

## ZONING CHANGE REVIEW SHEET

CASE: C14-81-037(RCT) – 3900 W. Howard Lane RCT    DISTRICT: 7

ADDRESS: 3900 Howard Lane

OWNER/APPLICANT: Otsuka ICU Medical, LLC

AGENT: Drenner Group, P.C. (Leah M. Bojo)

ZONING: LI

AREA: 206.30 acres

REQUEST:

The applicant is requesting the termination of the public restrictive covenant recorded in 1981 in Volume 7430, Pages 513 - 528 of the Official Public Records of Travis County, Texas, that imposes restrictions on the property for the attached site and landscape plan; on permitted and prohibited uses; on site development standards; on signage; on off street parking regulations; on performance standards and for streets, utilities and other facilities.

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends the proposed public restrictive covenant termination.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**April 21, 2026: Approved staff's recommendation to terminate the public restrictive covenant by consent (8-0, Greenberg-No; A. Flores, T. Major and C. Tschoepe-absent).**

CITY COUNCIL ACTION:

**May 28, 2026**

DEPARTMENT COMMENTS:

In this case, the applicant is requesting to terminate a public restrictive covenant that was recorded in 1981 in association with zoning case C14-81-037. The applicant is asking to delete this restrictive covenant to remove restrictions on the property that include conditions on the attached site and landscape plan; permitted and prohibited uses; site development standards; signs; off street parking; performance standards for noise, vibration, glare, smoke and particulate matter, toxic and noxious matter, fire and explosive hazards and liquid or solid wastes and stipulations for streets, utilities and other facilities. *Please see Applicant's Request Letter - Exhibit C and Original Restrictive Covenant – Exhibit D.*

The staff recommends the applicant's request to remove the conditions of this public restrictive covenant because the property in question is currently developed with an industrial park that is located at the northwest intersection of West Howard Lane and the North MoPac Expressway South Bound Service Road. New development on the property will be subject to current Code regulations and building requirements.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI	Office/Industrial
<i>North</i>	PUD, LI	Robinson Ranch PUD (MXD or TOD Designation)
<i>South</i>	PUD	Robinson Ranch PUD (MXD or TOD Designation)
<i>East</i>	ROW, County	North MoPac Frontage Road South Bound
<i>West</i>	LI-CO	Office/Warehouse (Wells Branch Technology Park)

AREA STUDY: N/A

WATERSHED: Walnut Creek

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Friends of Austin Neighborhoods,  
 Homeless Neighborhood Association,  
 Red Line Parkway Initiative

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-04-0066 (Robinson Ranch PUD)	LI-PDA, DR and I-RR to PUD	6/15/2005: Approved staff rec. for PUD with conditions included in Environmental Board recommendation (9-0).	6/17/2004: Approved PUD zoning on all 3 readings

C14-00-2036 (Northwest of the intersection of West Howard Lane and McNeil-Merriltown Drive)	I-RR to LI-CO	9/26/00: To grant the LI-CO zoning by consent The CO would consist of the recommendations included in the TIA. (Vote: 8-0, Almanza absent).	10/26/2000: Approved LI-CO zoning through Ordinance No. 001026-62 on all 3 readings.
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RELATED CASES:

C14-81-037 – Previous Zoning Case

OTHER STAFF COMMENTS:

Comprehensive Planning

The initiation, termination or amending of a Restrictive Covenant is not under the purview of the policies of the Imagine Austin Comprehensive Plan and therefore an Imagine Austin compliance report has not been provided for this case.

Environmental

No comments.

Fire

No comments.

Parks and Recreation

No comments.

Site Plan

FYI: All comments regarding the effects of the proposed restrictive covenant termination on subsequent Site Plan Review applications are intended to assist in identifying potential development constraints but do not include all regulations which may affect a specific proposal. Changes to property boundaries and requests for development cannot include all regulatory limitations which may apply to a specific subject to modification or reconsideration if affected by a change in property boundaries or if development is proposed on only a portion of the land proposed for rezoning. These comments are intended to assist in identifying potential development constraints, but do not address the actual restrictions which will apply to a specific development proposal. Austin Development Services offers a variety of pre-application review options to assist in evaluating specific development proposals prior to Site Plan Application. Site plans will be required for any new development except for residential only project with up to 4 units.

Any new development is subject to Subchapter E. Design Standards and Mixed Use.  
Additional comments will be made when the site plan is submitted.

Transportation

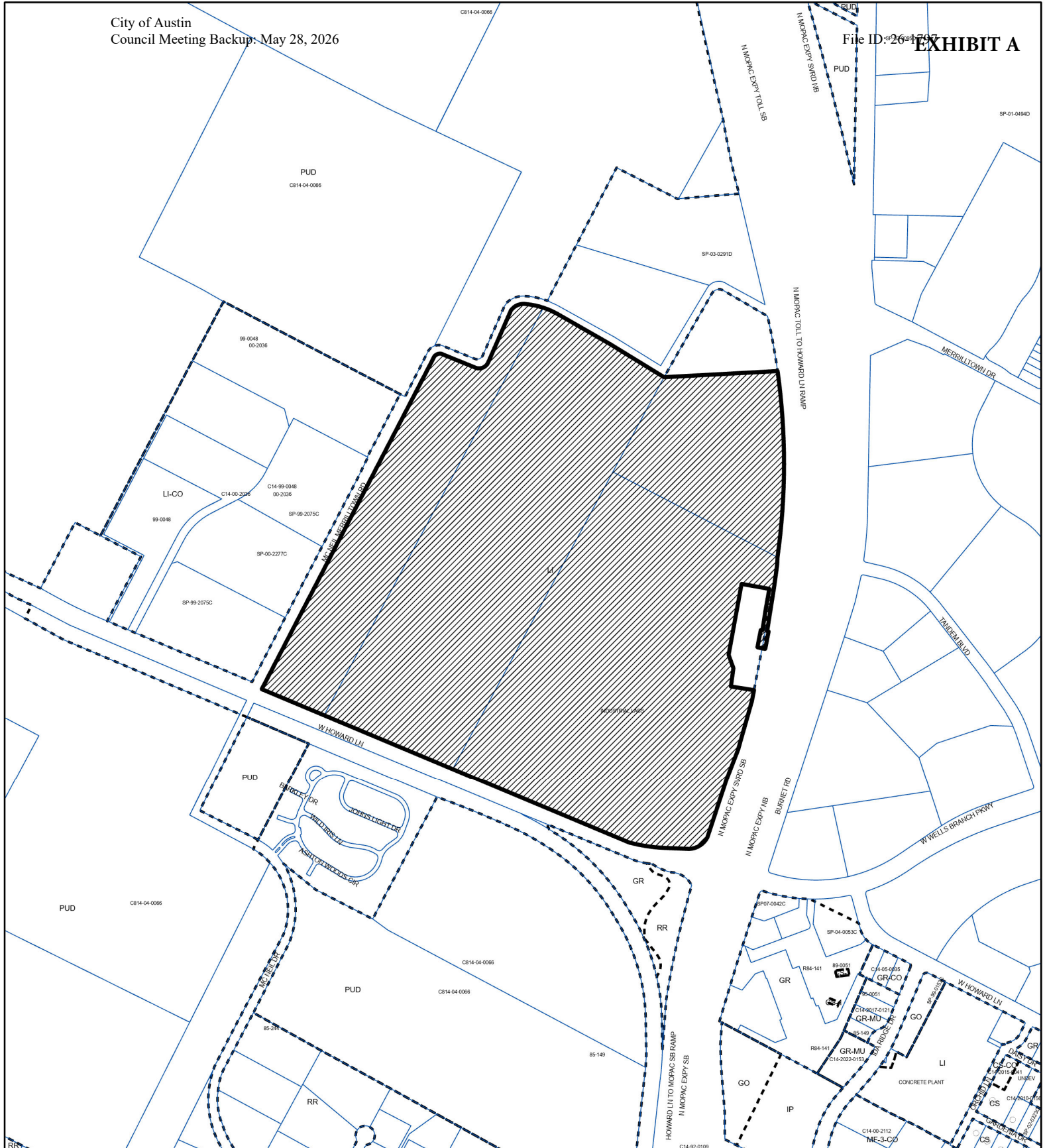
No comments.

Water Utility

No review required.

INDEX OF EXHIBITS TO FOLLOW

- A: Case Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Restrictive Covenant



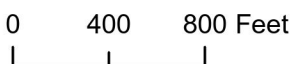
### Restrictive Covenant Termination

ZONING CASE#: C14-81-037(RCT)

SUBJECT TRACT

PENDING CASE

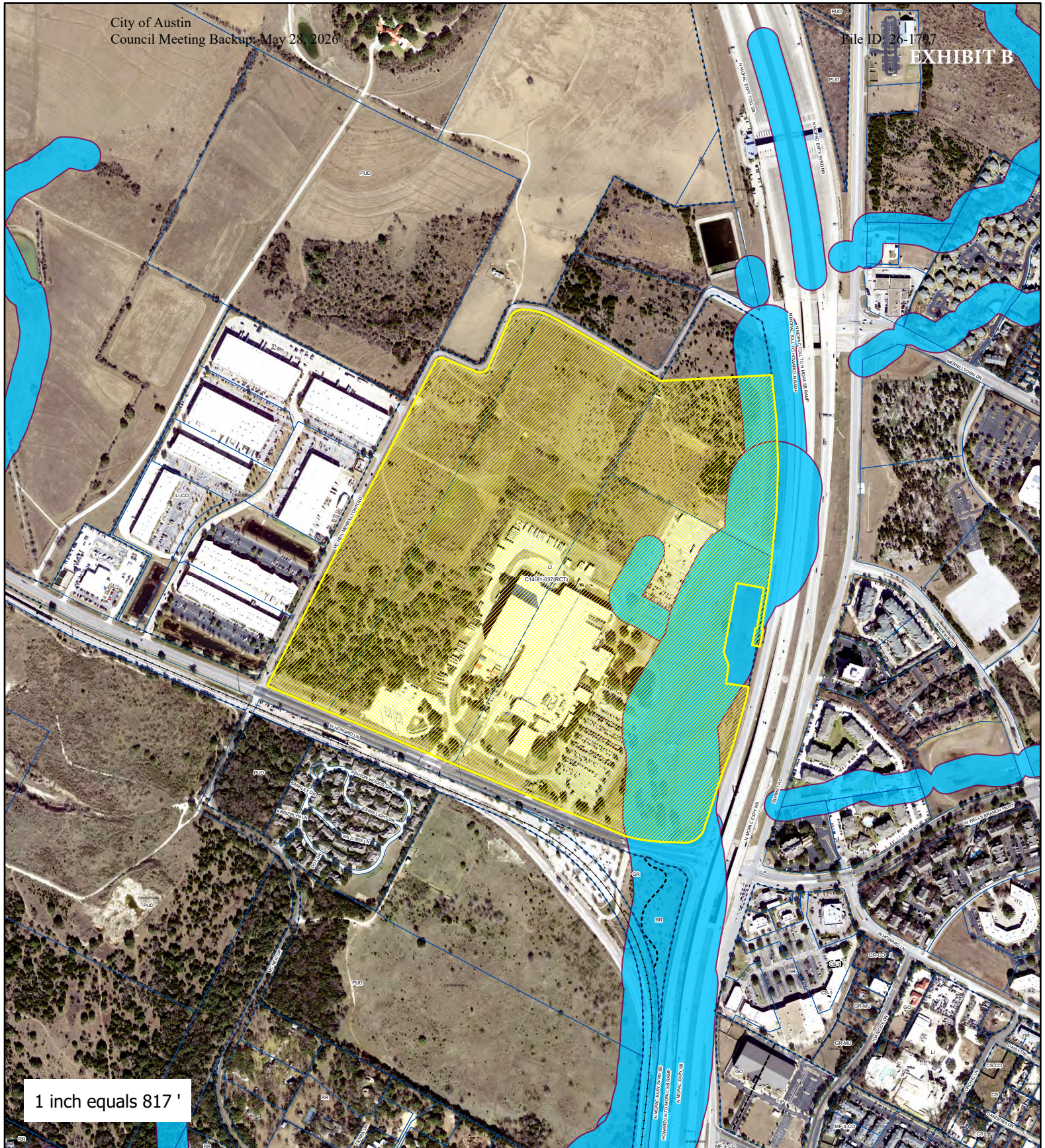
ZONING BOUNDARY



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by Austin Planning for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









1 inch equals 817'

### 3900 W Howard Lane



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-81-037(RCT)  
LOCATION: 3900 W Howard Ln  
SUBJECT AREA: 170.14 Acres  
MANAGER: Sherri Sirwaitis



December 3, 2025

Ms. Lauren Middleton-Pratt  
Planning Department  
City of Austin  
1000 E 11<sup>th</sup> Street, Suite 200  
Austin, TX 78702

Via Electronic Delivery

Re: 3900 Howard Lane – Restrictive Covenant Termination application for that certain Restrictive Covenant recorded in Volume 7430, Pages 513 - 528 of the Official Public Records of Travis County, Texas (the “**Restrictive Covenant**”) located on that certain tract of land out of the Francisco Garcia Survey No. 60, and 206.30 acres, Travis County, Texas (the “**Property**”).

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed Restrictive Covenant Termination application package. The TCAD IDs for the Property is 0267110101 with the following legal description:

Special Warranty Deed 2025045001:

Being that certain tract of land out of the Francisco Garcia Survey No. 60, Travis County, Texas, being that certain 206.30 acre tract conveyed by Deed recorded in Volume 6809, Page 2125, Deed Records, Travis County, Texas; Save and Except the following tracts conveyed by Deed recorded in Volume 11375, Page 1432, Real Property Records, Instrument Nos. 2000182911 and 2000183905 and Instrument No. 2003141698, Official Public Records, Travis County, Texas.

A Restrictive Covenant was recorded in 1981 in Volume 7430, Pages 513 - 528 of the Official Public Records of Travis County, Texas, including the following:

1. No improvements shall be constructed or maintained on the above-described property except those indicated on the site and landscape plan heretofore approved by the City Council, a copy of which is attached hereto and made a part hereof marked Exhibit "B".
2. The site plan as finally approved and attached hereto may be adjusted or altered subsequently when such modification is required by provisions of City Ordinances or State statutes or is the result of official action by any quasi-judicial body having jurisdiction affecting the use of the subject property or when the adjustments or alterations are designed to provide a more appropriate development of the site and are determined by City Manager of the City of Austin, or his designee, to be reasonably consistent with the expressed covenants contained herein.
3. (A) Uses:
  - 1) No residential use shall be permitted within the Property except for watchmen or custodian in conjunction with the uses proposed.
  - 2) No outdoor storage or display of material or products shall be permitted.
  - 3) Uses permitted shall include the following uses, and all uses incidental or appurtenant thereto:
    - a. Offices or other financial and related facilities;
    - b. Business services or any other commercial use;

- c. Storage and warehousing;
- d. Wholesale distribution;
- e. Manufacturing or processing where conducted as follows:
  - i. All operations shall be within a fully enclosed building;
  - ii. All activities shall be conducted in such a way as to comply with the applicable performance standards; and
  - iii. Articles produced or processed shall be likely to generate truck traffic.

(B) Height and set back provisions:

- 1) Building Height: Forty-Five feet (45'), but when set back from all property lines, buildings may exceed this height by one foot (1') for each one foot (1') of additional set back. This height limitation does not apply to signs or water towers.
- 2) Set Back: All buildings shall be set back at least two hundred feet (200') from F.M. Highway 1325 and Howard Lane and one hundred feet (100') from Merilltown-McNeil Road as shown on site plan.
- 3) Coverage: Not more than thirty-five percent (35%) of the area described herein shall be covered by buildings.

(C) Signs:

- 1) Advertising signs shall not be located adjacent to residential development, except for those products produced on site.
- 2) Flashing lights shall not be used on any signs designed to be viewed beyond the premises described herein.

(D) Offstreet Parking:

- 1) Administration offices and related facilities: One (1) automobile parking space for each three hundred (300) square feet of floor area shall be provided.
- 2) Manufacturing and warehousing and other uses: One (1) automobile parking space for each five hundred (500) square feet of floor area shall be provided.
- 3) Offstreet loading: As shown on site plan

(E) Performance Standards:

- 1) General: No land or structure within the Property shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable noise, smoke, dust or other form of air pollution, liquid or solid refuse or waste, or other substance, condition or element in such a manner or in such amount as to adversely affect any use or premise within the vicinity; the foregoing are hereinafter referred to as "dangerous or objectionable elements".
- 2) Locations where determinations are to be made for enforcement standards:
  - a. Noise, vibration and glare: At the location of the use creating the same at a point on the source property line which has the highest readings, and at any other points where the existence of such elements may be more apparent.
  - b. Smoke, toxic and noxious matter: At the place of emission into the atmosphere.
- 3) Noise: At the points of measurement, the maximum sound pressure level radiated by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the decibel limit values for the octave bands given in Table I. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association. (American Standard South Level Meters for Measurement of Noise and Other Sounds,

224.3-1944, American Standards Association, Inc., New York, N.Y. and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, American Standards Association, Inc., New York, N.Y., or latest approved revisions thereof on the date of adoption of this Ordinance shall be used.)

**Table I**

Frequency Ranges Containing Standard Octave Bands in Cycles per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/square centimeter
20 to 75	72
75 to 150	67
150 to 300	59
300 to 600	56
600 to 1,200	53
1,200 to 2,400	50
2,400 to 4,800	44
Above 4,800	38

Between the hours of 10:00 P.M. and 6:00 A.M., the permissible sound levels shall be three decibels less than shown above.

Measurements shall be made, less background noises from other sources, using the flat network and the slow position of the sound level meter.

- 4) Vibration: At the points of measurements, earthborne vibrations from any operation or plant shall not exceed the limits set forth in Column I below, for the area in which located, unless the point of measurements is located on a property line which is also the boundary line of a residential area or within eighty feet (80') of a residential area boundary line which is located within a street right-of-way, in which case the limits set forth in Column II below shall apply.

**Table II**

Frequency Cycles per Second	Column I* Displacement (inches)	Column II* Displacement (inches)
0 to 10	0.0010	0.0004
10 to 20	0.0008	0.0002
20 to 30	0.0005	0.0001
30 to 40	0.0004	0.0001
40 and over	0.0003	0.0001

\*Steady State-vibrations, for the purpose of this instrument, which are continuous or more frequent than sixty pulses per minute. Impact vibration, those less frequent than sixty pulses per minute, shall not cause more than twice the displacement stipulated.

- 5) Glare: Any operation or activity producing intense glare shall be performed in such a manner as not to create a nuisance or hazard across any property line. Direction illumination from any source of light or direct welding flash shall be screened from properties adjoining the Property and reflected light from these sources shall not exceed 0.4 foot candles across the source property line.
- 6) Smoke and Particulate Matter: Smoke emitted from any vent, stack, chimney, skylight, window, building opening, or combustion process shall not exceed an opacity of

Ringelmann No.1 as observed on the Ringelmann Chart. However, once during any 6-hour period, Ringelmann No. 2 will be permitted but not for longer than five minutes.

The emission of particulate matter from all sources shall not exceed one pound per acre of property within the boundary of any plat site under consideration during any one hour. Dust coarser than 44 microns shall be limited to 0.05 pounds per acre of property during any one hour.

Open industrial operations involving dust-producing or dust-causing equipment of operations such as sandblasting, paint spraying, and similar operations, shall be so conducted that such dusts do not cross lot lines in concentrations exceeding one million particles per cubic foot when measured at ground level or habitable elevation, at or beyond the lot line, whichever is more restrictive.

- 7) Toxic and Noxious Matter: In no case shall the concentration of toxic or noxious matter be released across source lot lines which will exceed ten percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker. Reference is made to the most recent publication, at the time of adoption of the Ordinance, of "Threshold Limit Values", adopted by the Texas State Board of Health in accordance with authority granted in Article 4418d of the Revised Civil Statutes of Texas.
  - 8) Fire and Explosive Hazards: Activities involving the storage and utilization of materials or products which decompose by detonation are permitted only when specifically approved by the City of Austin Fire Department. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, HMX, PETN and Picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than 35%; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239. Explosives shall be stored, utilized and manufactured in accordance with applicable local, state and federal codes. All applications for uses involving fire and explosive hazards may be referred to the office of the City of Austin Fire Department for approval. Such approval shall indicate compliance with all applicable fire codes and ordinances of the City of Austin and shall be indicated on the application within ten (10) days from the date such application was made in the office of the Building Inspector.
  - 9) Liquid or Solid Wastes: No discharge shall be made into a public sewer, any private sewage disposal system, stream or into the ground unless in accordance with the standards approved by the City of Austin, which, because of the nature or temperature of the material discharged, can contaminate any water supply, interfere with the bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements.
- (F) Streets, Utilities and Other Facilities:
- 1) Streets and Utilities: Easements for utilities and streets shall be granted in accordance with site plan attached hereto at such time as it is determined by the City of Austin that they are needed. Provision shall be made by the City of Austin for water and sewage and garbage disposal in accordance with its usual rates, procedures and policies as necessary for the property development of the area.

- 2) Access: Abbott will open and maintain only the street accesses shown on Exhibit "B" approximate location shown thereon, and no other. Provided, however, that should additional access be deemed advisable, approval of the City Manager of the City of Austin shall be obtained in addition to such other authorities as may be required by law.

An Amendment of Restrictive Covenant was recorded in Volume 10872, Page 226 of the Official Public Records of Travis County, Texas:

1. Now Therefore, the Acting City Manager for the City is authorized to execute, on behalf of the City, this document which amends the document of record in Volume 7430, at Pages 513-522, of the Deed Records of Travis County, Texas, by deleting the following restriction:

(3) (D) Offstreet Parking:

2. Manufacturing and warehousing and other uses: One (1) automobile parking space for each five hundred (500) square feet of floor area shall be provided;

And substituting in its place the following restriction: which shall reflect the City of Austin's current parking requirements as set forth in the Land Development Code:

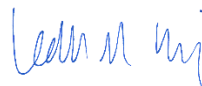
(3) (D) Offstreet Parking:

2. Manufacturing and warehousing and other related use: One (1) automobile parking space for each one thousand (1000) square feet of gross floor area shall be provided.

As you can see, most of these items are now included in City Land Development Code or Technical Codes, are no longer relevant, or can be included in the LI-PDA zoning application that accompanies this request.

Please let me know if you or your team members require additional information or have any questions at this time. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

MAY-21-81 RCHB 1222 33.00 33.00  
RESTRICTIVE COVENANT

THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

(C14-81-037)

2-58-2359

WHEREAS, Abbott Laboratories, a corporation chartered under the laws of the State of Illinois, is the owner of the following described property, to-wit:

206.30 acre tract of land out of the Francisco Garcia Survey No. 60, Travis County, Texas, more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

WHEREAS, the City of Austin and Abbott Laboratories have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Abbott Laboratories, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, do hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on them, their heirs and assigns, as follows, to-wit:

1. No improvements shall be constructed or maintained on the above described property except those indicated on the site and landscape plan heretofore approved by the City Council, a copy of which is attached hereto and made a part hereof marked Exhibit "B".
2. The site plan as finally approved and attached hereto may be adjusted or altered subsequently when such modification is required by provisions of City Ordinances or State statutes or is the result of official action by any quasi-judicial body having jurisdiction affecting the use of

DEED RECORDS  
Travis County, Texas

7430 513

the subject property or when the adjustments or alterations are designed to provide a more appropriate development of the site and are determined by City Manager of the City of Austin, or his designee, to be reasonably consistent with the expressed covenants contained herein.

2-58-2360

3. (A) Uses:

1. No residential use shall be permitted within the Property except for watchman or custodian in conjunction with the uses proposed.

2. No outdoor storage or display of material or products shall be permitted.

3. Uses permitted shall include the following uses, and all uses incidental or appurtenant thereto:

- (a) Offices or other financial and related facilities;
- (b) Business services or any other commercial use;
- (c) Storage and warehousing;
- (d) Wholesale distribution;
- (e) Manufacturing or processing where conducted as follows:
  - (i) All operations shall be within a fully enclosed building;
  - (ii) All activities shall be conducted in such a way as to comply with the applicable performance standards; and
  - (iii) Articles produced or processed shall be likely to generate truck traffic.

(B) Height and set back provisions:

1. Building Height: Forty-Five feet (45'), but when set back from all property lines, buildings may exceed this height by one foot (1') for each one foot (1')

of additional set back. This height limitation does not apply to signs or water towers.

2. Set Back: All buildings shall be set back at least two hundred feet (200') from F. M. Highway 1325 and Howard Lane and one hundred feet (100') from Merriltown-McNeil Road as shown on site plan. 2-58-2361

3. Coverage: Not more than thirty-five percent (35%) of the area described herein shall be covered by buildings.

(C) Signs:

1. Advertising signs shall not be located adjacent to residential development, except for those products produced on site.

2. Flashing lights shall not be used on any signs designed to be viewed beyond the premises described herein.

(D) Offstreet parking:

1. Administration offices and related facilities: One (1) automobile parking space for each three hundred (300) square feet of floor area shall be provided.

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3. Offstreet loading: As shown on site plan.

(E) Performance standards:

1. General: No land or structure within the Property shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable noise, smoke, dust or other form of air pollution, liquid or solid refuse or waste, or other substance, condition or element in such a manner or in such amount as

to adversely affect any use or premise within the vicinity; the foregoing are hereinafter referred to as "dangerous or objectionable elements".

2. Locations where determinations are to be made for enforcement standards:

(a) Noise, vibration and glare: At the location of the use creating the same at a point on the source property line which has the highest readings, and at any other points where the existence of such elements may be more apparent.

(b) Smoke, toxic and noxious matter: At the place of emission into the atmosphere.

3. Noise: At the points of measurement, the maximum sound pressure level radiated by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the decibel limit values for the octave bands given in Table I. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association. (American Standard South Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, American Standards Association, Inc., New York, N.Y., or latest approved revisions thereof on the date of adoption of this Ordinance shall be used.)

TABLE I

Frequency Ranges Containing Standard Octave Bands in Cycles per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/square centimeter
20 to 75	72
75 to 150	67
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300 to 600	56
600 to 1,200	53
1,200 to 2,400	50
2,400 to 4,800	44
above 4,800	38

2-58-2363

Between the hours of 10:00 P.M. and 6:00 A.M., the permissible sound levels shall be three decibels less than shown above.

Measurements shall be made, less background noises from other sources, using the flat network and the slow position of the sound level meter.

4. Vibration: At the points of measurements, earthborne vibrations from any operation or plant shall not exceed the limits set forth in Column I below, for the area in which located, unless the point of measurement is located on a property line which is also the boundary line of a residential area or within eighty feet (80') of a residential area boundary line which is located within a street right-of-way, in which case the limits set forth in Column II below shall apply.

TABLE II

Frequency Cycles per Second	Column I* Displacement (inches)	Column II* Displacement (inches)
0 to 10	.0010	.0004
10 to 20	.0008	.0002
20 to 30	.0005	.0001
30 to 40	.0004	.0001
40 and over	.0003	.0001

\*Steady State--vibrations, for the purpose of this instrument, which are continuous or more frequent than sixty pulses per minute. Impact vibration, those less frequent than sixty pulses per minute, shall not cause more than twice the displacement stipulated.

5. Glare: Any operation or activity producing intense glare shall be performed in such a manner as not to create a nuisance or hazard across any property line. Direct illumination from any source of light or direct welding flash shall be screened from properties adjoining the Property and reflected light from these sources shall not exceed 0.4 foot candles across the source property line.

2-58-2364

6. Smoke and Particulate Matter: Smoke emitted from any vent, stack, chimney, skylight, window, building opening, or combustion process shall not exceed an opacity of Ringelmann No. 1 as observed on the Ringelmann Chart. However, once during any 6-hour period, Ringelmann No. 2 will be permitted but not for longer than five minutes.

The emission of particulate matter from all sources shall not exceed one pound per acre of property within the boundary of any plat site under consideration during any one hour. Dust coarser than 44 microns shall be limited to 0.05 pounds per acre of property during any one hour.

Open industrial operations involving dust-producing or dust-causing equipment of operations such as sandblasting, paint spraying, and similar operations, shall be so conducted that such dusts do not cross lot lines in concentrations exceeding one million particles per cubic foot when measured at ground level or habitable elevation, at or beyond the lot line, whichever is more restrictive.

7. Toxic and Noxious Matter: In no case shall the concentration of toxic or noxious matter be released across source lot lines which will exceed ten percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker. Reference is

made to the most recent publication, at the time of adoption of the Ordinance, of "Threshold Limit Values", adopted by the Texas State Board of Health in accordance with authority granted in Article 4418d of the Revised Civil Statutes of Texas.

8. Fire and Explosive Hazards: Activities involving the storage and utilization of materials or products which decompose by detonation are permitted only when specifically approved by the City of Austin Fire Department. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, HMX, PETN and Picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35%; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239. Explosives shall be stored, utilized and manufactured in accordance with applicable local, state and federal codes. All applications for uses involving fire and explosive hazards may be referred to the office of the City of Austin Fire Department for approval. Such approval shall indicate compliance with all applicable fire codes and ordinances of the City of Austin and shall be indicated on the application within ten (10) days from the date such application was made in the office of the Building Inspector.

9. Liquid or Solid Wastes: No discharge shall be made into a public sewer, any private sewage disposal system, stream, or into the ground unless in accordance with the standards approved by the City of Austin, which, because of the nature or temperature of the material discharged, can contaminate any water supply, interfere with the bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements.

2-58-2366

(F) Streets, Utilities and Other Facilities:

1. Streets and Utilities: Easements for utilities and streets shall be granted in accordance with site plan attached hereto at such time as it is determined by the City of Austin that they are needed. Provision shall be made by the City of Austin for water and sewage and garbage disposal in accordance with its usual rates, procedures and policies as necessary for the proper development of the area.

2. Access: Abbott will open and maintain only the street accesses shown on Exhibit "B" approximate location shown thereon, and no other. Provided, however, that should additional access be deemed advisable, approval of the City Manager of the City of Austin shall be obtained in addition to such other authorities as may be required by law.

4. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

5. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

2-58-2367

6. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

7. This agreement may be modified, amended or terminated by joint action of both (1) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (2) by the owners of the above described property at the time of such modification, amendment or termination.

EXECUTED this the 4<sup>th</sup> day of April, 1981.

ABBOTT LABORATORIES,  
an Illinois corporation

(NO SEAL)

By: R.C. Barnes  
R. C. Barnes  
Vice President, Corporate Engineering

THE STATE OF ILLINOIS §  
§  
COUNTY OF LAKE §

BEFORE ME, the undersigned authority, on this day personally appeared R. G. Curran of Abbott Laboratories, an Illinois corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7<sup>th</sup> day of April, 1981.

NOTARY SEAL

(notary seal)

My commission expires:  
~~My Commission Expires Feb. 14, 1982~~

Susan G. Dale 2-58-2368  
SUSAN G. DALE  
(printed name of Notary)  
Notary Public, County of Lake,  
Illinois

Abbott Laboratories  
Zoning  
Reference: Drawing No. 205

FN 463 (DK)  
March 26, 1981  
EH&A Job No. 1465-38

A DESCRIPTION OF THE NORTHERLY LINE OF A 100 FOOT WIDE STRIP OF LAND AND A DESCRIPTION OF THE SOUTHEAST AND SOUTHWEST LINE OF A 200 FOOT WIDE STRIP OF LAND, BOTH OUT OF THE FRANCISCO GARCIA SURVEY NO. 60, TRAVIS, COUNTY, TEXAS AND BEING OUT OF THAT 206.30 ACRE TRACT CONVEYED FROM AUSTIN WHITE LINE COMPANY TO ABBOTT LABORATORIES BY DEED DATED DECEMBER 5, 1979 AND RECORDED IN VOLUME 6809 PAGE 2125 OF THE TRAVIS COUNTY DEED RECORDS. THE TWO (2) STRIPS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

100 foot strip of land:

2-58-2369

BEGINNING at an iron rod found on the northwest line of F.M. 1325 (120 foot right-of-way) being on the south line of Merriltown-McNeil Road (county road);

THENCE with the said south line of Merriltown-McNeil Road being the northerly line of the subject 100 foot wide strip of land the following eleven (11) courses and distances:

1. N 56° 57' W a distance of 940.74 feet to a point,
2. S 86° 38' W a distance of 54.86 feet to a point,
3. S 32° 53' W a distance of 617.50 feet to a point,
4. N 57° 41' W a distance of 866.38 feet to an iron pipe found, from which another iron pipe bears N 34° 38' E a distance of 44.41 feet,
5. N 82° 48' W a distance of 192.24 feet to a point,
6. S 26° 27' W a distance of 454.14 feet to a point,
7. N 65° 04' W a distance of 329.26 feet to a point,
8. S 30° 13' W a distance of 346.59 feet to a point,
9. S 30° 18' W a distance of 313.41 feet to a point,
10. S 30° 12' W a distance of 1027.45 feet to a point, and
11. S 28° 52' W a distance of 716.38 feet to the POINT OF TERMINATION being on the northeast line of Howard Land (100 foot right-of-way).

ORIGINAL DIM

200 foot strip of land:

BEGINNING at the said iron rod found on the northwest line of F.M. 1325 being on the south line of Merriltown-McNeil Road;

THENCE with the northwest line of the said F.M. 1325 being the southeast line of the subject 200 foot wide strip of land the following three (3) courses and distances:

1. S 03° 31' W a distance of 918.91 feet to a point of curvature,
2. a distance of 663.24 feet with an arc to the right whose central angle is 17° 00' with a radius of 2235.35 feet and whose chord bears S 12° 01' W a distance of 660.81 feet to a point of tangency, and
3. S 20° 31' W a distance of 1670.88 feet to a point on the north line of the said Howard Lane;

Abbott Laboratories  
Zoning

FN 463 (DK)  
March 26, 1981  
EH&A Job No. 1465-28

THENCE leaving the said northwest line of F.M. 1325 and with the said northeast line of Howard Lane being the southwest line of the subject 200 foot wide strip of land the following five (5) courses and distances, . . .

1. N 60° 19' W a distance of 65.45 to a point of curvature,
2. a distance of 347.27 feet with an arc to the left whose central angle is 25° 57' with a radius of 766.75 feet and whose chord bears N 73° 17' 30" W a distance of 344.31 feet to a point of tangency,
3. N 86° 16' W a distance of 115.05 feet to a point of curvature,
4. a distance of 339.22 feet with an arc to the right whose central angle is 21° 28' with a radius of 905.40 feet and whose chord bears N 75° 32' W a distance of 337.24 feet to an iron rod found at the point of tangency, and
5. N 64° 48' W passing at a distance of 1994.46 feet an iron rod found and passing at 2414.43 an iron rod found in all a distance of 2420.36 to the POINT OF TERMINATION being on the southeasterly line of the said Merriltown-McNeil Road.

2-58-2370

ORIGINAL DIM

Abbott Laboratories  
Zoning  
Reference: Drawing No. 205

FN 464 (DK)  
March 26, 1981  
EH&A Job No. 1465-38

A DESCRIPTION OF A 165.69 ACRE TRACT OUT OF THE FRANCISCO GARCIA SURVEY NO. 60, TRAVIS COUNTY, TEXAS BEING OUT OF THAT 206.30 ACRE TRACT CONVEYED FROM AUSTIN WHITE LINE COMPANY TO ABBOTT LABORATORIES BY DEED DATED DECEMBER 5, 1979 AND RECORDED IN VOLUME 6809, PAGE 2125 OF THE TRAVIS COUNTY DEED RECORDS. THE SUBJECT 165.69 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2-58-2371

COMMENCING at an iron rod found in the northwest line of F.M. 1325 (120 foot right-of-way) being on the south line of Merriltown-McNeil Road (county road);

THENCE with the said northwest line of F.M. 1325 S 03° 31' W a distance of 918.91 feet to a point of curvature;

THENCE leaving the said west line N 86° 29' W a distance of 200 feet to the POINT OF BEGINNING;

THENCE with a line parallel to and 200 feet west of the said northwest line of F.M. 1325 the following two (2) courses and distance:

1. a distance of 603.90 feet with an arc to the right whose central angle is 17° 00" with a radius of 2035.35 feet whose chord bears S 12° 01' W a distance of 601.69 feet, and
2. S 20° 31' W a distance of 1450.75 feet to a point 200 feet north of the north line of Howard Lane (100 foot right-of-way)

THENCE with a line parallel to one 200 feet north of the said north line of Howard Lane the following four (4) courses and distances:

1. a distance of 269.95 feet with an arc to the left whose central angle is 15° 59' 55" with a radius of 966.75 feet whose chord bears N 78° 16' 03" W a distance of 269.07 feet,
2. N 86° 16' W a distance of 115.05 feet,
3. a distance of 264.29 feet with an arc to the right whose central angle is 21° 28' with a radius of 705.40 feet whose chord bears N 75° 32' W a distance of 262.75 feet, and
4. N 64° 48' W a distance of 2307.33 feet to a point 100 feet southeast of the southeast line of Merriltown-McNeil Road (a county road);

THENCE with a line parallel to and 100 feet south of the southerly line of the said Merriltown-McNeil Road the following ten (10) courses and distances:

1. N 28° 52' E a distance of 508.40 feet,
2. N 30° 12' E a distance of 1026.20 feet,
3. N 30° 18' E a distance of 313.40 feet,
4. N 30° 13' E a distance of 255.48 feet,
5. S 65° 04' E a distance of 335.47 feet,

ORIGINAL DIM

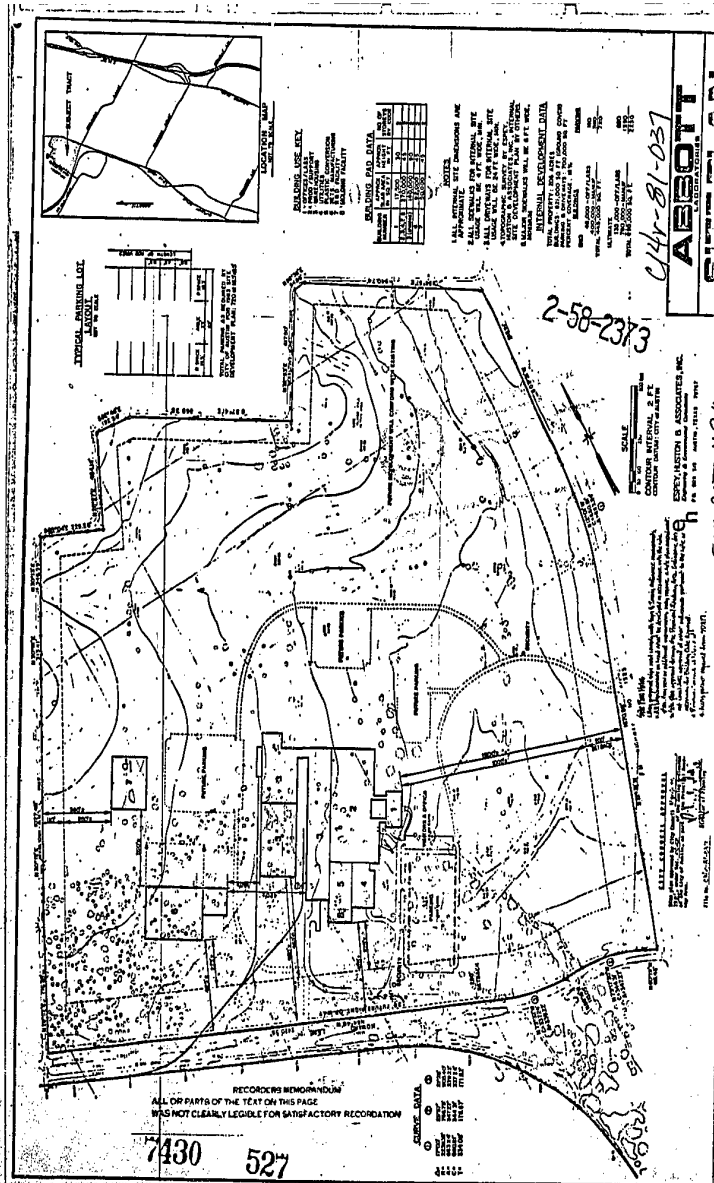
Abbott Laboratory  
Zoning

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EH&A Job No. 465-38

6. N 26° 27' E a distance of 480.53 feet,
7. S 82° 48' E a distance of 98.97 feet,
8. S 57° 41' E a distance of 887.06 feet,
9. N 32° 53' E a distance of 649.50 feet, and
10. S 56° 57' E a distance of 767.53 to a point 200 feet west of the said northwest line of F.M. 1325;

2-58-2372

THENCE parallel to and 200 feet west of the said northwest line of F.M. 1325 S 03° 31' W a distance of 917.29 feet to the POINT OF BEGINNING and containing 165.69 acres.



255  
FILED  
MAY 21 8 32 AM '81  
2-58-2374  
*Louis Briggance*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me; and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
of Travis County, Texas, as Stamped herein by me, on  
MAY 21 1981  
*Louis Briggance*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

7430 528