PHILLIP MCELROY SURVEY NO. 18, ABSTRACT NO. 16
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

Kimley»Horn

10101 Reunion Place, Suite 400
San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MGB	JGM	Jun. 2023	069244528	1 OF 2



0 250 500
GRAPHIC SCALE IN FEET

LEGEND:

POB = POINT OF BEGINNING
DRTC = DEED RECORDS
TRAVIS COUNTY
RPRTC = REAL PROPERTY
RECORDS TRAVIS COUNTY
OPRTC = OFFICIAL PUBLIC
RECORDS TRAVIS COUNTY

POB

CALLED 53.38 ACRES
BSREP III DECKER
LANE, L.P.
DOC. NO. 2020168363
OPRTC

CALLLED 3.099 ACRES
DIANE CLICK
DOC. NO. 2020214127
OPRTC

FM 3177
DECKER LANE
(VARIABLE WIDTH
RIGHT-OF-WAY)

EVANGELICAL FREE
CHURCH MEMORIAL
GARDEN CEMETERY
1892

**99.720 ACRES
4,343,794 SQ. FT.**

CALLLED 99.720 ACRES
HEART OF MANOR, LP
DOC. NO. 2007037703
OPRTC

CALLLED 161.405 ACRES
COOPER MILLY HOLDINGS, LLC
DOC. NO. 2019185923
OPRTC

N26°52'39"E 82.47'
N26°14'41"E 833.80'
N27°39'17"E 499.77'
N27°27'32"E 104.09'
Δ=5°17'05"
R=931.33'
L=85.90'
CB=N17°31'36"E
C=85.87'
N63°39'55"W 146.28'
N26°37'49"E 286.47'
N16°10'38"E 292.19'
N16°07'08"E 199.89'
N25°26'59"E 191.91'
N26°45'29"E 201.91'
S61°45'08"E 146.76'
Δ=9°28'59"
R=973.25'
L=161.08'
CB=N20°45'42"E
C=160.90'

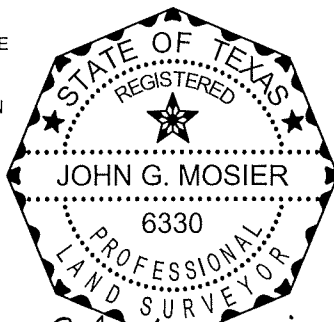
APPROXIMATE SURVEY ABSTRACT LINE
WILLIAM H. SANDERS SURVEY NO. 54,
ABSTRACT NO. 690

FORMER SOUTHERN PACIFIC RAILROAD

LINDELL LANE

SURVEYORS CERTIFICATION: THIS DOCUMENT
WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE
CODE § 138.95, DOES NOT REFLECT THE RESULTS
OF AN ON THE GROUND SURVEY, AND IS NOT TO
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John G. Mosier
6-7-23

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 500'	MGB	JGM	Jun. 2023	069244528	2 OF 2

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