

DOC# 9628311

## DECLARATION OF RESTRICTIONS

STATE OF TEXAS

COUNTY OF WILLIAMSON

Terrville II, Ltd., a Texas limited partnership ("Declarant") as the owner of the property described below (the "Property"), hereby imposes the following restrictive covenants and conditions on the property:

1. Other than that portion of the Property conveyed to Circle K Properties, Inc., a Delaware corporation by Special Warranty Deed of even date herewith ("Buyer's Tract"), no part of the Property may be used by its owner, or by any other person (such as a lessee), for a business selling grocery items, alcoholic beverages or other items normally sold in a "convenience store", nor used for the storage or sale of motor vehicle fuels and/or automotive products. Buyer's Tract is described as follows:

1.146 Ac., more or less, out of Lot 1, Block B / Anderson Mill West Section 9 / a subdivision in Williamson County, Texas, according to the map or plat thereof, recorded in Cabinet G, Slides 31-33 of the Plat Records of Williamson County, Texas. Said tract of land being more particularly described by metes and bounds on Exhibit A attached hereto and made a part hereof.

2. There shall be no construction of any building or structure (except signage) on the Property within 100 feet of the Buyer's Tract which extends closer to any street than the front wall of the building that will be constructed by Buyer on the Buyer's Tract ("Buyer's building"), and no fence, sign, barrier or other obstruction shall be erected on the Property in such a manner as to obstruct the view of Buyer's building from El Salido Parkway or from Ranch Road 520.
3. This covenant restricting use of the Property shall be effective from the date that this instrument is signed by Declarant and continue to be effective through and including its twentieth anniversary (i.e., May 21, 2016), after which date this restrictive covenant shall automatically terminate and be of no further force or effect without the necessity for the execution or recording of any instrument of termination.
4. The Property is described as follows:

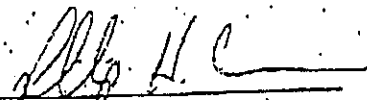
Lot 1, Block B / Anderson Mill West Section 9 / Williamson County, Texas, as is more fully described on Exhibit A hereto, according to the map or plat thereof, recorded in Cabinet G, Slides 31-33 of the Plat Records of Williamson County, Texas.

OFFICIAL RECORDS  
WILLIAMSON COUNTY, TEXAS

Terriville II, Ltd.  
Declaration of Restrictions - Page 2

Executed this 24 day of MAY, 1996.

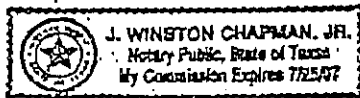
Terriville II, Ltd.,  
a Texas limited partnership

By:   
Name: PHILIP H. ANNIS  
General Partner

Terrville II, Ltd.  
Declaration of Restrictions - Page 3

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS               §

This document was signed by Philip H. Amis General Partner of Terrville II, Ltd., a Texas limited partnership and acknowledged before me on this 4th day of May 1996, to certify which witness my hand and seal of office.



*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Texas

# EXHIBIT 'A'

## FIELD NOTES

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE RACHEL SAUL SURVEY, ABSTRACT NO. 551, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK "B", ANDERSON MILL WEST SECTION NINE, A SUBDIVISION AS RECORDED IN CABINET G, SLIDE 31 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, AS CONVEYED TO TERRIVILLE II, LTD., AS RECORDED IN VOLUME 2387, PAGE 136 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR POINT OF REFERENCE at a 1/2" iron rod found on the southwest right-of-way line of El Salido Parkway, at the most northerly corner of the above referenced Lot 1, Block B, Anderson Mill West Section Nine; Thence, with the southwest right-of-way line of El Salido Parkway, the following two courses: along a curve to the left having a chord which bears  $S53^{\circ}50'08''E$  100.34 feet and, along a curve to the right, having chord which bears  $S55^{\circ}22'50''E$  64.14 feet to a 1/2" iron rod set, for the most northerly corner and POINT OF BEGINNING of the herein described tract;

THENCE, continuing with the southwest right-of-way line of El Salido Parkway, the following two (2) courses:

1) Along a curve to the right an arc distance of 36.29 feet, having a radius of 592.50 feet and a chord which bears  $S50^{\circ}31'23''E$  a distance of 36.28 feet to a 1/3" iron rod found at a point of tangency;

2)  $S48^{\circ}46'53''E$  a distance of 143.71 feet to a 1/2" iron rod set at a point of curvature of a curve to the right;

THENCE, along a curve to the right an arc distance of 31.44 feet, having a radius of 20.00 feet and a chord which bears  $S63^{\circ}44'27''E$  a distance of 28.10 feet to a 1/2" iron rod set at a point of tangency;

THENCE, twenty-five feet (25.00') northwest of and parallel to the northwest right-of-way line of Ranch Road 620,  $S41^{\circ}18'00''W$  a distance of 229.97 feet to a 1/2" iron rod set, for the most southerly corner of this tract;

THENCE,  $N48^{\circ}46'53''W$  a distance of 200.00 feet to a 1/2" iron rod set, for the most westerly corner of this tract;

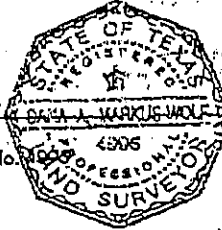
FEB 08 1997 10:18 FROM TERRY FILES

# EXHIBIT 'A'

THENCE, N41°18'00"E a distance of 248.90 feet to the POINT OF BEGINNING, and containing 1.146 acres of land, more or less

I HEREBY CERTIFY that these notes were prepared by Landmark Surveying, Inc. from a survey made on the ground on December 7, 1995 under my supervision and are true and correct to the best of my knowledge.

*Dana A. Markus-Walt*  
Dana A. Markus-Walt  
Registered Professional Land Surveyor No. 4906



12/7/95

Date: December 7, 1995  
WG No.: 95-0019-01-01  
FB No.: 25  
File: Sal.doc

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# Pages: 5  
Date : 06-03-1996  
Time : 08:39:37 A.M.  
Filed & Recorded in  
Official Records  
of WILLIAMSON County, TX.  
ELAINE BIZZELL  
COUNTY CLERK  
Rec. \$ 17.00

RETURN TO: KATHY NUNN  
HERITAGE TITLE  
98 SAN JACINTO BLVD. STE. 400  
AUSTIN, TEXAS 78701

④

GF# 5-18738