

**RESTRICTIVE COVENANT**

**OWNER:** Bowie Street Partners, Ltd., a Texas limited partnership

**ADDRESS:** 1311 A East 6<sup>th</sup> Street, Austin Texas, 78702

**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 0.735 acre tract of land, more or less, out of Lots 4 and 5, Raymond Plateau, Division Z, Original City of Austin, Travis County, Texas, the tract of land more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and,

A 0.237 acre tract of land, more or less, out of Lot 4, Raymond Plateau, Division Z, Original City of Austin, Travis County, Texas, the tract of land more particularly described by metes and bounds in Exhibit "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. The Owner shall design and construct streetscape improvements in compliance with the City of Austin Great Streets design criteria, as of the date of this restrictive covenant. 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.
2. 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.
3. 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.

4. 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.
5. 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 this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**OWNER:**

**BOWIE STREET PARTNERS, LTD.,  
a Texas limited partnership**

By: Bowie Street Partners, GP, Inc.,  
a Texas corporation,  
its sole general partner

By: \_\_\_\_\_  
Perry Lorenz,  
Vice President

APPROVED AS TO FORM:

\_\_\_\_\_  
Chad Shaw  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Perry Lorenz, Vice President, of Bowie Street Partners, GP, Inc., a Texas corporation, general partner of Bowie Street Partners, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

\_\_\_\_\_  
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**



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT A

**0.735 ACRES**

A DESCRIPTION OF 0.735 ACRES (APPROXIMATELY 32,011 SQ. FT.), BEING A PORTION OF LOTS 4 AND 5, RAYMOND PLATEAU, DIVISION Z OF THE OUTLOTS OF THE CITY OF AUSTIN, TEXAS, A SUBDIVISION OF RECORD IN VOLUME 1, PAGE 30 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 32,057 SQUARE FOOT TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO BOWIE STREET PARTNERS, LTD., DATED JUNE 29, 2007 AND RECORDED IN DOCUMENT NO. 2007125030 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.735 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found in the southeast right-of-way line of Bowie Street (80' right-of-way width), described on said plat of Raymond Plateau, same being the northwest line of said Lot 4, for the north corner of said 32,057 square foot tract, same being the west corner of a 10,340 square foot tract described in a deed of record in Document No. 2007125029 of the Official Public Records of Travis County, Texas;

**THENCE** South 67°10'03" East, crossing said Lot 4, with the northeast line of said 32,057 square foot tract, same being the southwest line of said 10,340 square foot tract, a distance of 189.09 feet to a Mag nail with Chaparral washer set on a concrete wall, for the northeast corner of said 32,057 square foot tract, same being the southeast corner of said 10,340 acre tract, also being the east line of said Lot 4, also being in the west line of an apparent remainder of Outlot 11, Division Z, of the Government Outlots Adjoining the Original City of Austin, Travis County, Texas, according the map or plat thereof, on file at the Texas General Land Office;

**THENCE** with the east line of said 32,057 square foot tract, in part being the east line of said Lot 4 and in part being the east line of said Lot 5, also being the west line of said remainder tract, the following four (4) courses and distances:

1. South 5°43'50" East, a distance of 44.60 feet to a 1" iron pipe found;
2. South 11°13'23" East, a distance of 37.84 feet to a 60D nail found in the root of an elm tree;
3. South 1°27'49" West, a distance of 49.60 feet to a 1/2" rebar with RDS RPLS 4894 cap found;
4. South 17°35'03" East, a distance of 29.33 feet to a 1/2" rebar found for the southeast corner of said 32,057 square foot tract;

**THENCE** North  $67^{\circ}46'52''$  West, crossing said Lot 5, with the southwest line of said 32,057 square foot tract, in part being the west line of said remainder tract, in part being the northeast line of a tract called Parcel 1B and described in a deed of record in Document No. 2003040962 of the Official Public Records of Travis County, Texas, and in part being the northeast line of a tract called Parcel 1C, also described in the aforementioned deed, a distance of 268.27 feet to a 1/2" rebar with Chaparral cap set in the southeast right-of-way line of Bowie Street, same being the northwest line of said Lot 5, for the west corner of said 32,057 acre tract, same being the north corner of said Parcel 1C;

**THENCE** North  $22^{\circ}39'18''$  East, with the southeast right-of-way line of Bowie Street, same being the northwest line of said 32,057 square foot tract, in part being the northwest line of said Lot 5, and in part being the northwest line of said Lot 4, a distance of 141.91 feet to the **POINT OF BEGINNING**, containing 0.735 acres of land, more or less.

Surveyed on the ground February 11, 2011. Bearing Basis: Grid azimuth for Texas Central Zone, 1983/93 HARN, values from LCRA control network. Attachments: Drawing 372-010-BASE.

*EJ* 2/11/2011

Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075





**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT B

**0.237 ACRES**

A DESCRIPTION OF 0.237 ACRES (APPROXIMATELY 10,314 SQ. FT.), BEING A PORTION OF LOT 4, RAYMOND PLATEAU, DIVISION Z OF THE OUTLOTS OF THE CITY OF AUSTIN, TEXAS, A SUBDIVISION OF RECORD IN VOLUME 1, PAGE 30 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 10,340 SQUARE FOOT TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO BOWIE STREET PARTNERS, LTD., DATED JUNE 29, 2007 AND RECORDED IN DOCUMENT NO. 2007125029 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.237 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found in the southeast right-of-way line of Bowie Street (80' right-of-way width), described on said plat of Raymond Plateau, same being the northwest line of said Lot 4, for the west corner of said 10,340 square foot tract, same being the north corner of a 32,057 square foot tract described in a deed of record in Document No. 2007125030 of the Official Public Records of Travis County, Texas;

**THENCE** North 22°29'37" East, with the southeast right-of-way line of Bowie Street, same being the northwest line of said Lot 4, also being the northwest line of said 10,340 square foot tract, a distance of 59.53 feet to a 1/2" rebar found for the north corner of said 10,340 square foot tract, same being the west corner of a tract described in a deed to Harvey Bell of record in Volume 10794, Page 1218 of the Real Property Records of Travis County, Texas;

**THENCE** South 67°35'19" East, crossing said Lot 4 with the northeast line of said 10,340 square foot tract, same being the southwest line of said Bell tract according to a Boundary Line Agreement of record in Volume 11540, Page 808 of the Real Property Records of Travis County, Texas, a distance of 153.84 feet to a 1/2" rebar found for the northeast corner of said 10,340 square foot tract, same being the south corner of said Bell tract, also being in the east line of said Lot 4, same being the west line of an apparent remainder of Outlot 11, Division Z, of the Government Outlots Adjoining the Original City of Austin, Travis County, Texas, according the map or plat thereof, on file at the Texas General Land Office;

**THENCE** South 7°35'03" East, with the east line of said 10,340 square foot tract, same being the east line of said Lot 4, also being the west line of said remainder tract, a distance of 70.34 feet to a Mag nail with Chaparral washer set on a concrete wall, for the southeast corner of said 10,340 square foot tract, same being the northeast corner of said 32,057 square foot tract, from which a 1" iron pipe found for an angle point in the east line of said 32,057 square foot tract bears South 5°43'50" East, a distance of 44.60

feet, and from said iron pipe, a 60D nail found in the root of an elm tree bears South  $11^{\circ}13'23''$  East, a distance of 37.84 feet;

**THENCE** North  $67^{\circ}10'03''$  West, crossing said Lot 4 with the southwest line of said 10,340 square foot tract, same being the northeast line of said 32,057 square foot tract, a distance of 189.09 feet to the **POINT OF BEGINNING**, containing 0.237 acres of land, more or less.

Surveyed on the ground February 11, 2011. Bearing Basis: Grid azimuth for Texas Central Zone, 1983/93 HARN, values from LCRA control network. Attachments: Drawing 372-010-BASE.

*Eu 2/11/2011*

Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075

