



AUSTIN CITY CLERK  
POSTING: DATE/TIME

Zoning Case No. C14-2009-0151

2010 JUL 2 PM 2 25 -

**RESTRICTIVE COVENANT**

OWNER: Shoal Creek Walk, Ltd., a Texas limited partnership

ADDRESS: 601 North Lamar Blvd., Suite 301, Austin, Texas 78703

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: A 2.6 acre tract of land, more or less, being a portion of Lots 1-3 Block 5, Subdivision of Raymond Plateau, Outlot 11, Division Z, City of Austin, and a 4,940 square foot tract of land being a partial vacation of the Bowie Street right-of-way, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this covenant.

WHEREAS, the Owner (the "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 ("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. All residential and commercial development shall comply with Austin Energy Green Building Program (GBP) for a minimum two-star rating.
2. The Owner shall design and construct streetscape improvements in full compliance with the City of Austin Great Streets design criteria as it exists May 2010. Design, permitting and construction of streetscape improvements will be at Owner's expense. The Owner shall coordinate the design of the streetscape improvements with the Urban Design Section of the Planning and Development Review Department. The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of occupancy.
3. Green roofs. At least 20,000 square feet of green roof design shall be provided as a means to improve the quality of the air, reduce stormwater runoff and improve energy efficiency of the structure beneath. The green roof system shall be designed according to City approved requirements and standards.

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# 71

4. Open Space. If building development on the Property exceeds 482,687 square feet of gross leasable area, the Owner/Developer shall provide the following:

At least thirty thousand (30,000) square feet of the total development on the Property shall be provided as green and/or open space (hardscape and/or landscape) accessible for public use. At least 5,000 square feet of green/open space shall be along Shoal Creek.

5. Bowie Street Bike Lane.

- a) Prior to issuance of a certificate of occupancy for any phase of the project, Owner/Developer shall design and install a five foot monolithic curb bicycle lane on the east side of Bowie Street between 5<sup>th</sup> and 6<sup>th</sup> Streets. Design and construction shall be as generally depicted on Exhibit "C" attached to this Agreement.
- b) Installation shall include all necessary signing and striping, and sealcoating of any remaining and existing asphalt.

6. Shoal Creek Improvements. Development under the current approved and released site plan, SP-06-0588C, as approved on December 28, 2007, or any successor site plan approved and released for development of the Property, shall include improvements to the Shoal Creek hike and bike trail as specified under SP-06-0588C. During maintenance and construction of the trail between West 5<sup>th</sup> and West 6<sup>th</sup> streets, signs shall be provided to direct pedestrian and bike traffic to alternate routes.
7. 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.
8. 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.
9. 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.
10. 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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED on May 26, 2010.

OWNER:

Shoal Creek Walk, Ltd.,  
a Texas limited partnership

By: Shoal Creek Walk GP, L.L.C.,  
a Texas limited liability company, its  
general partner

By: [Signature]  
Bradley Schlosser, its Manager

APPROVED AS TO FORM:

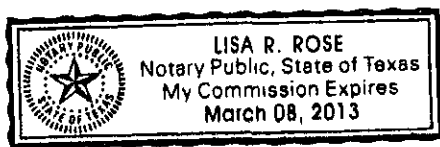
[Signature]  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on May 26, 2010, by  
Bradley Schlosser, Manager of Shoal Creek Walk GP, L.L.C., a Texas limited liability company,  
general partner of Shoal Creek Walk, Ltd., a Texas limited partnership, on behalf of said limited  
partnership.



[Signature]  
Notary Public, State of Texas

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

TRACT 2  
FIELD NOTES FOR  
2.600 ACRES

DESCRIBING 2.600 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS CONSISTING OF THAT CERTAIN 2.05 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000117493, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS ("OPRTCT"), AND THAT CERTAIN 0.55 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000119070, OPRTCT; SAID 2.600 ACRES BEING A PORTION OF LOTS 1-3, BLOCK 5, SUBDIVISION OF THE RAYMOND PLATEAU, OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN VOLUME V PG. 401, DEED RECORDS OF TRAVIS COUNTY, TEXAS ("DRTCT") AND BOOK 1 PAGE 30, PLAT RECORDS OF TRAVIS COUNTY, TEXAS ("PRTCT"); SAME BEING LOTS 1-6, 9 AND A PORTION OF LOT 7, RESUBDIVISION OF ORIGINAL LOTS ONE AND TWO IN BLOCK NO. 5 OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN BOOK 1 PAGE 19, PRTCT; SAID RESUBDIVISION LEAVING A REMNANT OF THE ORIGINAL LOT 2; SAID 2.600 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1" square bolt head found at the northeast corner of said 2.05 acre tract in the south r.o.w. line of West 6th Street (80' r.o.w.); said point being the northwest corner of that certain 1703 s.f. tract conveyed to the City of Austin by deed of record in Volume 7439 Page 408, DRTCT; and from said beginning point run the following nine (9) courses and distances:

THENCE along the common line of the said 2.05 acre tract and the said 1703 s.f. tract, by courses 1-3 as follows:

- 1) S26°57'22"W 52.30 feet to a 1/2" iron rod found at an angle point;
- 2) S35°56'58"W 76.23 feet to a round bolt head found at an angle point;
- 3) S45°39'37"W 62.46 feet to a 1/2" iron rod found at the most easterly southeast corner of said 2.05 acre tract and being in the north line of said 0.55 acre tract;

THENCE along the north line of said 0.55 acre tract and the south line of said 1703 s.f. tract by course 4 as follows:

- 4) S64°45'52"E 16.33 feet to a lead plug and tack found in concrete sidewalk at the northeast corner of said 0.55 acre tract and the southeast corner of said 1703 s.f. tract;

THENCE along the east line of said 0.55 acre tract by course 5 as follows:

**EXHIBIT "A"**

5) S59°35'08"W 230.99 feet to a lead plug and tack found in concrete sidewalk in the north r.o.w. line of West 5th Street (80' r.o.w.) at the southeast corner of said 0.55 acre tract;

THENCE along the south lines of said 0.55 acre and 2.05 acre tracts and the north r.o.w. line of West 5th Street by courses 6 and 7 as follows:

6) N77°26'35"W at 60.22 feet pass a 1/2" iron rod found with Wallace Group cap and continuing in all 81.93 feet to a 1/2" iron rod set with Wallace Group cap at a point of curvature;

7) Along a curve to the right whose radius is 899.60 feet with an arc length of 110.49 feet and whose chord bears N73°57'58"W 110.42 feet to a 1/2" iron rod found with Accusurve cap at the intersection of the north r.o.w. line of West 5th Street with the east r.o.w. line of Bowie Street (80' r.o.w.);

THENCE along the west line of said 2.05 acre tract and the east r.o.w. line of Bowie Street by course 8 as follows:

8) N25°02'25"E 410.76 feet to a headless PK nail found in concrete at the northwest corner of said 2.05 acre tract, same being the intersection of the east r.o.w. line of Bowie Street and the south r.o.w. line of West 6th Street;

THENCE along the north line of said 2.05 acre tract and the south r.o.w. line of West 6th Street by course 9 as follows:

9) S64°58'55"E 341.88 feet to the POINT OF BEGINNING of the herein described tract, encompassing within the metes recited 2.600 acres of land, more or less, as computed by The Wallace Group, Inc. in July, 2002.

Bearing Basis: Found monuments along east r.o.w. of Lamar Blvd. between West 5th and 6th Streets as shown on July 1998 Accusurve survey (N24°57'00"E) which was based on monumented centerline of Lamar Blvd.

**EXHIBIT "A"**

Exhibit "B"

Page 1 of 1

Partial Vacation  
4,940 Sq. Ft.

City of Austin  
Bowie Street Right of Way  
W. 5<sup>th</sup> Street to W. 6<sup>th</sup> Street

PARTIAL VACATION DESCRIPTION - TRACT 2

BEING A TWELVE AND ONE ONE-HUNDREDTH (12.01) FOOT WIDE STRIP OF LAND CONTAINING 4,940 SQUARE FEET SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION THE BOWIE STREET RIGHT OF WAY, HAVING BEEN DEDICATED BY THE PLAT OF RAYMOND PLATEAU SUBDIVISION, OF RECORD IN VOLUME 1, PAGE 30 OF THE PLAT RECORDS OF SAID TRAVIS COUNTY, SAID STRIP OF RIGHT OF WAY TO BE VACATED BEING THE EASTERLY TWELVE AND ONE ONE-HUNDREDTH (12.01) FEET OF SAID BOWIE STREET, LOCATED BETWEEN THE NORTH LINE OF WEST 6<sup>TH</sup> STREET AND THE SOUTH LINE OF WEST 6<sup>TH</sup> STREET, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a concrete nail found at the intersection of the south line of West 6<sup>th</sup> Street with the east line of said Bowie Street, at the northwest corner of Block 5 of said Raymond Plateau Subdivision, for the northeast corner of the tract herein described;

THENCE, along the east line of said Bowie Street and the west line of said Block 5, South 25° 01' 52" West, a distance of 410.76 feet to a 1/4" iron pipe found at the southwest corner of said Block 5, on the curving north line of West 5<sup>th</sup> Street, for the southeast corner of the tract herein described;

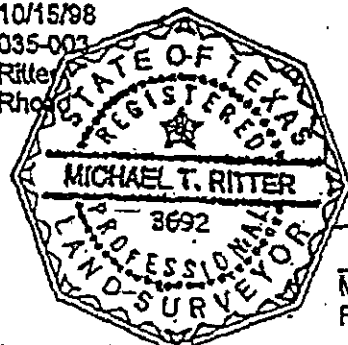
THENCE, along the north line of said West 5<sup>th</sup> Street, and along a curve to the right, having a central angle of 00° 46' 04", a radius of 899.60 feet, and a long chord bearing North 70° 01' 41" West, a distance of 12.05 feet, for an arc distance of 12.05 feet to the southwest corner of the tract herein described;

THENCE, departing the north line of said West 5<sup>th</sup> Street, and through the interior of said Bowie Street right of way, North 25° 01' 52" East, a distance of 411.84 feet to the south line of said West 6<sup>th</sup> Street, for the northwest corner of the tract herein described;

THENCE, along the south line of said West 6<sup>th</sup> Street, South 64° 59' 28" East, a distance of 12.01 feet to the POINT OF BEGINNING, containing 4,940 square feet of land, more or less.

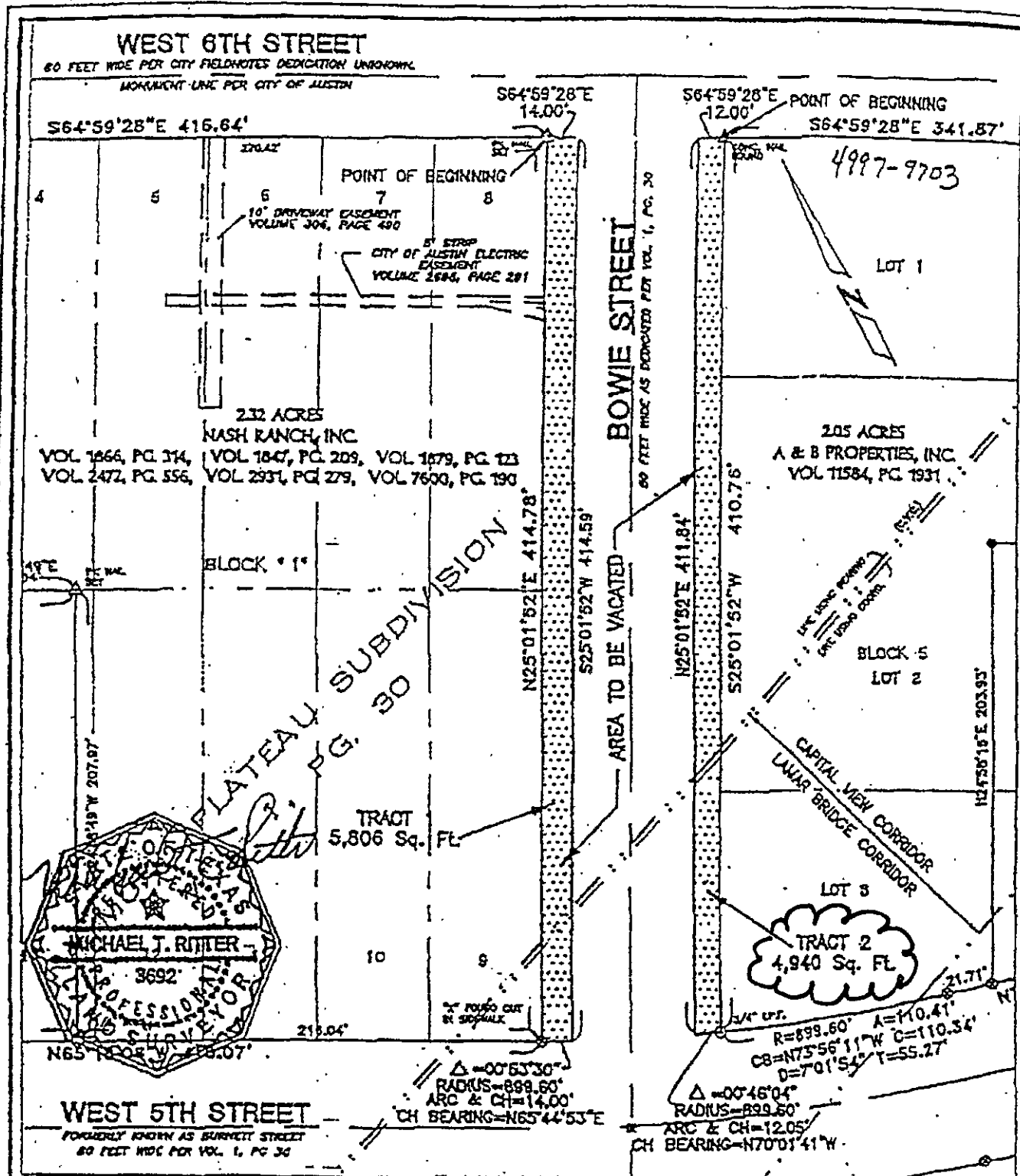
The above description accurately represents a survey made on the ground by under my supervision during the month of July, 1998. Bearings herein are based on the City of Austin monument line on Lamar Boulevard between 5<sup>th</sup> and 6<sup>th</sup> Streets, held as North 24° 57' 00" East.

Date: 10/15/98  
Job No: 035-003  
Description: Ritter  
Tech: Rhoads



*Michael T. Ritter*  
Michael T. Ritter  
Registered Professional Land Surveyor No. 3692

S:\PROJECTS\035003\DOCS\BOWIE VACATION TRACT 2.DOC



SCALE:	1" = 60'
DATE:	OCT. 1958
REVISED:	-
JOB NO.	035003
FILE NO.	EXHIBITS
DRAWN BY:	S. RYLAND

EXHIBIT  
SKETCH TO ACCOMPANY FIELD NOTES  
FOR PROPOSED BOWIE STREET  
RIGHT-OF-WAY VACATION

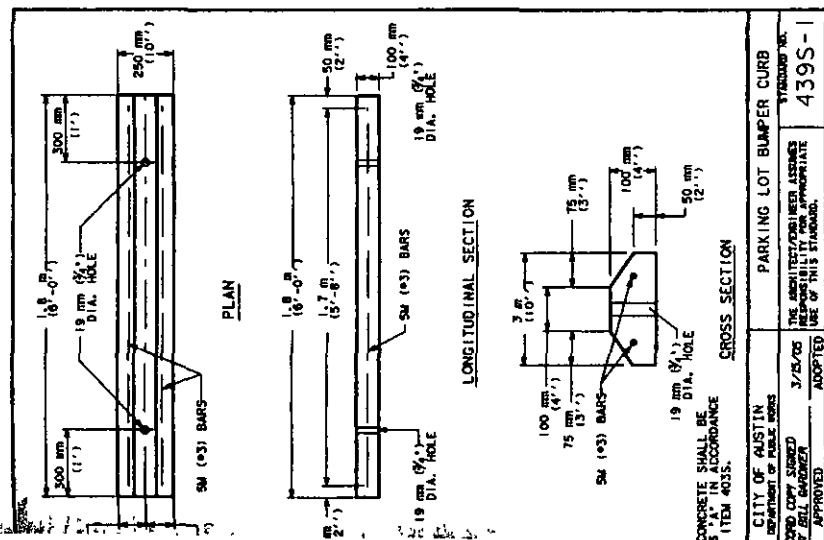


AccuSurve, Inc.

Professional Land Surveying  
1001 P. O. Box 200, St. Louis, MO 63101-2000

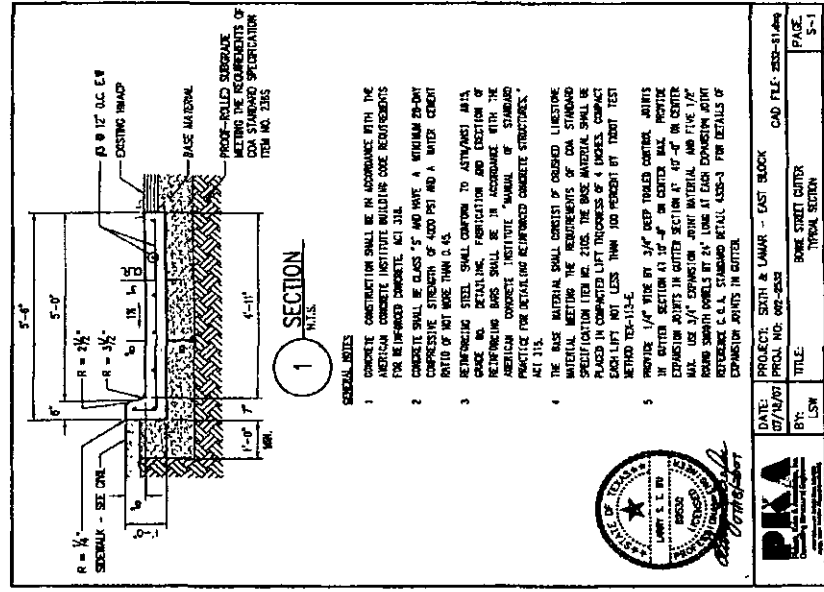
4201 Bow Caves Road, Suite B-200  
Austin, Texas 78744  
Tel. -- 1-817-906-0412 Fax (512) 220-8764

CITY OF ALSTIN DEPARTMENT OF PUBLIC WORKS	TYPE 1B SIDEWALK CURB RAMP	STANDARD NO. 432S-5B
DESIGNED BY BILL GARDNER	9/14/05	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.
APPROVED	ADOPTED	



CITY OF ALSTIN DEPARTMENT OF PUBLIC WORKS	PARKING LOT BUMPER CURB	STANDARD NO. 439S-1
DESIGNED BY BILL GARDNER	3/25/05	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.
APPROVED	ADOPTED	

CITY OF ALSTIN DEPARTMENT OF PUBLIC WORKS	TYPE 1 SIDEWALK CURB RAMP	STANDARD NO. 432S-5
DESIGNED BY BILL GARDNER	9/14/05	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.
APPROVED	ADOPTED	



DATE: 07/18/07	PROJECT: SOUTH & LAMAR - EAST BLOCK	CAD FILE: 253-51.dwg
BY: LSW	TITLE: SIDEWALK CURB	PIECE: 5-1
		THROW SECTION

BICYCLE LANE / CATCH CURB WITH 5' GUTTER  
SECTION FOR EAST SIDE OF BOWIE STREET

**LONGARO & CLARKE**  
Consulting Engineers  
Land Development • Stormwater Management • Water Resources  
7501 North Capital of Texas Highway, Suite 250 Austin, Texas 78731  
(512) 306-0328 • www.longaro-clark.com • (512) 306-0338 fax

**DT 2**

**34 / 42**

**SP-06-0088C**

FILE NUMBER: <b>SP-06-0088C</b>	EXPIRATION DATE: <b>10-03-06</b>
CASE MANAGER: <b>SUE WELCH</b>	APPLICATION DATE: <b>10-03-06</b>
APPROVED ADMINISTRATIVELY ON: _____	
APPROVED BY PLANNING COMMISSION ON: _____	
APPROVED BY CITY COUNCIL ON: _____	
under Section _____ of Chapter _____ of the Austin City Code.	

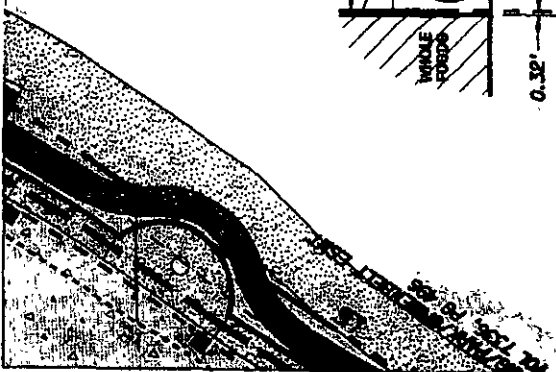
  

Revisions For Discussion, Worksheet Preparation and Development Review Department
DATE OF RELEASE: _____
Rev. 1: _____
Rev. 2: _____
Rev. 3: _____
Rev. 4: _____
Rev. 5: _____

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

EXHIBIT C pg. 1

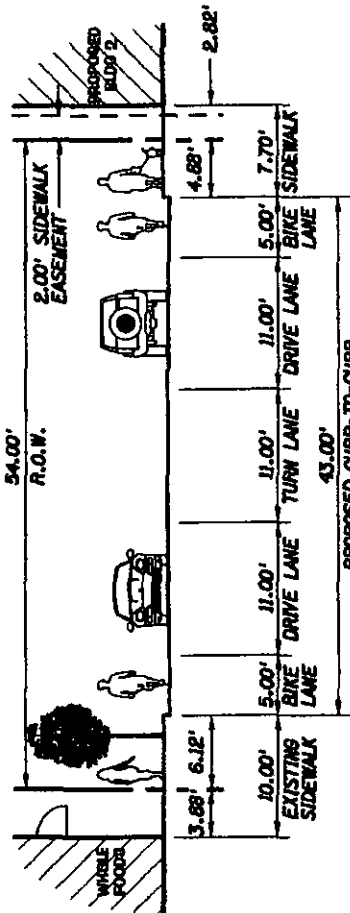
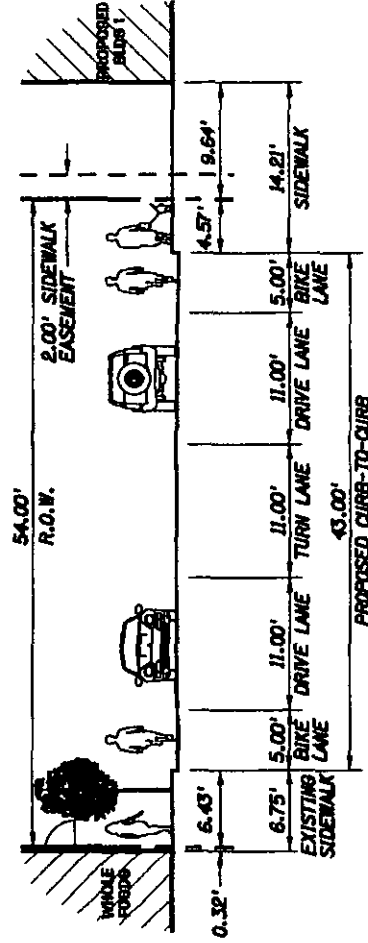




STATION	CHORD BEARING	CHORD	RADIUS	CHORD BEARING	RECORD CHORD
1+2	S 24° 34' 48" W	76.24	900.58	S 35° 56' 58" W	76.23
1+3	S 33° 34' 11" W	82.47	900.58	S 45° 38' 37" W	82.46
1+4	S 43° 23' 51" W	17.03	900.58	S 54° 45' 32" E	10.33
1+5	S 65° 06' 51" E	231.28	900.58	S 59° 35' 08" W	230.89
1+6	S 97° 14' 35" W	81.69	900.58	N 77° 28' 35" W	81.63
1+7	N 75° 48' 38" W	412.04	900.58	S 25° 01' 52" W	410.76
1+8	N 27° 41' 35" E	12.00	900.58	S 64° 58' 28" E	12.01
1+9	S 67° 19' 08" E	12.00	900.58	S 64° 58' 28" E	12.01

DELTA	TANGENT	ABC	RADIUS	CHORD	BEARING	RECORD CHORD
C1	07° 01' 40"	85.3	110.46	110.38	N 75° 17' 25" W	(110.42 N 75° 57' 59" W)
C2	07° 48' 12"	8.02	12.05	12.05	N 72° 23' 24" W	(12.05 N 70° 01' 41" W)

\* SEE TITLE COMMITMENT #201501 TRACT 7 FOR RECORDED BEARINGS & DISTANCES



**SITE PLAN RELEASE**

FILE NUMBER: SP-06-0588C EXPIRATION DATE: 10-03-08  
 CASE MANAGER: SUE WELCH APPLICATION DATE: 10-03-08  
 APPROVED ALTERNATIVELY ON: \_\_\_\_\_  
 APPROVED BY PLANNING COMMISSION ON: \_\_\_\_\_  
 APPROVED BY CITY COUNCIL ON: \_\_\_\_\_  
 on the Section \_\_\_\_\_ of Chapter \_\_\_\_\_ of the Austin City Code.

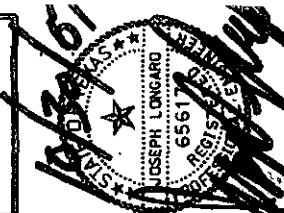
Sealed For Division of Planning and Development Review Department  
 DATE OF RELEASE: \_\_\_\_\_  
 Rev. 1: \_\_\_\_\_  
 Rev. 2: \_\_\_\_\_  
 Rev. 3: \_\_\_\_\_  
 Rev. 4: \_\_\_\_\_  
 Rev. 5: \_\_\_\_\_

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETION, ACCURACY AND ADEQUACY OF THE APPLICATION FOR SUBMITTAL. THE ENGINEER OF RECORD IS NOT RESPONSIBLE FOR THE COMPLETION, ACCURACY AND ADEQUACY OF THE APPLICATION FOR SUBMITTAL. THE ENGINEER OF RECORD IS NOT RESPONSIBLE FOR THE COMPLETION, ACCURACY AND ADEQUACY OF THE APPLICATION FOR SUBMITTAL.

C

EXHIBIT C 992

**FC LONGARGO & CLARKE**  
 Consulting Engineers  
 Land Development • Stormwater Management • Water Resources  
 7201 North Capital of Texas Highway • Building A Suite 200 Austin, Texas 78731  
 (512) 306-0228 • www.LongoClarke.com • (512) 306-0356 fax



SP 5

18/42

SP-06-0588C

**Recorders Memorandum**-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

## FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2010 Jun 11 11:00 AM 2010083202

HAYWOODK \$52.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS