**Zoning Case No. C14-2012-0079**
**C14-2012-0080**
**C14-2012-0081**
**C14-2012-0082**

# RESTRICTIVE COVENANT

OWNER: Austin Community College District

ADDRESS: 5930 Middle Fiskville, RD, Austin, TX 78 52

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 0.88 acre tract of land, more or less, out of Outlot No. 6, Division E of the Government Outlots the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant;

A 0.36 acre tract of land, more or less, out of Outlot No. 6, Division E of the Government Outlots the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant;

A 1.45 acre tract of land, more or less, being a portion of Lots 1 through 4, Block 153, all of West 13th Street vacated by Ordinance and a portion of the Academy Tract in the Original City of Austin the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant;

A 1.79 acre tract of land, more or less, being a portion of the Academy Tract in the Original City of Austin the tract of land being more particularly described by metes and bounds in Exhibit "D" incorporated into this covenant; and,

A 0.50 acre tract of land, more or less, being part of Lot 7 and all of Lot 8, Block 152 of the Original City of Austin the tract of land being more particularly described by metes and bounds in Exhibit "E" incorporated into this covenant.

All tracts collectively referred to as the "Property".

DRAFT

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 Owners shall design and construct streetscape improvements in compliance with the City of Austin Great Streets design criteria as the criteria existed on February 2, 2006. 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 Planning Development and Review Department. The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of the 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 _____, 2013.

DRAFT

**OWNER:**

**AUSTIN COMMUNITY COLLEGE DISTRICT**

_____
Dr. Richard M. Rhoades
President/CEO

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the ___ day of _____, 2013, by Dr. Richards M. Rhoades, President/CEO of Austin Community College District, on behalf of said college.

_____
Notary Public, State of Texas

**After Recording, Please Return to:**
**City of Austin**
**Law Department**
**P. O. Box 1088**
**Austin, Texas 78767**
**Attention: J. Collins, Paralegal**

DRAFT

FN3177R(BS)
October 2003
SAM, Inc. Job No. 23243-01

Austin Community College
3.247 Acres (Tract 1)
0.8803 Acres (Tract 2)

DESCRIPTION OF A 0.8803 ACRE TRACT OF LAND (38,347 SQUARE FEET) LOCATED IN OUTLOT NO. SIX (6), DIVISION "E" OF THE GOVERNMENT OUTLOTS ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS SHOWN ON THE MAP OR PLAT OF THE GOVERNMENT TRACT, OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, BEING ALL OF THAT TRACT OF LAND DESCRIBED AS TRACT 1 IN AN INSTRUMENT FROM MARIEL ROBBINS, JONNIE BELLE PARKER AND HER HUSBAND W. E. PARKER, R. B. ROBBINS AND HIS WIFE JULIA D. ROBBINS, L. A. ROBBINS AND HIS WIFE MARGARET ROBBINS, H. A. ROBBINS AND HIS WIFE ETHEL ROBBINS AND W. L. ROBBINS AND HIS WIFE MARY ROBBINS TO THE BOARD OF TRUSTEES OF THE PUBLIC FREE SCHOOLS OF THE CITY OF AUSTIN, DATED OCTOBER 6, 1928, AND RECORDED IN VOLUME 419, PAGE 567 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN SAID INSTRUMENT RECORDED IN VOLUME 419, PAGE 567, KNOWN AS LOT 1 OF THE GREGG ADDITION, AS SHOWN ON THAT PLAT RECORDED IN VOLUME 2, PAGE 207 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN AN INSTRUMENT FROM BENJAMIN F. WRIGHT TO AUSTIN PUBLIC FREE SCHOOLS, RECORDED IN VOLUME 441, PAGE 57 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, WHICH SAID DEED IS UNREADABLE AND REFERENCE IS MADE TO AN INSTRUMENT FROM R. C. WALKER AND WIFE PATTIE E. WALKER TO BENJAMIN F. WRIGHT, DATED DECEMBER 13, 1890, AND RECORDED IN VOLUME 101, PAGE 107 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS FOR ALL PERTINENT PURPOSES, AND A PORTION OF PARK ROW STREET VACATED BY CITY ORDINANCE NO. 810226-N, DATED FEBRUARY 26, 1981; SAID 0.8803 ACRE TRACT OF LAND, AS SHOWN ON THE ACCOMPANYING PLAT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set in the west right of way line of West Avenue, an 80 foot right of way, for the southeast corner hereof, being the southeast corner of the said tract of land described in Volume 441, Page 57, and being the northeast corner of that tract of land described in an instrument from Mrs. Ethel Hartman to Louise Hartman Trull, dated July 20, 1956, and recorded in Volume 1711, Page 350 of the Deed Records of Travis County, Texas, from which an iron pipe found bears S 74° 07' 53" E, a distance of 2.18 feet;

**THENCE,** with the south line of the said tract of land described in Volume 441, Page 57, same being the north line of the said Trull tract, N 73° 35' 23" W, at 197.35 feet pass a 1/2-inch iron rod found, in all a distance of 198.25 feet to a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set for an interior ell corner hereof, being the northwest corner of the said Trull tract, and being on the east line of the said vacated Park Row Street;

Exhibit A

**THENCE,** with the west line of the said Trull tract, being the east line of the said vacated Park Row Street, S 16° 54'43" W, a distance of 5.28 feet to a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set, from which a 1/2-inch iron rod found for the northwest corner of that tract of land described in an instrument from Theodore J. Siff, Trustee to Waterloo II, LTD., dated May 7, 1985, and recorded in Volume 10467, Page 439 of the Real Property Records of Travis County, Texas, being an interior ell corner of that tract of land called to be 35,580 square feet (Exhibit "A"), as described in an instrument from H. E. Butt Store Property Company No. One to Austin Community College District, dated May 1, 1989, and recorded in Volume 10931, Page 971 of the Real Property Records of Travis County, Texas, bears S 16°54'43" W, a distance of 173.07 feet;

**THENCE,** with the centerline of the said vacated Park Row Street, N 73° 06' 00" W, a distance of 49.99 feet to a PK nail with washer marked "SAM, INC." set for the southwest corner hereof;

**THENCE,** with the west line hereof, being in part over and across the said vacated Park Row Street, in part the west line of the said Tract 2 described in Volume 419, Page 567, being the east line of Lot 2 of the said Gregg Addition (Tract 1), as described in an instrument from Texas National Bank of Beaumont to the Board of Trustees of the Austin Public Free Schools, dated July 2, 1927, and recorded in Volume 352, Page 338 of the Deed Records of Travis County, Texas, said Lot 2 also being described in an instrument from D. A. Gregg and his wife, Lorene Gregg to the Board of Trustees of the Austin Public Free Schools, dated July 12, 1923, and recorded in Volume 350, Page 478 of the Deed Records of Travis County, Texas, N 16° 54' 00" E, a distance of 159.28 feet to a 1/2-inch iron rod with a plastic cap marked "SAM, INC." set for the northwest corner hereof, being the northwest corner of the said Tract 2 described in Volume 419, Page 567, and being the northeast corner of the said Lot 2, and also being on the south line of that tract of land described in an instrument from E. M. House to the City of Austin, dated August 26, 1903, and recorded in Volume 180, Page 139 of the Deed Records of Travis County, Texas, from which a 1/2-inch iron rod found bears S 85° 01' 21" E, a distance of 3.62 feet;

**THENCE,** with the south line of the said City of Austin tract of land described in Volume 180, Page 139, being in part the north line of the said Tract 2 described in Volume 419, Page 567, and in part the north line of the said Tract 1 described in Volume 419, Page 567, S 73° 16' 09" E, a distance of 247.35 feet to a PK nail with washer marked "SAM, INC." set in the said west right of way line of West Avenue for the northeast corner hereof, being the northeast corner of the said Tract 1 described in Volume 419, Page 567, and being the southeast corner of the said City of Austin tract of land described in Volume 180, Page 139;

FN3177R(BS)
October 2003
SAM, Inc. Job No. 23243-01

Austin Community College
3.247 Acres (Tract 1)
0.8803 Acres (Tract 2)

THENCE, with the said west right of way line of West Avenue, being in part the east line of the said Tract 1 described in Volume 419, Page 567, and in part the east line of the said tract of land described in Volume 441, Page 57, S 16° 34' 07" W, a distance of 153.04 feet to the POINT OF BEGINNING, containing 0.8803 acres (38,347 square feet) of land, more or less.

BEARING BASIS: Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (1993) HARN, NAVD 88. The distances are adjusted to surface using a combined scale factor of 0.99994097714. All units are U. S. Survey Feet.

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Paul L. Easley, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during October of 2003 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 25th day of March, 2004A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290
Building B
Austin, Texas 78735

STATE OF TEXAS
REGISTERED
PAUL L. EASLEY
4432
PROFESSIONAL
LAND SURVEYOR

Paul L. Easley
Registered Professional Land Surveyor
No. 4432 - State of Texas

0.3627 of One Acre of Land
Outlot 6, Division "E"
Austin, Travis County, Texas

FN 5725r1
SAM, Inc. Job No. 29208

**DESCRIPTION**

DESCRIPTION OF 0.3627 OF ONE ACRE (15,799 SQUARE FEET) OF LAND SITUATED IN OUTLOT 6, DIVISION "E", OF THE GOVERNMENT TRACTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING ALL OF THAT CERTAIN TRACT DESCRIBED IN DEED TO EDSAM M. INGRAM, RECORDED IN VOLUME 2358, PAGE 354, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND ALL OF THAT CERTAIN TRACT 2 DESCRIBED IN DEED TO EDSAM M. INGRAM, RECORDED IN VOLUME 12650, PAGE 2062, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.TX.); SAID 0.3627 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 3/4" iron pipe with a 1/2" iron rod inside for the southeast corner of this tract, the southeast corner of said Ingram tract (Vol. 2358, Pg. 354), the northeast corner of that certain called 0.156 of one acre tract described in deed to Billy F. Priest and Mary Tom Priest, recorded in Volume 11117, Page 57, R.P.R.T.C.TX., and in the west right-of-way line of West Avenue (80' R.O.W.), from which a 1/2" iron rod found for the southeast corner of said Priest tract bears S16°38'23"W a distance of 45.28 feet;

**THENCE** with the south line of said Ingram tract and the north line of said Priest tract, N73°03'38"W (Line of Directional Control) a distance of 149.82 feet to a 3/4" iron pipe found for the most southerly southwest corner of this tract, the southwest corner of said Ingram tract and the northwest corner of said Priest tract, in the east line of that certain tract of land described in deed to Austin Community College District, recorded in Document No. 2009050090, Official Public Records of Travis County, Texas;

**THENCE** with the west line of said Ingram tract and the east line of said Austin Community College tract, N16°09'39"E a distance of 15.39 feet to a 1/2" iron rod with SAM, Inc. plastic cap found for the northeast corner of said Austin Community College District tract and the most easterly southeast corner of that certain tract described in deed to Austin Community College, recorded in Volume 10931, Page 971, R.P.R.T.C.TX., from which a 1" iron pipe found bears S69°15'E a distance of 1.65 feet;

**THENCE** continuing with the west line of said Ingram tract, and with the east line of said Austin Community College tract (Vol. 10931 Pg. 971), N16°15'51"E a distance of 27.71 feet to a 1/2" iron rod found for an interior corner of this tract, the northwest corner of said Ingram tract, the northeast corner of said Austin Community College tract, and in the south line of said Ingram Tract 2 (Vol. 12650 Pg. 2062);

**THENCE** with the north line of said Austin Community College tract and the south line of said Ingram Tract 2, N73°46'09"W passing a 48.26 feet a leaning 2" iron pipe found, in all a total distance of 48.56 feet to a Mag Nail with SAM, Inc, washer set (replacing a 1/2" iron rod with SAM, Inc. plastic cap found disturbed), for the most westerly southwest corner of this tract, the



Exhibit B

most northerly northwest corner of said Austin Community College tract, and in the east line of that certain called 1.15 acre tract described in deed to the City of Austin, recorded in Volume 466, Page 522, D.R.T.C.TX., said City of Austin tract being a part of Gregg Addition, a subdivision recorded in Volume 2, Page 207, Plat Records of Travis County, Texas;

**THENCE** with the west line of said Ingram Tract2 and the east line of said City of Austin tract, N16°54'16"E a distance of 47.04 feet to a 1/2" iron rod with SAM, Inc plastic cap set for the northwest corner this tract, and the northwest corner of said Ingram Tract 2, from which a 1/2" iron rod with SAM, Inc plastic cap (set by prior survey dated 2005, not recovered this survey) for the northwest corner of that certain tract of land described in deed to Louise Hartman Trull, recorded in Volume 1711, Page 350, D.R.T.C.TX., bears N16°54'16"E a distance of 104.00 feet;

**THENCE** with the north line of said Ingram Tract 2, S73°20'48"E passing at a distance of 197.73 feet a 3/4" iron pipe with 60d nail found, in all a total distance 198.47 feet to a calculated point for the northeast corner of this tract, the northeast corner of said Ingram Tract 2, in the west right-of-way line of West Avenue, from which a 1/2" iron pipe found for the northeast corner of said Trull tract bears N16°38'23"E a distance of 104.67 feet;

**THENCE** with the east line of said Ingram Tract 2 and said Ingram tract, and the west right-of-way line of West Avenue, S16°38'23"W passing at a distance of 88.98 feet a 3/4" iron pipe found, in all a total distance of 90.53 feet to the **POINT OF BEGINNING** and containing 0.3627 of one acre of land within these metes and bounds.

Bearing Basis: Bearing Basis is Grid North, Texas State Plane Coordinate System NAD83/93 HARN, Central Zone. The derived grid bearing along the south line of this tract is N73°03'38"W. State Plane Grid distance values were converted to surface values using a scale factor of 0.99994. Distances contained herein are surface distances in U.S. Survey feet.

Reference is herein made to the Survey Plat accompanying this metes and bounds description.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Gregory Schmidt, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas the date shown below.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

STATE OF TEXAS REGISTERED GREGORY SCHMIDT 4437 PROFESSIONAL LAND SURVEYOR

Gregory Schmidt
Registered Professional Land Surveyor
No. 4437 - State of Texas

DATE: November 18, 2009

Exhibit " "

Field Notes for 1.451 Acres

BEING 1.451 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF LOTS 1 THROUGH 4, BLOCK 153, ALL OF WEST 13TH STREET VACATED BY ORDINANCE RECORDED IN VOLUME K, PAGE 430 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN AND IN VOLUME 602, PAGE 105 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF THE ACADEMY TRACT IN THE ORIGINAL CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING A PORTION OF THE 3.247 ACRE TRACT CONVEYED TO AUSTIN COMMUNITY COLLEGE AS TRACT 1 BY SPECIAL WARRANTY DEED, EXECUTED ON MARCH 29, 2004 AND FILED FOR RECORD ON MARCH 31, 2004, RECORDED IN DOCUMENT 2004059329 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.451 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a PK nail found at the intersection of the southwesterly right-of-way line of West 13th 1/2 Street (60' R.O.W.) and the southeasterly right-of-way line of West Avenue (80' R.O.W.) at the most northerly corner of the remainder of said Lot 1, Block 153, Original City of Austin, same being the most northerly corner of said Austin Community College tract, for the Point of Beginning and the most northerly corner of the herein described tract of land;

1) THENCE, South 73°05'51" East, a distance of 275.89 feet, with the southwesterly right-of-way line of West 13th 1/2 Street, the northeasterly line of the remainder of said Lots 1 through 4, Block 153, Original City of Austin, same being the northeasterly line of said Austin Community College tract, to a calculated point at the intersection of the southwesterly right-of-way line of West 13th 1/2 Street and the northwesterly right-of-way line of Rio Grande Street (80' R.O.W.) at the most easterly corner of the remainder of said Lot 4, Block 153, Original City of Austin, same being the most easterly corner of said Austin Community College tract, for the most easterly corner of the herein described tract of land;

2) THENCE, South 16°35'22" West, a distance of 228.25 feet, with the northwesterly right-of-way line of Rio Grande Street, the southeasterly line of said Lot 4, Block 153, Original City of Austin, the southeasterly line of said vacated portion of West 13th Street and the southeasterly line of said Academy tract, to a calculated point for the most southerly corner of the herein described tract of land, from which an "X" cut in concrete found at the intersection of the northwesterly right-of-way line of Rio Grande Street and the northeasterly right-of-way line of West 12th Street (R.O.W. varies) at the most southerly corner of said Academy tract, same being the most southerly corner of said Austin Community College tract bears South 16°35'22" West, a distance of 283.98 feet;

3) THENCE, North 73°26'20" West, a distance of 78.72 feet, leaving the northwesterly right-of-way line of Rio Grande Street and the southeasterly line of said Academy tract, same being the southeasterly line of said Austin Community College tract and crossing said Academy tract, same being said Austin Community College tract, to a calculated point for a corner;

4) THENCE, South 16°33'40" West, a distance of 1.34 feet, to a calculated point for a corner;

5) THENCE, North 73°26′20″ West, a distance of 12.97 feet, to a calculated point for a corner;

6) THENCE, North 16°33′40″ East, a distance of 1.34 feet, to a calculated point for a corner;

7) THENCE, North 73°26′20″ West, a distance of 184.19 feet, to a calculated point in the southeasterly right-of-way line of West Avenue and in the northwesterly line of said Academy tract, same being the northwesterly line of said Austin Community College tract, for the most westerly corner of the herein described tract of land, from which an iron rod with SAM cap found at the intersection of the southeasterly right-of-way line of West Avenue and the northeasterly right-of-way line of West 12th Street at the most westerly corner of said Academy tract, same being the most westerly corner of said Austin Community College tract, bears South 16°35′22″ West, a distance of 283.16 feet;

8) THENCE, North 16°35′22″ East, a distance of 229.89 feet, with the southeasterly right-of-way line of West Avenue and the northwesterly line of said Academy tract, the northwesterly line of said vacated portion of West 13th Street and the northwesterly line of said Lot 1, Block 153, Original City of Austin, same being the northwesterly line of said Austin Community College tract, to the Point of Beginning and containing an area of 1.451 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

David E Martinez

David Edward Martinez
Registered Professional Land Surveyor 5434

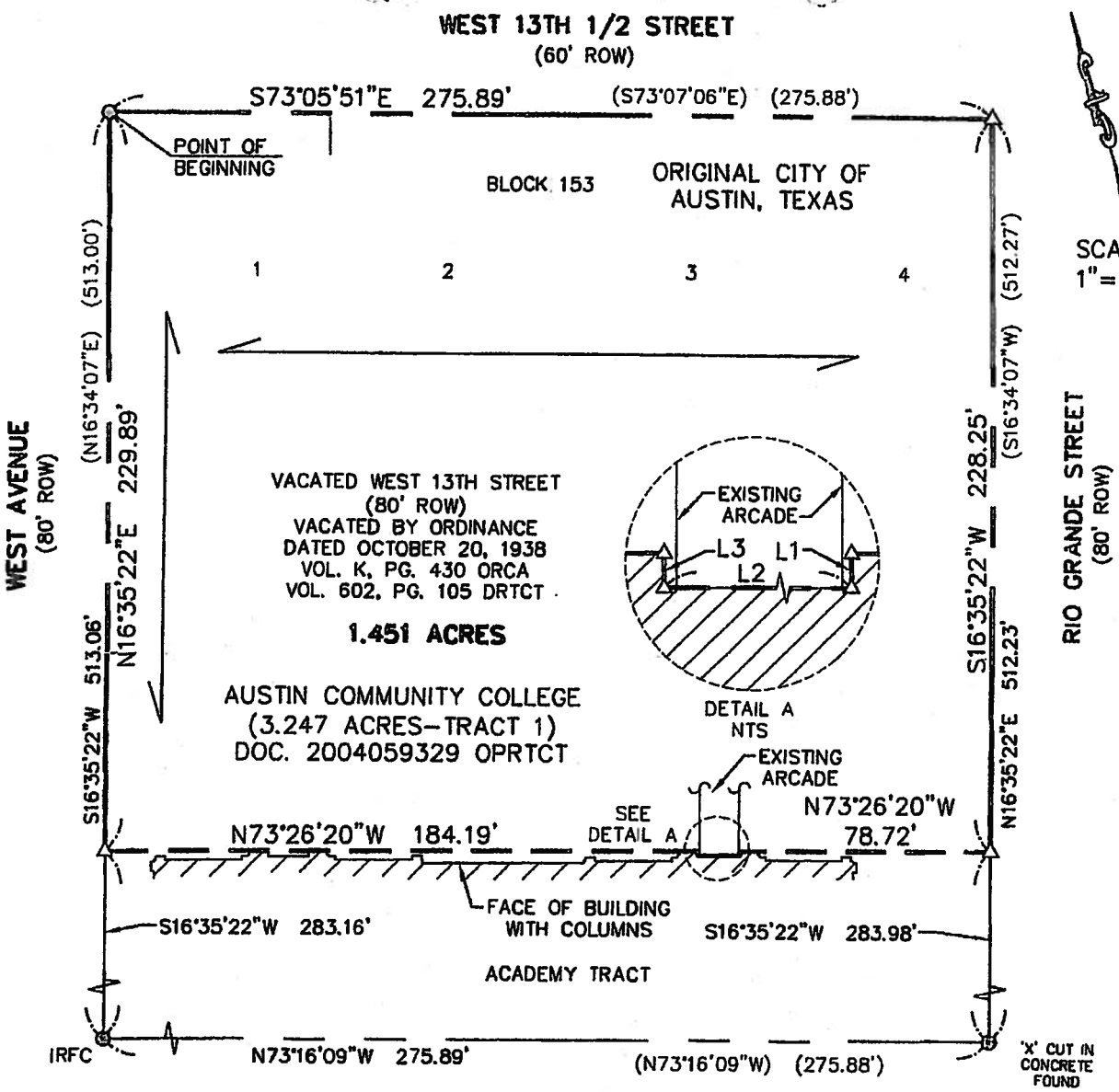
05/22/12
Date

STATE OF TEXAS
REGISTERED
DAVID EDWARD MARTINEZ
5434
PROFESSIONAL
LAND SURVEYOR

305 East Huntland Drive
Suite 200
Austin, Texas 78752
(512) 453-0767

Bearing Basis: South line (North 73°16′09″ West, 275.88′) of 3.247 acres (Tract 1) conveyed to Austin Community College in Document 2004059329 of the Official Public Records of Travis County, Texas.

TCAD No.: 0210001001
CITY GRID No.: J23




LEGEND:

| | |
|---|---|
| ⊙ | PK NAIL FOUND (UNLESS OTHERWISE SPECIFIED) |
| ⊗ IRFC | IRON ROD WITH SAM CAP FOUND |
| △ | CALCULATED POINT |
| ( ) | INDICATES RECORD DATA |
| DRTCT | DEED RECORDS OF TRAVIS COUNTY, TEXAS |
| OPRTCT | OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS |
| ORCA | ORDINANCE RECORDS OF THE CITY OF AUSTIN, TEXAS |

STATE OF TEXAS REGISTERED DAVID EDWARD MARTINEZ 5434 PROFESSIONAL LAND SURVEYOR

05/22/12

David E Martinez

BEARING BASIS:
SOUTH LINE (N73°16'09"W, 275.88') OF 3.247 ACRES (TRACT 1) CONVEYED IN DOC. 2004059329 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

LINE TABLE

| LINE | BEARING | LENGTH |
|---|---|---|
| L1 | S16°33'40"W | 1.34' |
| L2 | N73°26'20"W | 12.97' |
| L3 | N16°33'40"E | 1.34' |

mwm Design Group
305 East Hunland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

SKETCH TO ACCOMPANY FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE 22 MAY 12
JOB NO 22511H
FILE 1.451 Ac

3

3 OF 3

Exhibit "__ "

Field Notes for 1.796 Acres

BEING 1.796 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE ACADEMY TRACT IN THE ORIGINAL CITY OF AUSTIN IN TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING A PORTION OF THE 3.247 ACRE TRACT CONVEYED TO AUSTIN COMMUNITY COLLEGE AS TRACT 1 BY SPECIAL WARRANTY DEED, EXECUTED ON MARCH 29, 2004 AND FILED FOR RECORD ON MARCH 31, 2004, RECORDED IN DOCUMENT 2004059329 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.796 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at an iron rod with SAM cap found at the intersection of the southeasterly right-of-way line of West Avenue (80' R.O.W.) and the northeasterly right-of-way line of West 12th Street (R.O.W. varies) and at the most westerly corner of said Academy tract, same being the most westerly corner of said Austin Community College tract, for the Point of Beginning and the most westerly corner of the herein described tract of land;

1) THENCE, North 16°35'22" East, a distance of 283.16 feet, with the southeasterly right-of-way line of West Avenue and the northwesterly line of said Academy tract, same being the northwesterly line of said Austin Community College tract, to a calculated point for the most northerly corner of the herein described tract of land, from which a PK nail found at the intersection of the southwesterly right-of-way line of West 13th 1/2 Street (60' R.O.W.) and the southeasterly right-of-way line of West Avenue at the most northerly corner of the remainder of Lot 1, Block 153 of said Original City of Austin, same being the most northerly corner of said Austin Community College tract, bears North 16°35'22" East, a distance of 229.89 feet;

2) THENCE, South 73°26'20" East, a distance of 184.19 feet, leaving the southeasterly right-of-way line of West Avenue and the northwesterly line of said Academy tract, same being a northwesterly line of said Austin Community College tract and crossing said Academy tract, same being said Austin Community College tract, to a calculated point for a corner;

3) THENCE, South 16°33'40" West, a distance of 1.34 feet, to a calculated point for a corner;

4) THENCE, South 73°26'20" East, a distance of 12.97 feet, to a calculated point for a corner;

5) THENCE, North 16°33'40" East, a distance of 1.34 feet, to a calculated point for a corner;

6) THENCE, South 73°26'20" East, a distance of 78.72 feet, to a calculated point in the northwesterly right-of-way line of Rio Grande Street (80' R.O.W.) and in the southeasterly line of said Academy tract, same being the southeasterly line of said Austin Community College tract, for the most easterly corner of the herein described tract of land, from which said pk nail found at the most northerly corner of the remainder of said Lot 1 bears North 16°35'22 East, a distance of 228.25 feet, to a calculated point at the intersection of the northwesterly right-of-way

line of Rio Grande Street and the southwesterly right-of-way line of West 13th 1/2 Street, at the most easterly corner of the remainder of Lot 4, Block 153 of said Original City of Austin, same being the most easterly corner of said Austin Community College tract, and North 73°05'51" West, a distance of 275.89 feet;

7) THENCE, South 16°35'22" West, a distance of 283.98 feet, with the northwesterly right-of-way line of Rio Grande Street, the southeasterly line of said Academy tract and the southeasterly line of said Austin Community College tract, to an "X" cut in concrete found at the intersection of the northwesterly right-of-way line of Rio Grande Street and the northeasterly right-of-way line of West 12th Street at the most southerly corner of said Academy tract, same being the most southerly corner of said Austin Community College tract, for the most southerly corner of the herein described tract of land;

8) THENCE, North 73°16'09" West, a distance of 275.89 feet, with the northeasterly right-of-way line of West 12th Street and the southwesterly line of said Academy tract, same being the southwesterly line of said Austin Community College tract, to the Point of Beginning and containing an area of 1.796 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

David E Martinez

David Edward Martinez
Registered Professional Land Surveyor 5434

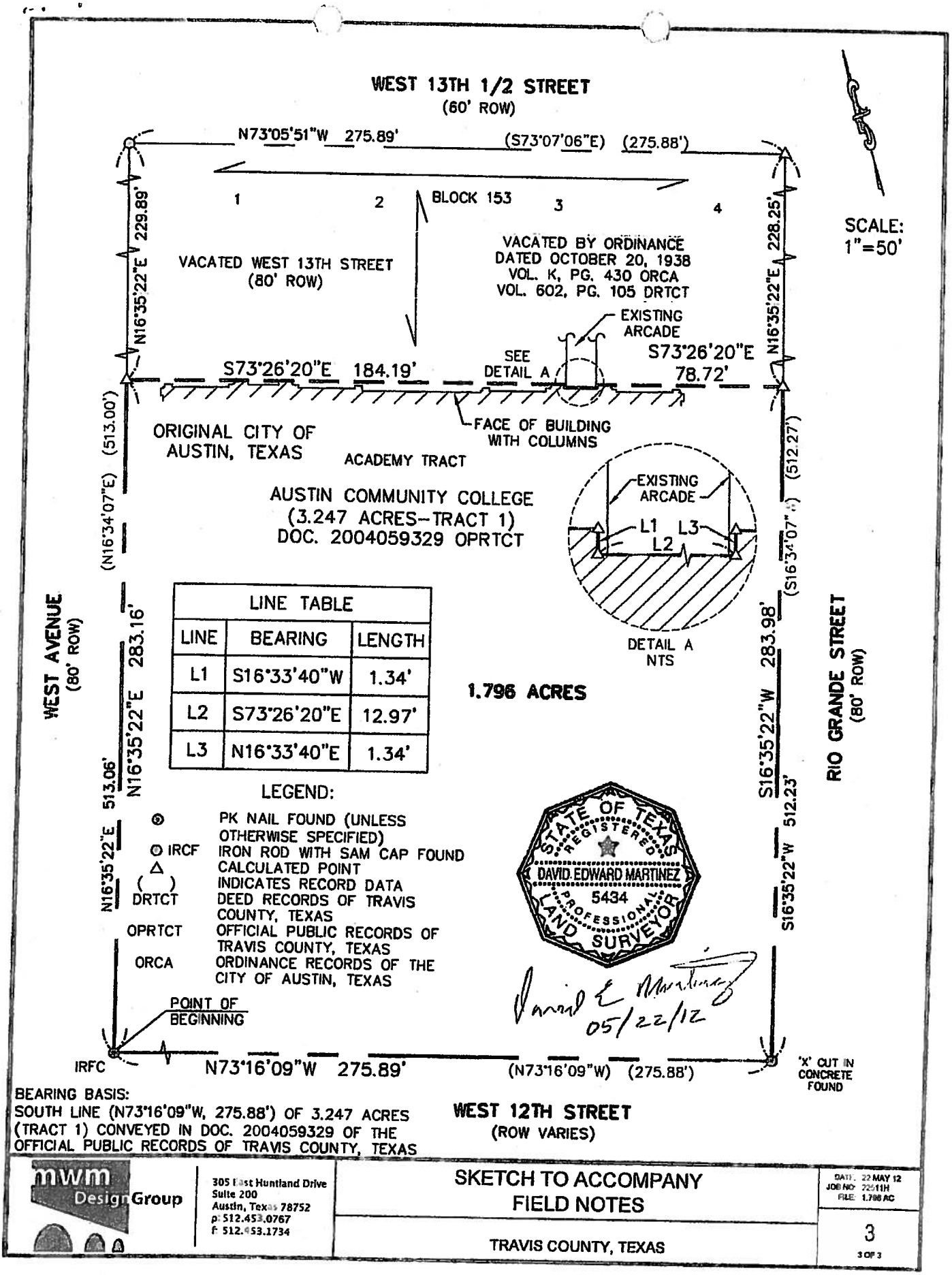
05/22/12
Date

STATE OF TEXAS
REGISTERED
DAVID EDWARD MARTINEZ
5434
PROFESSIONAL
LAND SURVEYOR

305 East Huntland Drive
Suite 200
Austin, Texas 78752
(512) 453-0767

Bearing Basis: South line (North 73°16'09" West, 275.88') of 3.247 acres (Tract 1) conveyed to Austin Community College in Document 2004059329 of the Official Public Records of Travis County, Texas.

TCAD No.: 0210001001
CITY GRID No.: J23




| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | LENGTH |
| L1 | S16°33'40"W | 1.34' |
| L2 | S73°26'20"E | 12.97' |
| L3 | N16°33'40"E | 1.34' |

BEARING BASIS:
SOUTH LINE (N73°16'09"W, 275.88') OF 3.247 ACRES (TRACT 1) CONVEYED IN DOC. 2004059329 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

mwm Design Group
305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 22 MAY 12
JOB NO: 22511H
FILE: 1.796 AC

0.508 of One Acre of Land
Block 152
Austin, Travis County, Texas

FN 5772(REB)R1
SAM, Inc. Job No. 29227

**DESCRIPTION**

DESCRIPTION OF 0.508 OF ONE ACRE OF LAND BEING PART OF LOT 7 AND ALL OF LOT 8, IN BLOCK 152 OF THE ORIGINAL CITY OF AUSTIN, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING ALL OF THAT TRACT OF LAND DESCRIBED IN THE DEED TO WATERLOO I, LTD. AS RECORDED IN VOLUME 7265, PAGE 106 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND ALL OF THAT CALLED TRACT I, ALL OF THAT CALLED TRACT II, AND ALL OF THAT CALLED TRACT III, ALL DESCRIBED IN THE DEED TO WATERLOO I, LTD. AS RECORDED IN VOLUME 9769, PAGE 655 OF THE D.R.T.C.TX.; SAID 0.508 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron rod found at the intersection of the east line of Rio Grande Street (120-foot wide R.O.W.) with the north line of a 20-foot wide alley running through said Block 152, at the southwest corner of said Lot 8, same being the southwest corner of said Waterloo I, Ltd. tract (Volume 7265, Page 106 D.R.T.C.TX.), from which a 5/8" iron rod found at the northwest corner of that called Lot 1, Austin – Waterloo Subdivision as recorded in Book 85, Page 99D of the Plat Records of Travis County, Texas (P.R.T.C.TX.) bears, S16°34'21"W, a distance of 20.00 feet;

**THENCE** with the east line of Rio Grande Street and being 30.00 feet east of and parallel with the monumented line of Rio Grande Street, N16°34'21"E, at a distance of 88.72 feet passing a 1/2" iron rod found at the northwest corner of said Waterloo I, Ltd. tract (Volume 7265, Page 106 D.R.T.C.TX.) and the southwest corner of said Tract III, and continuing a total distance of 160.62 feet to a calculated point at the intersection of the east line of Rio Grande Street with the South line of West 13th Street (80-foot wide R.O.W.) for the northwest corner of said Tract III and the tract described herein from which a 1/2" iron rod found in West 13th Street bears, N23°55'43"E, a distance of 0.61 feet;

**THENCE** with the south line of West 13th Street and the north lines of said Tract III, said Tract II, and said Tract I, also being 40.00 feet south of and parallel with the reestablished centerline of West 13th Street, S73°14'30"E, a distance of 137.78 feet to a calculated point for the northeast corner of said Tract I and the tract described herein from which a Mag Nail and washer set bears S16°31'53"W, a distance of 1.00 feet, also from which a 1/2" iron rod found in West 13th Street bears, N06°42'07"W, a distance of 0.85 feet, and also from which a 1/2" iron pipe found at the northeast corner of said Block 152 bears, S73°14'30"E, a distance of 141.84 feet;

**THENCE** crossing through the interior of said Lot 7, with the east line of said Tract I, S16°31'53"W, a distance of 160.59 feet to a 1/2" iron rod with a "SAM, INC" plastic cap set in the north line of said 20-foot wide alley for the southeast corner of said Tract I and the tract described herein, from which a 5/8" iron rod found in said 20-foot wide alley bears, S51°12'01"W, a distance of 0.57 feet;



Exhibit E

**THENCE** with the north line of said 20-foot wide alley and the south lines of said Tract I, said Tract II, and said Waterloo I, Ltd. tract (Volume 7265, Page 106 D.R.T.C.TX.), N73°15'06"W, passing at a distance of 44.62 feet a 5/8" iron rod found at the southwest corner of said Tract I and the southeast corner of said Tract II, and continuing a total distance of 137.90 feet to the **POINT OF BEGINNING** and containing 0.508 of one acre of land within these metes and bounds.

Bearing Basis: Bearing Basis is Grid North, Texas State Plane Coordinate System NAD83/93 HARN, Central Zone. The derived grid bearing along the west line of this tract is N16°34'21"E. State Plane Grid distance values were converted to surface values using a scale factor of 0.99994. Distances contained herein are surface distances in U.S. Survey feet.

Reference is herein made to the Survey Plat accompanying this metes and bounds description.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Robert E. Butler, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas the date shown below.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

STATE OF TEXAS
REGISTERED
ROBERT E. BUTLER, JR.
5618
PROFESSIONAL
LAND SURVEYOR

DATE: December 14, 2009

Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 - State of Texas