

#64

RESTRICTIVE COVENANT

OWNER Stratagem Development, Ltd , a Texas limited partnership

ADDRESS 3001 S Lamar Blvd , Suite 101, Austin, TX 78704

OWNER Freddie H Robbins

ADDRESS: P O Box 2014, Taos, NM 87571

OWNER Stuart B Robbins

ADDRESS: 725 Chestnut Street, Waban, MA 02648

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 is acknowledged.

PROPERTY: Tract One A 0 241 acre tract of land, more or less, out of Outlot 36, Division E of the Government Outlots of the City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A " incorporated into this covenant, and

Tract Two A 0 411 acre tract of land, more or less, being the north 136 feet of the west 128 feet of Outlot 36, Division E, of the Government Outlots of the City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B " incorporated into this covenant

WHEREAS, the Owner ("Owner" whether one or more) 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 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 If a building is constructed to a height that exceeds 120 feet in height

a The Owner shall design and construct streetscape improvements along Guadalupe Street and West 18th Street in compliance with the City of Austin Great Streets design criteria as the criteria existed on June 5, 2008 Design, permitting and construction of streetscape improvements will be at Owner's expense. The Owners shall coordinate the design of the streetscape improvements with the Urban Design Section of the Neighborhood Planning and Zoning Department The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of

occupancy, and

b All residential and commercial development shall comply with Austin Energy Green Building Program (GBP) in effect June 1, 2008 to achieve a minimum two-star rating

- 2 If a building is constructed to a height that exceeds 170 feet, then 20 percent of the gross floor area shall be allocated for residential uses
3. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
- 4 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
5. 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
- 6 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(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination

[SIGNATURE PAGES TO FOLLOW]

APPROVED AS TO FORM

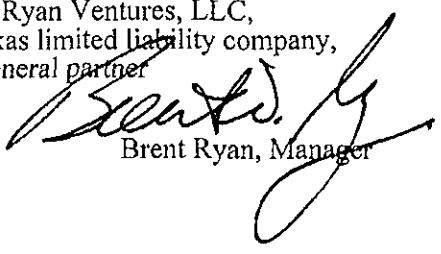
Assistant City Attorney
City of Austin

EXECUTED this the 5th day of June, 2008.

OWNERS:

**STRATAGEM DEVELOPMENT, LTD., a
Texas limited partnership**

By: Soward-Ryan Ventures, LLC,
a Texas limited liability company,
its general partner

By:  Brent Ryan, Manager

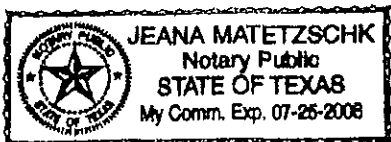
THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the 5th day of June, 2008, by Brent Ryan, Manager, of Soward-Ryan Ventures, LLC, a Texas limited liability company, the general partner of Stratagem Development, Ltd., a Texas limited partnership, on behalf of the limited liability company and limited partnership.



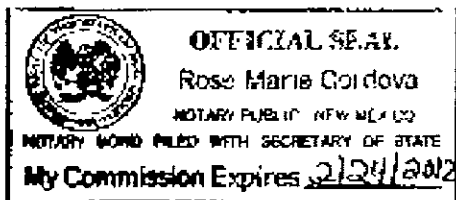

Notary Public, State of Texas

OWNER:

Freddie H. Robbins
FREDDIE H. ROBBINS

THE STATE OF New Mexico §
COUNTY OF Taos §

This instrument was
acknowledged before me on this the 5th day of June
2008, by Freddie H. Robbins



Rose Marie Cordova
Notary Public, State of NM 2/24/2012

OWNER:

SB Robbins
STUART B. ROBBINS

THE STATE OF

Massachusetts

§

COUNTY OF

Worcester

§

This instrument was
acknowledged before me on this the

5th

day of

June 2008

2008, by Stuart B. Robbins.

Jill Cooper

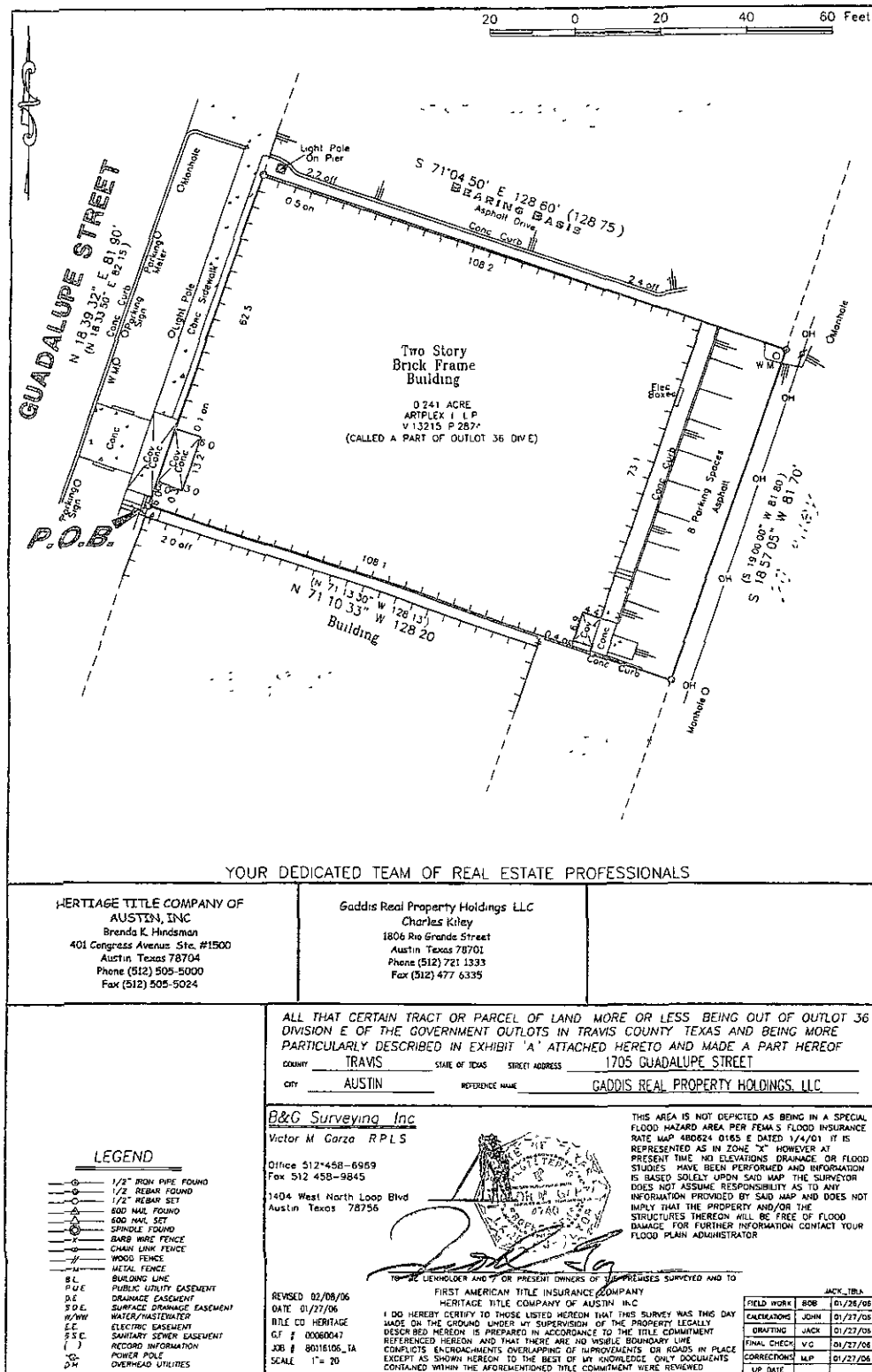
Notary Public, State of

MA

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal



EXHIBIT "A" – PROPERTY RESTRICTIVE COVENANT



YOUR DEDICATED TEAM OF REAL ESTATE PROFESSIONALS

HERITAGE TITLE COMPANY OF AUSTIN, INC.
Brenda K. Hindman
401 Congress Avenue, Ste. #1500
Austin, Texas 78704
Phone (512) 505-5000
Fax (512) 505-5024

Gaddis Real Property Holdings LLC
Charles Kiley
1806 Rio Grande Street
Austin, Texas 78701
Phone (512) 721-1333
Fax (512) 477-6335

ALL THAT CERTAIN TRACT OR PARCEL OF LAND MORE OR LESS BEING OUT OF OUTLOT 36 DIVISION E OF THE GOVERNMENT OUTLOTS IN TRAVIS COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

COUNTY TRAVIS STATE OF TEXAS STREET ADDRESS 1705 GUADALUPE STREET
CITY AUSTIN REFERENCE NAME GADDIS REAL PROPERTY HOLDINGS, LLC

B&G Surveying Inc.
Victor M Garza R.P.L.S.

Office 512-458-6969
Fax 512 458-9845
1404 West North Loop Blvd
Austin Texas 78756



THIS AREA IS NOT DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP 480624 0165 E DATED 1/4/01. IT IS REPRESENTED AS IN ZONE "X" HOWEVER AT PRESENT TIME NO ELEVATIONS DRAINAGE OR FLOOD STUDIES HAVE BEEN PERFORMED AND INFORMATION IS BASED SOLELY UPON SAID MAP. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY AS TO ANY INFORMATION PROVIDED BY SAID MAP AND DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE OF FLOOD DAMAGE. FOR FURTHER INFORMATION CONTACT YOUR FLOOD PLAN ADMINISTRATOR.

REVISED 02/08/06
DATE 01/27/06
FILE CD HERITAGE
GT # 00060047
JOB # 80116105-1A
SCALE 1" = 20'

I DO HEREBY CERTIFY TO THOSE LISTED HEREON THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO VISIBLE BOUNDARY LINE CONFLICTS ENCROACHMENTS OVERLAPPING OF IMPROVEMENTS OR ROADS IN PLACE EXCEPT AS SHOWN HEREON TO THE BEST OF MY KNOWLEDGE ONLY DOCUMENTS CONTAINED WITHIN THE AFOREMENTIONED TITLE COMMITMENT WERE REVIEWED.

FIRST AMERICAN TITLE INSURANCE COMPANY
HERITAGE TITLE COMPANY OF AUSTIN, INC.
FIELD WORK BOB 01/26/06
DRAWING JOHN 01/27/06
CHECKING JACK 01/27/06
FINAL CHECK V.C. 01/27/06
CORRECTED MAP 01/27/06
UP DATE

**EXHIBIT "A" – PROPERTY
RESTRICTIVE COVENANT**

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 0.241 OF AN ACRE TRACT OF LAND OUT OF OUTLOT 36 DIVISION "E" OF THE GOVERNMENT OUTLOTS OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING THAT SAME TRACT OF LAND CONVEYED TO ARTPLEX I, L.P. BY SPECIAL WARRANTY DEED OF RECORD IN VOLUME 13215, PAGE 2874, OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 0.241 OF AN ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" rebar found in the East line of Guadalupe Street, same being the northwest corner of a tract of land conveyed to Gilbert Cardenas by Warranty Deed of record in Volume 13291, Page 731, of the Real Property Records of Travis County, Texas, for the southwest corner hereof,


THENCE, N 18°39'32" E, with the East line of Guadalupe Street, a distance of 81.90 feet to a 1/2" rebar found for the southwest corner of a tract of land conveyed to Stuart B. Robbins and Freddie H. Robbins by Deed of record in Volume 3711, Page 73, of the Deed Records of Travis County, Texas, for the northwest corner hereof,

THENCE, S 71°04'50" E (Bearing Basis), with the South line of the Robbins tract, a distance of 128.60 feet to a 1/2" rebar found in the West line of a 20' Alley, for the southeast corner of the Robbins tract, and the northeast corner hereof,

THENCE, S 18°57'05" W, with the West line of the Alley, a distance of 81.70 feet to a 1/2" rebar found for the northwest corner of a tract of land conveyed to Gilbert Cardenas by Warranty Deed With Vendor's Lien of record in Volume 13291, Page 735, of the Real Property Records of Travis County, Texas, for the southeast corner hereof,

THENCE, N 71°10'33" W, with the north lines of the aforementioned Cardenas tracts, a distance of 128.20 feet to the PLACE OF BEGINNING hereof, and containing a calculated area of 0.241 of an acre

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ACCOMPANYING SURVEY PLAT ONLY


Victor M. Garza R.P.L.S.



2/9/06
Date

B&G Surveying, Inc
1404 W. North Loop Blvd
Austin, Texas 78756
(512)-458-6969
Job# B0116106_TA

...adalupe)

W

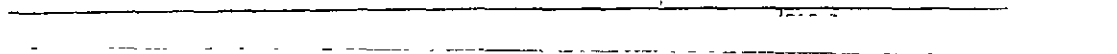


EXHIBIT "B" - PROPERTY
RESTRICTIVE COVENANT

APR 4 2006 17.44AM

NO 0204 1 11 14

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 0.411 OF AN ACRE TRACT OF LAND CALLED "THE NORTH 138 FEET OF THE WEST 128 FEET OF OUTLOT 36, DIVISION E, ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF SAID CITY ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS", IN DEED TO STUART B. ROBBINS AND FREDDIE H. ROBBINS, OF RECORD IN VOLUME 3711, PAGE 73, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.411 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" rebar found in the East line of Guadalupe Street, same being the northwest corner of a tract of land for Artplex I, L.P. as described by instrument of record in Volume 13215, Page 2874, of the Official Public Records of Travis County, Texas, for the southwest corner hereof;

THENCE, N 18°40'16" E, a distance of 139.32 feet to a 1/2" rebar set at the intersection of the East line of Guadalupe Street, with the South line of West 16th Street, for the northwest corner hereof;

THENCE, S 71°02'31" E, a distance of 128.62 feet to a 1/2" rebar set at the intersection of the South line of West 16th Street, with the West line of a 20' wide Alley, for the northeast corner hereof;

THENCE, S 18°41'14" W, with the West line of said Alley a distance of 139.23 feet to a 1/2" rebar found for the northeast corner of the Artplex tract, and the southeast corner hereof,

THENCE, N 71°04'30" W, a distance of 128.58 feet to the PLACE OF BEGINNING hereof, and containing a calculated area of 0.411 of an acre of land.

This description is to be used in conjunction with the accompanying survey plat only

 3/5/06
Victor M. Garza R.P.L.S. #740 Date

B.A.G. Surveying, Inc.
1404 West North Loop Blvd
Austin, Texas 78756
(512)-458-6969
Job# B0313606_TA

