



Zoning Case No. C14-2008-0070

RESTRICTIVE COVENANT

OWNER: Talisman Partners, Ltd., a Texas limited partnership

ADDRESS: 2323 and 2315 South Lamar Boulevard and 2421 Bluebonnet Lane, Austin Texas

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the South Lamar Neighborhood Association to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Tract One: A 0.295 acre (12,832 sq. feet) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein;

Tract Two: A 0.347 acre (15,097 sq ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" attached hereto and incorporated herein; and

Tract Three: A 1.241 acre (54,038 sq. ft.) tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" attached hereto and incorporated herein.

Collectively, Tracts One, Two, and Three are referred to herein as "the Property".

WHEREAS, the Owner of the Property and the South Lamar Neighborhood Association 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. 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. Drive Thru facilities are prohibited as an accessory to freestanding fast-food restaurants on the Property. Fast-food restaurants shall be limited to those restaurants that are commonly known as fast food restaurants: McDonalds, Burger King, Wendy's, Jack in the Box, Kentucky Fried Chicken, Taco Bell, and similar restaurants. Drive Thru facilities are expressly permitted for non-freestanding fast food restaurants and all other types of retail or commercial uses permitted by the zoning for the Property.

2. Owner shall provide buffering between Tract One and the adjacent single family use which shall consist of landscaping and/or a privacy wall or other buffering technique as determined by the Owner.
3. Development of the Property shall comply with the City of Austin's Neighborhood Compatibility Standards and the City's Tree Ordinance requirements as such are in effect on the date of this Restrictive Covenant.
4. Owner agrees to work with City of Austin Development Staff at time of Administrative Site Plan application to provide on site detention and grading that not only addresses site conditions but will make reasonable efforts to improve existing offsite drainage conditions.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the South Lamar Neighborhood Association to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this agreement or covenant 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.
7. This agreement may be modified, amended, or terminated only by joint action of both, (a) the South Lamar Neighborhood Association or its successor in interest and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 20th day of November, 2008.

OWNER:

Talisman Partners, Ltd
A Texas limited partnership

By: Talisman Group, Inc., its General Partner

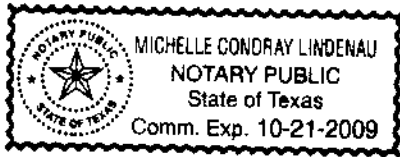
By: 
James I. Ross

Its: President

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 20th day of November, 2008, by James T. Ross, President of Talisman Group, Inc., the General Partner of Talisman Partners, Ltd, a Texas limited partnership, on behalf of said limited partnership.



Michelle Condray Lindenau
Notary Public, State of Texas

My Commission Expires 10-21-09

After Recording, Please Return to:

Henry H. Gilmore
DuBois Bryant & Campbell, LLP
700 Lavaca, Ste. 1300
Austin, Texas 78701

TRACT 1
FIELD NOTE DESCRIPTION OF A
12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND

DESCRIBING A 12,832 SQUARE FEET (0.295 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING ALL OF THAT CERTAIN CALLED 0.30 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO MARY JEANNETTE JOHNSON ROUW OF RECORD IN VOLUME 10663, PAGE 197, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN CALLED 227 S.F. TRACT QUITCLAIMED BY MARY JEANNETTE JOHNSON ROUW AND ROBERT H. ROUW TO BLUE EYED INVESTMENTS CORPORATION AND R.L. WHEAT ENTERPRISES, INC. BY QUITCLAIM DEED OF RECORD IN DOCUMENT NO. 2003216109, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 12,832 SQUARE FEET (S.F.) TRACT OF LAND HAVING BEEN CONVEYED TO TALISMAN PARTNERS, LTD. BY SPECIAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 2005094008, O.P.R.T.C.T. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), for the northwest corner of said 0.295 acre tract, same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.;

THENCE departing the easterly R.O.W. line of said Blue Bonnet Lane, with the common line of the northerly line of said Talisman Partners 0.295 acre tract and the southerly line of said 46,513 s.f. tract the following two (2) courses and distances:


- 1) North 67 degrees 52 minutes 44 seconds East, a distance of 63.66 feet to a 1/2-inch iron rod found for an angle point of the herein described tract;
- 2) South 89 degrees 34 minutes 22 seconds East, a distance of 25.91 feet to a 1/2-inch iron rod with orange plastic cap stamped "Wallace Group" found for an angle point of the herein described tract;

THENCE North 86 degrees 17 minutes 26 seconds East, a distance of 79.13 feet with the common line of the northerly line of the herein described tract and the southerly line of said 46,513 s.f. tract;

Tract 1
Page 2

THENCE South 32 degrees 09 minutes 57 seconds West, a distance of 191.29 feet with the southeast line of said 0.295 acre Talisman tract, same being the northwest line of that certain called 0.389 acre tract conveyed to Gabriel M. Davis and Roberta E. Leahy by deed of record in Document No. 2000157804, O.P.R.T.C.T. to a 1/2-inch iron rod found in the easterly R.O.W. of said Blue Bonnet Lane for the most southerly corner of the herein described tract;

THENCE North 24 degrees 59 minutes 41 seconds West, a distance of 146.77 feet with the easterly R.O.W. line of said Blue Bonnet Lane, same being the westerly line of said 0.295 acre Talisman tract and the herein described tract to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the notes recited 12,832 square feet (0.295 acre) of land, more or less, based on the survey made by The Wallace Group, Inc. on December 23, 2003 and March 30, 2007.


Vana H. Proffitt, R.P.L.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on deed calls for the westerly line of the adjacent tract to the north recorded in Document No. 2000133679, O.P.R.T.C.T., same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

TRACT 2
FIELD NOTE DESCRIPTION OF A
15,097 SQUARE FEET (0.347 ACRE) TRACT

DESCRIBING A 15,097 SQUARE FEET (0.347 ACRE) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 15,097 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 15,097 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4-inch iron rod found in the easterly right-of-way (r.o.w.) line of Blue Bonnet Lane (a variable width r.o.w. at this location), at the northwest corner of a called 12,832 square feet (0.295 acre) tract of land having been conveyed to Talisman Partners, Ltd. by Special Warranty Deed of record in Document No. 2005094008, O.P.R.T.C.T.; same being the southwest corner of that certain called 46,513 s.f. tract conveyed to Talisman Partners, Ltd. of record in Document No. 2003248089, O.P.R.T.C.T.; and from said beginning point run the following eleven (11) courses and distances:

THENCE with the east line of Blue Bonnet Lane, a variable width right-of-way (r.o.w.) and the west line of said 46,513 s.f. tract, same being the west line of said Lot 2, Theodore Low Heights Subdivision by courses 1 and 2 as follows:

- 1) North 25°05'13" West, a distance of 56.68 feet to a 1/4-inch iron rod found at the southwest corner of a r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T.;
- 2) South 82°24'47" East, a distance of 6.02 feet to a 1/4-inch iron rod found at the southeast corner of said r.o.w. widening tract;

THENCE through the interior of said 46,513 s.f. tract and Lot 1, Precision Addition by courses 3 - 5 as follows:

- 3) South 81°26'52" East, a distance of 105.38 feet to a point for an interior ell corner;
- 4) North 10°27'00" East, a distance of 80.36 feet to a point for an exterior ell corner;
- 5) North 84°16'14" East, a distance of 155.08 feet to a point for the northeast corner of the herein described tract, same being the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8

Tract 2
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Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.;
from which point a cotton spindle found bears South 83°50'34" East, a distance of
0.34 feet;

THENCE with the east line of said Lot 1, Precision Addition courses 6 and 7 as follows:

- 6) South 30°43'18" West, a distance of 125.65 feet to a 1/4-inch iron rod found;
- 7) South 15°26'52" West, a distance of 2.01 feet to a PK nail found in concrete footing
of a rock wall at the southeast corner of said Lot 1, Precision Addition;

THENCE with the south line of said Lot 1, Precision Addition, and said 46,513 s.f. tract
by courses 8-11 as follows:

- 8) North 70°17'27" West, a distance of 28.10 feet to a 1/4-inch iron rod found;
- 9) South 86°17'26" West, a distance of 79.13 feet to a 1/4-inch iron rod found with plastic
cap stamped "Wallace Group" at an angle point;
- 10) North 89°34'22" West, a distance of 25.91 feet to a 1/4-inch iron rod found at an angle
point;
- 11) South 67°52'44" West, a distance of 63.66 feet to the POINT OF BEGINNING of the
herein described tract, delineating and encompassing within the notes recited 15,097
square feet (0.347 acres) of land, more or less, based on a survey made by The
Wallace Group, Inc. on March 30, 2003 and January 30, 2007.


Vana H. Proffitt, R.P.L.S.
The Wallace Group, Inc.
1 Chisholm Trail, Suite 130
Round Rock, Texas 78681

02-01-2008



Bearings based on the westerly line of said tract as called for in deed of record in Document No.
2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and
distance of North 25 degrees 04 minutes West, 124.82 feet;

TRACT 3
FIELD NOTE DESCRIPTION OF A
54,038 SQUARE FEET (1.241 ACRE) TRACT

DESCRIBING A 54,038 SQUARE FOOT (S.F.) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 46,513 S.F. TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO TALISMAN PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2003248089, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING A PORTION OF LOT 2, THEODORE LOW HEIGHTS SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 54,038 S.F. TRACT ALSO BEING A PORTION OF LOT 1, PRECISION ADDITION, A SUBDIVISION OF RECORD IN VOLUME 89, PAGE 322, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.); SAID 54,038 S.F. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton spindle found at the northeast corner of said Lot 1, Precision Addition; and from said beginning point run the following ten (10) courses and distances:

THENCE with the east line of said Lot 1, Precision Addition by course 1 as follows:

- 1) South 30°43'18" West, a distance of 176.32 feet to a point for corner at the southwest corner of Tract A, F.M. Del Curto Resubdivision of Tract B of F.M. Del Curto Resubdivision of Lots 1 and 2 and Portions of Lots 3, 26, 27, 28, 29 & 30 of Delcrest Addition and of Lots 6, 7 and 8 Block A of Delcrest Addition Section 2, of record in Book 17, Page 90, P.R.T.C.T.; from which point a cotton spindle found bears South 83°50'34" East, a distance of 0.34 feet;

THENCE through the interior of said Lot 1, Precision Addition, and said 46,513 s.f. tract by courses 2 - 4 as follows:


- 2) South 84°16'14" West, a distance of 155.08 feet to a point for an interior ell corner;
- 3) South 10°27'00" West, a distance of 80.36 feet to a point for an exterior ell corner;
- 4) North 81°26'52" West, a distance of 105.38 feet to a 1/2-inch iron rod found in asphalt in the east right-of-way (r.o.w.) line of Blue Bonnet Lane, a variable width roadway, as partially widened by instrument of record in Volume 1753, Page 443, D.R.T.C.T.; from which point a 1/2-inch iron rod found in the west line of said Lot 2, Theodore Low Heights Subdivision at the southwest corner of said r.o.w. widening tract recorded in Volume 1753, Page 443, D.R.T.C.T. bears North 82°24'47" West, a distance of 6.02 feet;

THENCE with the common line of the westerly line of said 46,513 a.f. tract and the easterly r.o.w. line of said Blue Bonnet Lane, by courses 5 and 6 as follows:

- 5) North 25 degrees 04 minutes 00 seconds West, a distance of 124.80 feet to a 1/4-inch iron rod found for the most southerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the southerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of South Lamar Boulevard (a roadway with a variable width r.o.w.);
- 6) North 29 degrees 02 minutes 50 seconds East, a distance of 46.15 feet to a 1/4-inch iron rod found for the most northerly northwest corner of the herein described tract and said 46,513 s.f. tract, said point marking the northerly end of the cutback corner at the intersection of the easterly r.o.w. line of said Blue Bonnet Lane and the southerly r.o.w. line of said South Lamar Boulevard, said point also being the beginning of a curve to the right;

THENCE with the common line of the southerly r.o.w. line of said South Lamar Boulevard and the northerly and easterly line of said 46,513 square feet tract and the northerly line of said Lot 1, Precision Addition by courses 7 - 10 as follows:

- 7) Along a curve to the right, with a radius of 1869.86 feet, an arc length of 238.75 feet, and a long chord bearing North 75 degrees 49 minutes 53 seconds East, a distance of 238.59 feet to a point for corner;
- 8) South 04 degrees 38 minutes 26 seconds West, a distance of 5.18 feet with the easterly line of said 46,513 s.f. tract to a cotton spindle found at the northwest corner of said Lot 1, Precision Addition; said point also being in the south line of a 5 foot wide r.o.w. strip dedicated per said Precision Addition plat;
- 9) Along a curve to the right, with a radius of 1864.86 feet, an arc length of 111.30 feet, and a long chord bearing North 81°05'01" East, a distance of 111.28 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 54,038 square feet (1.241 acres) of land, more or less, based on a survey made by The Wallace Group, Inc. on March 30, 2003 and January 30, 2007.


Vana H. Proffitt, R.P.V.S.
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Bearings based on the westerly line of said tract as called for in deed of record in Document No. 2000133679, same being the easterly line of Blue Bonnet Lane having a deed call bearing and distance of North 25 degrees 04 minutes West, 124.82 feet;

