

ZONING CHANGE REVIEW SHEET

CASE: C14R-86-077(RCA) **P.C. DATE:** September 24, 2013
 Harper Park Residential September 10, 2013
 Restrictive Covenant Amendment August 13, 2013
 July 23, 2013

ADDRESS: 5816 Harper Park Drive **AREA:** approx. 17.75 acres

OWNER: Harper Park Two, L.P. (Gail M. Whitfield)

APPLICANT: The Whitfield Company (Marcus Whitfield)

REQUEST: No amendment has been proposed to the existing document. Amend the existing public restrictive covenant only to the extent as may be necessary in conjunction with zoning case C14-2013-0006.

NEIGHBORHOOD PLAN AREA: East Oak Hill
 (Oak Hill Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

Staff recommends amending the existing public restrictive covenant to incorporate the following condition, and any additional conditions adopted by the Planning Commission, as appropriate:

- Construction of Harper Park Drive to City standards, and its acceptance for maintenance, is required prior to the issuance of a certificate of occupancy on the property

This condition is associated with a recommendation to grant LO-MU-CO-NP zoning to the 17.75-acre property, as requested in Case # C14-2013-0006.

PLANNING COMMISSION ACTION:

September 10, 2013 To grant staff recommendation incorporating the condition above, and other conditions of the associated rezoning case, as appropriate. (Motion by J. Nortey; Second by A. Hernandez) 6-1-2 (Ayes: D. Anderson, R. Hatfield, J. Nortey, S. Oliver; A. Hernandez; Nay: J. Stevens; Absent: D. Chimenti, B. Roark)

August 13, 2013 Postponed to September 10, 2013 at the request of the Oak Acres Subdivision, with applicant concurrence

July 23, 2013. A postponement request from the Oak Acres Subdivision to August 27 was submitted. However, because the Planning Commission meeting was cancelled, the request for postponement was not considered.

DEPARTMENT COMMENTS:

When a rezoning application was filed in February 2013, this Amendment application was also filed for the existing public Restrictive Covenant (RC). Adopted at the time the rezoning ordinance was finalized in 1992, the public RC (see Exhibit RC) specifies the following for a 29-acre tract, of which the associated 17-acre rezoning tract (see Exhibit A) was a part:

The following conditions shall apply to Tract 6:

- 1) Any structure constructed on Tract 6 shall not have exterior facades constructed entirely of glass.*
- 2) Any structure constructed on Tract 6 shall not exceed two stories or a height greater than 40 feet above ground level on Tract 6, whichever is less.*

The rezoning request submitted in February was to rezone the property to a base zoning district of MF-2; by right this zoning district allows for a maximum height of 3 stories or 40 feet. The proposed amendment would have changed the restriction from two stories or 40 feet, whichever is less, to two stories or 40 feet, whichever is greater.

The applicant is no longer proposing to amend this restriction in the existing public RC.

However, the applicant is proposing additional limitations to development of the site as part of the rezoning request, and is well aware City staff and/or officials may require other limitations or conditions to site development as part of the rezoning. Currently, staff has identified two items (i.e., construction of Harper Park Drive and signalization at its intersection with US Hwy 290 W) for inclusion in a public RC (as opposed to inclusion within the Conditional Overlay).

While a new and separate public RC could be drafted and executed as part of the rezoning case, the applicant would prefer to amend the existing RC, as necessary, rather than have another separate instrument document encumbering the property.

No Petition Rights

The application to amend the restriction was filed on February 4, 2013, the same date as the associated zoning case for the 17-acre tract (C14-2013-0006) and a 0.0133-acre tract near US Hwy 290 W (C14-2013-0005) were submitted; the case for the 0.0133-acre tract has been withdrawn completely.

The request on the 17-acre tract was originally from LO-CO-NP to MF-2-CO-NP. A petition was submitted shortly thereafter on that case, and was determined to be valid, with an approximate 43% of eligible property owners (see Exhibit P). In tandem with that petition, a petition was submitted referencing this restrictive covenant amendment case. Staff believes this was an error in referencing the case number, believing the second petition was meant for the second rezoning case (which was also a request from GR-CO-NP to MF-2-CO-NP). Petitioners have been informed there are no petition rights for this type of application (an amendment to a public restrictive covenant), as there are for rezoning cases.

Please refer to C14-2013-0006 for further discussion of the associated rezoning case, and restrictions that may or may not result from deliberation of the case at Planning Commission.

CITY COUNCIL ACTION:

October 17, 2013

The public hearing was conducted and the motion to close the public hearing and postpone the item to the November 7, 2013 was approved (Motion by Council Member Spelman; Second by Council Member Martinez) 7-0.

September 26, 2013 Postponed at the request of the Oak Acres Neighborhood Association. The applicant concurred with the request. (Consent Motion by Council Member Spelman; Second by Mayor Pro Tem Cole) 7-0.

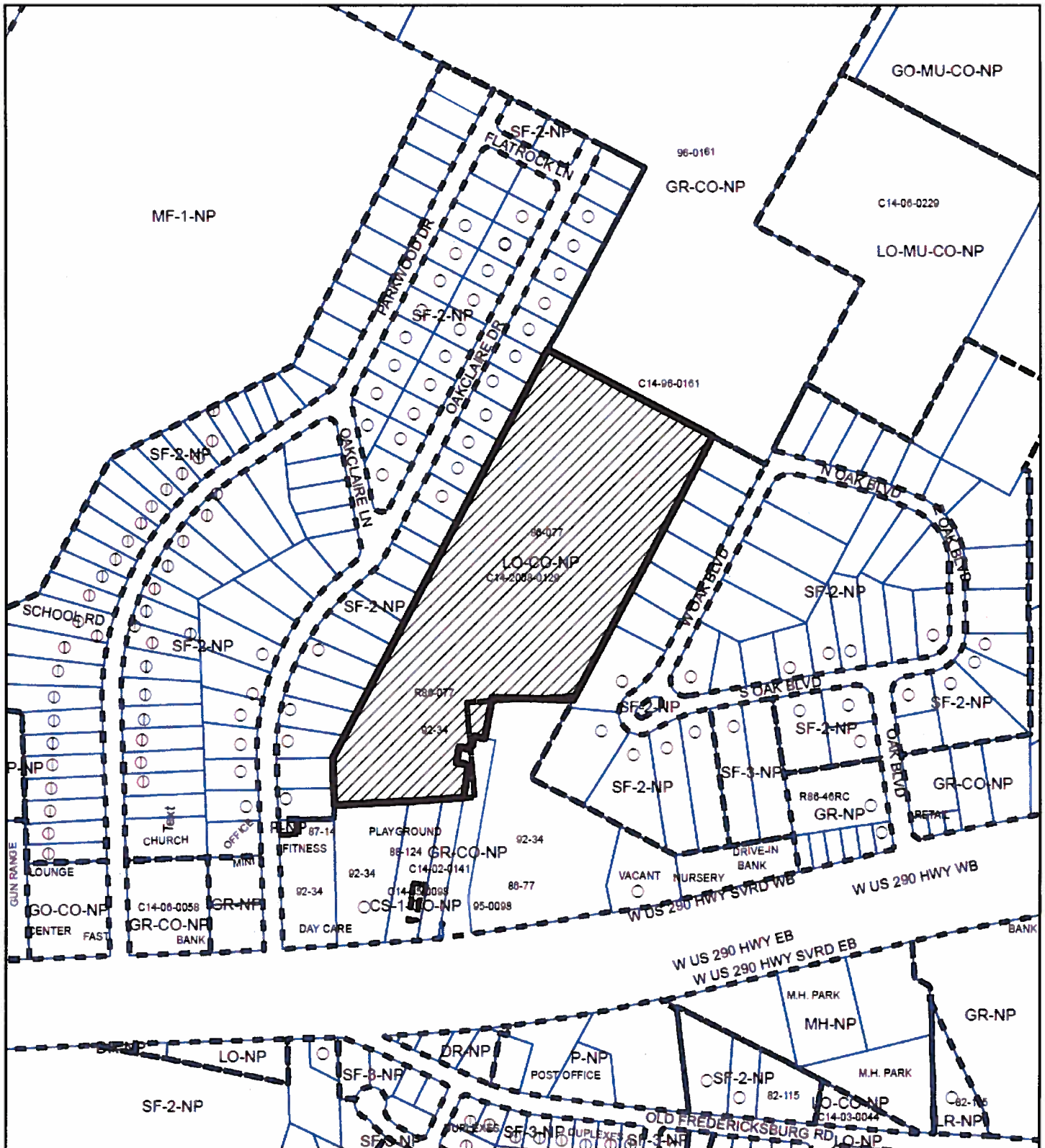
August 22, 1008 Postponed at the request of staff




ORDINANCE READINGS: 1st

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING CASE

ZONING CASE#: C14-2013-0006

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit A - Zoning Map

DOC. NO.
92007803

FILM CODE
00004789306
00004789306
Zoning Case No. C14-86006

4:20-PM 2343

3.00 REC
2 4 01/28/92

RESTRICTIVE COVENANT

OWNER: NCNB TEXAS NATIONAL BANK, a national banking association

ADDRESS: P. O. Box 908, Austin, Texas, 78781.

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 2A: 9.274 acre tract of land out of the Thomas Anderson Survey No. 17, said 9.274 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 3: 8.295 acre tract of land out of the Thomas Anderson Survey No. 17, said 8.295 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

Tract 4: 16.735 acre tract of land, comprised of Tracts 4A and 4B, out of the Thomas Anderson Survey No. 17, said 16.735 acre tract of land being more particularly described by metes and bounds in "Exhibit C" attached and incorporated herein for all purposes.

Tract 5: 11.272 acre tract of land out of the Thomas Anderson Survey No. 17, said 11.272 acre tract of land being more particularly described by metes and bounds in "Exhibit D" attached and incorporated herein for all purposes.

Tract 6: 29.105 acre tract of land out of the Thomas Anderson Survey No. 17, said 29.105 acre tract of land being more particularly described by metes and bounds in "Exhibit E" attached and incorporated herein for all purposes.

Tract 7: 6.196 acre tract of land out of the Thomas Anderson Survey No. 17, said 6.196 acre tract of land being more particularly described by metes and bounds in "Exhibit F" attached and incorporated herein for all purposes.

[Tracts 2A, and 3 through 7 hereinafter shall be referred to collectively as the "Property," unless otherwise referenced individually.]

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

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 successors and assigns.

1. If use of the Tract 2A [as identified and described in the attached "Exhibit A"] as Personal improvement services is discontinued for 90 consecutive days, the Owner of Tract 2A will not object to the City of Austin rezoning Tract 2A to "LR" Neighborhood Commercial district as defined in Chapter 13-2 of the Austin City Code. Normal, seasonal cessation of a use,

or temporary discontinuance for purpose of maintenance or rebuilding of the Property after damage or destruction shall not be included in calculating the period of discontinuance.

2. The following condition shall apply only to Tracts 3, 4, 6, and 7:

After Certificate of Occupancy are issued by the City of Austin for Tracts 3, 4, 6, and 7, the Owner shall (i) provide fields notes for those portions of Tracts 3, 4, 6, and 7 situated within the 100 year floodplain, and (ii) not object to said floodplain area being rezoned "RR" Rural Residence district as defined in Chapter 13-2 of the Austin City Code.

3. The following conditions shall apply to Tracts 4A and 4B:

(i) Any structure constructed on Tracts 4A and 4B shall not have exterior facades constructed entirely of glass.

(ii) Any structure constructed on Tract 4A shall not exceed five stories or a height greater than 60 feet above ground level on Tract 4A, whichever is less.

(iii) Any structure constructed on Tract 4B shall not exceed four stories or a height greater than 60 feet above ground level on Tract 4B, whichever is less.

4. Any structure constructed on Tract 5 shall not exceed two stories or a height greater than 35 feet above ground level on the Property, whichever is less.

5. The following conditions shall apply to Tract 6:

(i) Any structure constructed on Tract 6 shall not have exterior facades constructed entirely of glass.

(ii) Any structure constructed on Tract 6 shall not exceed two stories or a height greater than 40 feet above ground level on Tract 6, whichever is less.

6. Any structure constructed on Tract 7 shall not exceed four stories or a height greater than 60 feet above ground level on Tract 7, whichever is less.

7. 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.

8. 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.

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 either the (i) sole owner(s) of the Property, or (ii) if applicable, the individual owner of that portion of the Property affected, at the time of such proposed modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

NCNB TEXAS NATIONAL BANK,
a national banking association

BY: *Don Babbie*
Don Babbie, Assistant Vice President
Babbie

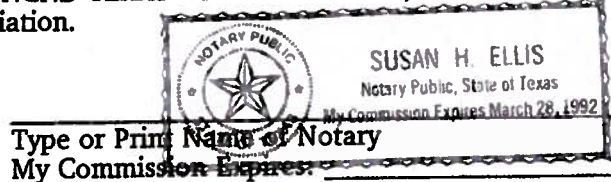
Date: November 29, 1991.

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§

This instrument was acknowledged before me on this the 29th day of Nov, 1991, by Don Babbie, Assistant Vice President of NCNB TEXAS NATIONAL BANK, a national banking association, on behalf of said banking association.

Susan H. Ellis
Notary Public Signature



NCNB TEXAS NATIONAL BANK,
a national banking association

BY: *Royce Reed*
Royce Reed, Senior Vice President

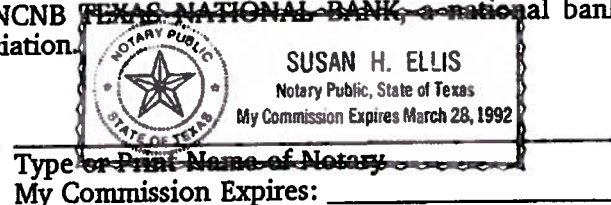
Date: November 29, 1991.

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§

This instrument was acknowledged before me on this the 29th day of Nov, 1991, by Royce Reed, Senior Vice President of NCNB TEXAS NATIONAL BANK, a national banking association, on behalf of said banking association.

Susan H. Ellis
Notary Public Signature



After Recording, Please Return to: ✓
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Joe Jimenez, Legal Assistant

LEGAL DESCRIPTION FOR ZONING PURPOSES
TRACT 2 - 17.421 ACRES

DESCRIPTION OF TWO TRACTS COMPRISING 17.421 ACRES OUT OF THE THOMAS ANDERSON SURVEY NO. 17, TRAVIS COUNTY, TEXAS, SAID 17.421 ACRES BEING A PORTION OF THAT CERTAIN TRACT ONE DESCRIBED AS 92.961 ACRES IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST REPUBLICBANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 956, TRAVIS COUNTY DEED RECORDS; SAID 17.421 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 2A - 9.274 ACRES

COMMENCING FOR REFERENCE at a point in the east right-of-way line of Patton Lane (60 foot ROW), THENCE departing said right-of-way and through the interior of an 89.08 acre tract described in a deed to George Lee Miller in Volume 2412, Page 282 of the Travis County Deed Records, S60°01'E 28.77 feet to a point, said point also being an angle point of the above mentioned 92.961 acre tract, said point also being the POINT OF BEGINNING of the herein described tract;

THENCE with the northern line of said 92.961 acre tract also being a southern line of said George Lee Miller 89.08 acre tract the following 2 (two) courses:

- 1) S60°01'E 822.86 feet to a point;
- 2) S60°26'E 244.25 feet to an angle point;

THENCE through the interior of said 92.961 acre tract the following 6 (six) courses:

- 1) S23°29'37"E 472.99 feet to a point;
- 2) S65°11'W 91.88 feet to a point of curvature;
- 3) Along a curve to the right having a radius of 410.00 feet, a central angle of 94°00' and whose chord bears N67°49'W 599.71 feet to a point of tangency;
- 4) N20°49'W 389.28 feet to a point of curvature;
- 5) Along a curve to the left having a radius of 415.00 feet, a central angle of 40°00' and whose chord bears N40°49'W 283.88 feet to a point of tangency.
- 6) N60°49'W 228.95 feet to a point in the west line of said 92.961 acre tract;

THENCE along said west line N29°11'E 100.00 feet to the POINT OF BEGINNING.

TRACT 2B - 8.147 ACRES

COMMENCING FOR REFERENCE at a point in the south right-of-way line of Boston Lane (50 foot ROW), said point also being the most northerly corner of the above mentioned 92.961 acre tract, said point also being the northeast corner of an 89.08 acre tract described in a deed to George Lee Miller in Volume 2412, Page 282 of the Travis County Deed Records;

THENCE with the east line of said 89.08 acre Miller tract, S29°41'W 473.13 feet to the POINT OF BEGINNING of the herein described tract;

THENCE departing said east line and through the interior of said 92.961 acre tract the following 7 (seven) courses;

DAVIDSON & SONS REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11610 0697

"EXHIBIT A" - Page 1 of 3

TRACT 2 - PAGE 2

- 1) S60°19'E 45.00 feet to a point of curvature;
- 2) Along a curve to the left having a radius of 600.00 feet, a central angle of 44°00' and whose chord bears S07°41'W 449.53 feet to a point of tangency;
- 3) S14°19'E 287.58 feet to a point;
- 4) S75°41'W 226.52 feet to a point of curvature;
- 5) Along a curve to the left having a radius of 850.00 feet, a central angle of 10°30' and whose chord bears S70°26'W 155.55 feet to a point of tangency;
- 6) S65°11'W 111.90 feet to a point;
- 7) N23°29'37"W 472.99 feet to an angle point in the northwest line of the above mentioned 92.961 acre tract also being an angle point in the above mentioned 89.08 acre Miller tract;

THENCE with said northwest line the following 3 (three) courses:

- 1) N28°38'E 444.38 feet to an angle point;
- 2) S61°12'E 303.10 feet to an angle point;
- 3) N29°41'E 257.50 feet to the POINT OF BEGINNING

PREPARED BY URBAN DESIGN GROUP



BASED ON OFFICE CALCULATIONS BY UDG
AND GROUND SURVEYS BY OTHERS

John Noell
John Noell, R.P.L.S. No. 2433

4-17-91
Date

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11610 0698

"EXHIBIT A" - Page 2 of 3

LEGAL DESCRIPTION FOR ZONING PURPOSES
TRACT 3 - 8.295 ACRES

DESCRIPTION OF 8.295 ACRES OUT OF THE THOMAS ANDERSON SURVEY NO. 17, TRAVIS COUNTY, TEXAS, SAID 8.295 ACRES BEING A PORTION OF THAT CERTAIN TRACT ONE DESCRIBED AS 92.961 ACRES IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST REPUBLICBANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 956, TRAVIS COUNTY DEED RECORDS; SAID 8.295 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at point in the south right-of-way line of Boston Lane (50 foot ROW), said point also being the most northerly corner of said 92.961 acre tract, said point also being the northeast corner of an 89.08 acre tract described in a deed to George Lee Miller recorded in Volume 2412, Page 282 of the Travis County Deed Records;

THENCE with the south right-of-way of Boston Lane the following 2 (two) courses:

- 1) S59°37'E 252.29 feet to a point;
- 2) S59°07'E 600.79 feet to a point being the northeast corner of said 92.961 acre tract, said point also being the northwest corner of a 3.0 acre tract described in a deed to Paul W. Hanson recorded in Volume 3261, Page 1248 of the Travis County Deed Records;

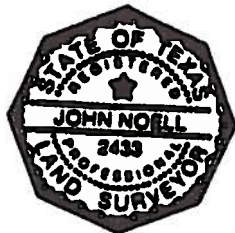
THENCE departing the south right-of-way of Boston Lane and along the east line of said 92.961 acre tract, same being the west line of said 3.0 acre Hanson tract, S31°37'W 280.00 feet to a point;

THENCE departing said east line and through the interior of said 92.961 acre tract the following 7 (seven) courses:

- 1) N58°23'W 100.00 feet to a point;
- 2) S88°37'W 170.00 feet to a point;
- 3) N69°23'W 280.00 feet to a point;
- 4) S67°37'W 185.00 feet to a point;
- 5) S89°37'W 157.60 feet to a point on a curve;
- 6) Along a curve to right having a radius of 600.00 feet, a central angle of 17°01'46" and whose chord bears N21°10'07"E 177.68 feet to a point of tangency;
- 7) N60°19'W 45.00 feet to a point in the west line of said 92.961 acre tract;

THENCE with the west line of said 92.961 acre tract, same being the east line of the above described 89.08 acre George Lee Miller tract, N29°41'E 473.13 feet to the POINT OF BEGINNING.

PREPARED BY URBAN DESIGN GROUP



HARPERTR.007

BASED ON OFFICE CALCULATIONS BY UDG
AND GROUND SURVEYS BY OTHERS

John Noell
John Noell, R.P.L.S. No. 2433

4-17-91
Date

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

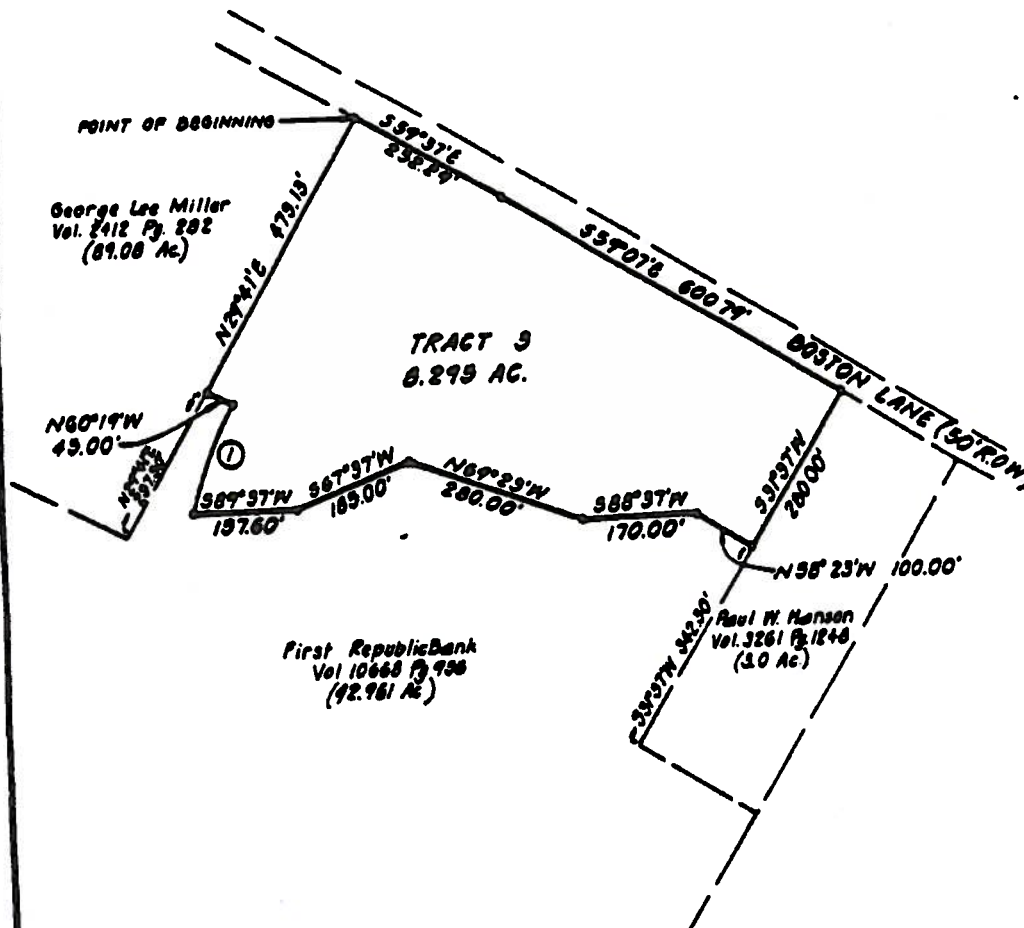
Exhibit RC - 7

11610 0700

"EXHIBIT B" - Page 1 of 2

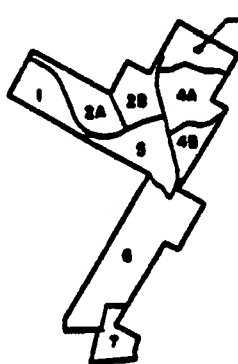
CURVE DATA

①
 $\Delta = 17^{\circ}01'46''$
 $R = 600.00'$
 $L = 178.33'$
 $T = 89.83'$
 $C = N21^{\circ}10'07''E \ 177.68'$



I hereby certify that this map to accompany legal description was prepared from record information and is true and correct to the best of my knowledge.

John Noell
 John Noell, R.P.L.S. No. 2433
 Date 4-17-91



MAP TO ACCOMPANY LEGAL DESCRIPTION FOR NCNB-MARPER TRAVIS COUNTY, TEXAS	
Urban Design Group	
Scale 1" = 100'	TRACT 3 0.295 AC.
Scale 1" = 200'	

REAL PROPERTY RECORDS
 TRAVIS COUNTY, TEXAS

"EXHIBIT B" - Page 2 of 2

Exhibit RC - 8

11610 0701

**LEGAL DESCRIPTION FOR ZONING PURPOSES
TRACT 4 - 16.735 ACRES**

DESCRIPTION OF 16.735 ACRES OUT OF THE THOMAS ANDERSON SURVEY NO. 17, TRAVIS COUNTY, TEXAS, SAID 16.735 ACRES BEING A PORTION OF THAT CERTAIN TRACT ONE DESCRIBED AS 92.961 ACRES IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST REPUBLICBANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 956, TRAVIS COUNTY DEED RECORDS; SAID 16.735 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 4A - 11.600 ACRES

COMMENCING FOR REFERENCE at a point in the south right-of-way of Boston Lane (50 foot ROW), said point being the northeast corner of said 92.961 acre tract, said point also being the northwest corner of a 3.0 acre tract described in a deed to Paul W. Hanson recorded in Volume 3261, Page 1248 of the Travis County Deed Records;

THENCE with the east line of said 92.961 acre tract, same being the west line of said 3.0 acre Hanson tract, S31°37'W 280.00 feet to the POINT OF BEGINNING of the herein described tract;

THENCE continuing with said east line of the 92.961 acre tract the following 3 (three) courses:

- 1) S31°37'W 342.30 feet to an angle point, same being the southwest corner of said 3.0 acre Hanson tract;
- 2) S59°07'E 209.55 feet to an angle point, same being the southeast corner of said 3.0 acre Hanson tract;
- 3) S31°40'W 45.00 feet to a point;

THENCE departing said east line and through the interior of said 92.961 acre tract the following 11 (eleven) courses:

- 1) S54°40'W 240.00 feet to a point;
- 2) S75°40'W 110.00 feet to a point;
- 3) N77°20'W 150.00 feet to a point;
- 4) S60°45'13"W 277.16 feet to a point;
- 5) N14°19'W 517.58 feet to a point of curvature;
- 6) Along a curve to the right having a radius of 600.00 feet, a central angle of 26°58'14" and whose chord bears N00°49'53"W 279.84 feet to a point;
- 7) Departing said curve, N89°37'E 157.60 feet to a point;
- 8) N67°37'E 185.00 feet to a point;
- 9) S69°23'E 280.00 feet to a point;
- 10) N88°37'E 170.00 feet to a point;
- 11) S58°23'E 100.00 feet to the POINT OF BEGINNING.

TRACT 4 - PAGE 2

TRACT 4B - 5.135 ACRES

COMMENCING FOR REFERENCE at an angle point in the east line of said 92.961 acre tract, same being the southeast corner of a 3.0 acre tract described in a deed to Paul W. Hanson recorded in Volume 3261, Page 1248 of the Travis County Deed Records;

THENCE with the east line of said 92.961 acre tract, same being the west line of a 50.04 acre tract described in a deed to C.C. and Vern Roe recorded in Volume 847, Page 25 of the Travis County Deed Records, S31°40'W 45.00 feet to the POINT OF BEGINNING of the herein described tract;

THENCE continuing with the east line of said 92.961 acre tract the following 2 (two) courses:

- 1) S31°40'W 564.46 feet to a point;
- 2) S31°23'W 415.95 feet to a point;

THENCE departing said east line and through the interior of said 92.961 acre tract the following 7 (seven) courses:

- 1) N85°21'18"W 76.86 feet to a point on a curve;
- 2) Along a curve to the left having a radius of 500.00 feet, a central angle of 23°18'18", and whose chord bears N02°39'51"W 201.98 feet to a point of tangency;
- 3) N14°19'00"W 370.49 feet to a point;
- 4) N60°45'13"E 277.16 feet to a point;
- 5) S77°20'00"E 150.00 feet to a point;
- 6) N75°40'E 110.00 feet to a point;
- 7) N54°40'E 240.00 feet to the POINT OF BEGINNING.

PREPARED BY URBAN DESIGN GROUP

BASED ON OFFICE CALCULATIONS BY UDG
AND GROUND SURVEYS BY OTHERS



John Noell
John Noell, R.P.L.S. No. 2433

4-17-91
Date

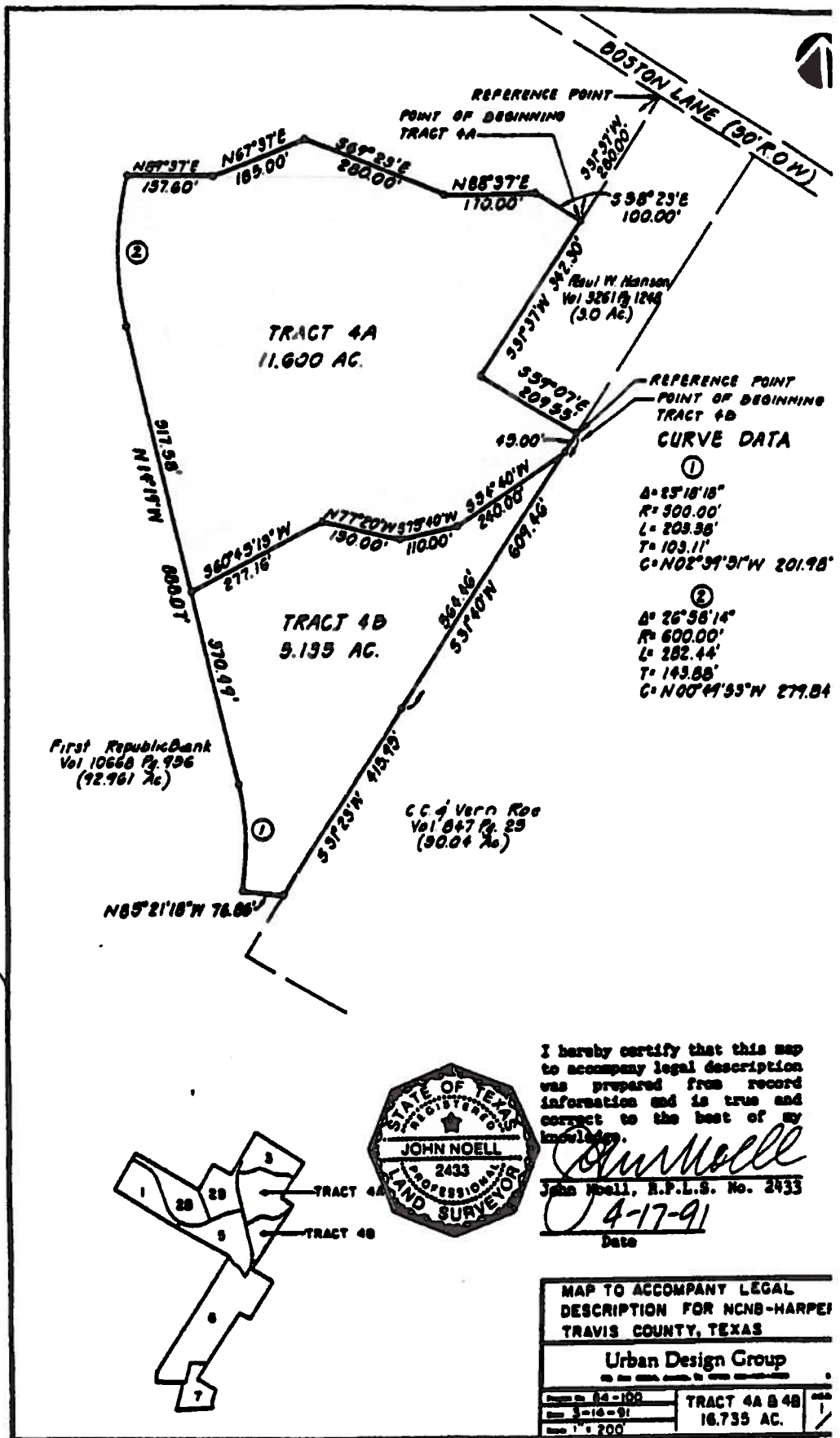
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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

Exhibit RC - 10

11610 0703

"EXHIBIT C" - Page 2 of 3



REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

"EXHIBIT C" - Page 3 of 3

Exhibit RC - 11 | 1610 0704

LEGAL DESCRIPTION FOR ZONING PURPOSES
TRACT 5 - 11.272 ACRES

DESCRIPTION OF 11.272 ACRES OUT OF THE THOMAS ANDERSON SURVEY NO. 17, TRAVIS COUNTY, TEXAS, SAID 11.272 ACRES BEING A PORTION OF THAT CERTAIN TRACT ONE DESCRIBED AS 92.961 ACRES IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST REPUBLICBANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 956, TRAVIS COUNTY DEED RECORDS; SAID 11.272 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an ell corner in the southwest line of said 92.961 acre tract, said corner also being the northeast corner of the Resubdivision of Lots 25 - 42, Section No. 3 of the Oak Park Subdivision of record in Book 50, Page 89, Travis County Plat Records;

THENCE along said southwest line, also being the north line of said Resubdivision, N60°52'W 477.68 feet to a point and N61°00'W 241.22 feet to a point at the northwest corner of the Resubdivision of Section No. 2 and Lots 1 - 21, Section No. 3 of the Oak Park Subdivision of record in Book 26, Page 24 of the Travis County Plat Records;

THENCE continuing with said 92.961 acre tract's southwest line, N60°25'W 182.83 feet to a point for the southwest corner hereof;

THENCE departing said southwest line and through the interior of said 92.961 acre tract, the following 11 (eleven) courses:

- 1) N28°34'24"E 95.04 feet to a point on a curve;
- 2) Along a curve to the left having a radius of 410.00 feet, a central angle of 53°23'24" and whose chord bears S88°07'18"E 368.38 feet to a point of tangency;
- 3) N65°11'E 203.77 feet to a point of curvature;
- 4) Along a curve to the right having a radius of 850.00 feet, a central angle of 10°30'00" and whose chord bears N70°26'00"E 155.55 feet to a point of tangency;
- 5) N75°41'00"E 226.52 feet to a point for the north corner hereof;
- 6) S14°19'00"E 600.49 feet to a point of curvature;
- 7) Along a curve to the right having a radius of 500.00 feet, a central angle of 44°26'39" and whose chord bears S07°54'19"W 378.20 feet to a point of tangency.
- 8) S30°07'39"W 60.00 feet to a point for the southeast corner hereof;
- 9) N33°41'07"W 166.52 feet to a point;
- 10) N59°02'00"W 90.00 feet to a point;
- 11) N32°02'00"W 140.00 feet to the POINT OF BEGINNING.

PREPARED BY URBAN DESIGN GROUP



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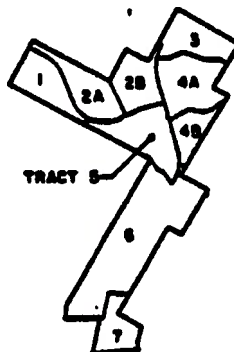
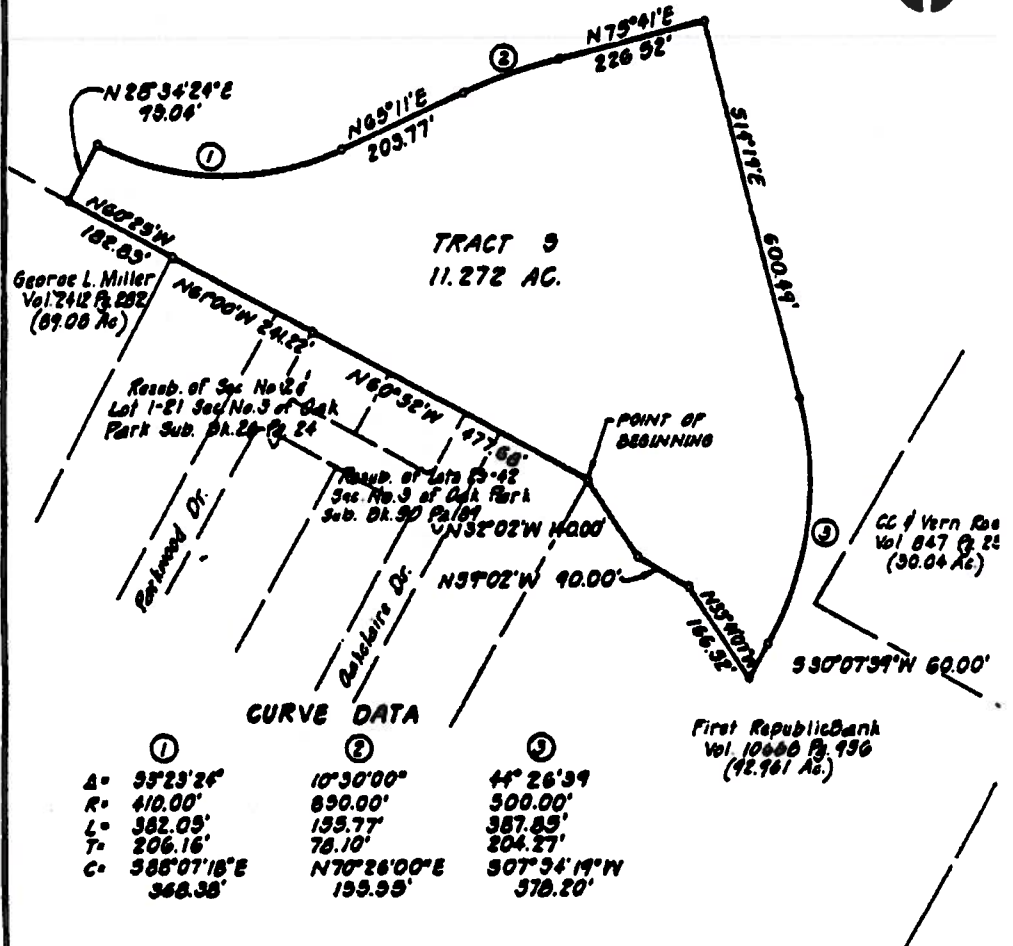
BASED ON OFFICE CALCULATIONS BY UDG
AND GROUND SURVEYS BY OTHERS

John Noell
John Noell, R.P.L.S. No. 2433

4-17-91
Date

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

First Republic Bank
Vol 10666 Pg. 996
(92.961 Ac)



I hereby certify that this map to accompany legal description was prepared from record information and is true and correct to the best of my knowledge.

John Noell
John Noell, R.P.L.S. No. 2433
Date 4-17-91

MAP TO ACCOMPANY LEGAL DESCRIPTION FOR NCNB-MARP TRAVIS COUNTY, TEXAS	
Urban Design Group	
Drawn by: <u>44-100</u>	TRACT 5
Check: <u>3-16-91</u>	11.272 AC.
Scale: 1" = 200'	

**LEGAL DESCRIPTION FOR ZONING PURPOSES
TRACT 6 - 29.105 ACRES**

DESCRIPTION OF 29.105 ACRES OUT OF THE THOMAS ANDERSON SURVEY NO. 17, TRAVIS COUNTY, TEXAS, SAID 29.105 ACRES BEING A PORTION OF THAT CERTAIN TRACT ONE DESCRIBED AS 92.961 ACRES IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST REPUBLICBANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 956, TRAVIS COUNTY DEED RECORDS; SAID 29.105 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point at the southwest corner of said 92.961 acre tract, same being the northwest corner of Lot 1, J. Henry Cauthen Subdivision, a subdivision of record in Book 77, Page 308 of the Travis County Plat Records, said Lot 1 also described as Tract 2 in a substitute trustee's deed to First RepublicBank Austin, N.A. of record in Volume 10668, Page 956, Travis County Deed Records;

THENCE with the southwest line of said 92.961 acre tract, same being the east line of the Resubdivisions of Sections 2 and 3 of the Oak Park Subdivision of record in Book 26, Page 24, Book 35, Page 5, Book 31, Page 46, and Book 50, Page 89 of the Travis County Plat Records the following 4 (four) courses:

- 1) N00°21'E 148.86 feet to a point;
- 2) N30°00'E 479.87 feet to a point;
- 3) N29°58'E 646.19 feet to a point;
- 4) N29°58'E 974.06 feet to a point for the northwest corner hereof, said point also being an angle point of said 92.961 acre tract;

THENCE through the interior of said 92.961 acre tract the following 6 (six) courses:

- 1) S32°02'00"E 140.00 feet to a point;
- 2) S59°02'E 90.00 feet to a point;
- 3) S33°41'07"E 166.52 feet to a point;
- 4) N30°07'39"E 60.00 feet to a point of curvature;
- 5) Along a curve to the left having a radius of 500.00 feet, a central angle of 21°08'21" and whose chord bears N19°33'29"E 183.43 feet to a point;
- 6) Departing said curve, S85°21'18"E 76.86 feet to a point in the east line of said 92.961 acre tract;

THENCE with the east line of said 92.961 acre tract the following 7 (seven) courses:

- 1) S31°23'W 130.00 feet to an ell corner;
- 2) S60°38'E 380.21 feet to an ell corner;
- 3) S29°55'W 368.32 feet to a point, said point being the northwest corner of the Resubdivision of a portion of Oak Acres, a subdivision of record in Book 9, Page 91 of the Travis County Plat Records;
- 4) S30°10'W 285.32 feet to an ell corner;
- 5) N60°07'W 186.75 feet to an ell corner;
- 6) S30°11'W 659.61 feet to a point;
- 7) S30°10'W 279.95 feet to a point;

TRACT 6 - PAGE 2

THENCE departing the east line of said 92.961 acre tract and through its interior the following 4 (four) courses:

- 1) N85°50'W 254.70 feet to a point on a curve;
- 2) Along a curve to the right having a radius of 675.00 feet, a central angle of 02°23'58", and whose chord bears S10°43'01"W 28.26 feet to a point of tangency;
- 3) S11°55'W 290.48 feet to a point for the southeast corner hereof;
- 4) S89°05'W 35.90 feet to a point at the northwest corner of said 4.66 acre First RepublicBank tract, said point also being the northeast corner of a tract of land described in a deed to Dorothy Spear recorded in Volume 4044, Page 173 of the Travis County Deed Records;

THENCE with the south line of said 92.961 acre tract, S89°05'W 409.07 feet to the POINT OF BEGINNING.

PREPARED BY URBAN DESIGN GROUP

BASED ON OFFICE CALCULATIONS BY UDG
AND GROUND SURVEYS BY OTHERS



John Noell
John Noell, R.P.L.S. No. 2433

4-7-91
Date

04/07/91 007

LEGAL DESCRIPTION FOR ZONING PURPOSES
TRACT 7 - 6.196 ACRES

DESCRIPTION OF 6.196 ACRES OUT OF THE THOMAS ANDERSON SURVEY NO. 17, TRAVIS COUNTY, TEXAS, SAID 6.196 ACRES BEING A PORTION OF THAT CERTAIN TRACT ONE DESCRIBED AS 92.961 ACRES IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST REPUBLICBANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 956, TRAVIS COUNTY DEED RECORDS; SAID 6.196 ACRES ALSO BEING ALL OF THAT CERTAIN 4.66 ACRE TRACT DESCRIBED IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST-REPUBLIC BANK AUSTIN, N.A. OF RECORD IN VOLUME 10668, PAGE 946, TRAVIS DEED RECORDS; SAID 6.196 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the north right-of-way line of U.S. 290 (100 foot ROW), said point being the southeast corner of said First RepublicBank 4.66 acre tract;

THENCE with said U.S. 290 north right-of-way, along a curve to the right having a radius of 11409.20 feet, a central angle of 02°47'04", and whose chord bears S84°45'W 554.41 feet to a point for the southwest corner hereof, also being the southwest corner of said First RepublicBank 4.66 acre tract, also being the southeast corner of a tract described in a deed to Dorothy Spear recorded in Volume 4044, Page 173, Travis County Deed Records;

THENCE departing the north right-of-way of U.S. 290 and with the west line of said 4.66 acre tract, N11°55'E 450.07 feet to a point in the south line of said 92.961 acre tract, same point also being the northwest corner of said 4.66 acre tract;

THENCE through the interior of said 92.961 acre tract the following 4 (four) courses:

- 1) N89°05'E 35.90 feet to an angle point;
- 2) N11°55'00"E 290.48 feet to a point of curvature;
- 3) Along a curve to the left having a radius of 675.00 feet, a central angle of 02°23'58", and whose chord bears N10°43'01"E 28.26 feet to a point;
- 4) Departing said curve, S85°30'00"E 254.70 feet to a point in the east line of said 92.961 acre tract, also being the west line of Oak Acres, a subdivision of record in Book 9, Page 91, Travis County Plat Records;

THENCE with the east line of said 92.961 acre tract, S30°10'W 280.00 feet to a point being the most northerly corner of said First RepublicBank 4.66 acre tract;

THENCE with the northeast line of said 4.66 acre tract the following 4 (four) courses:

- 1) S61°18'E 186.92 feet to a point;
- 2) S58°35'E 133.89 feet to a point;
- 3) S15°14'W 193.00 feet to a point;
- 4) S10°10'E 97.38 feet to the POINT OF BEGINNING.

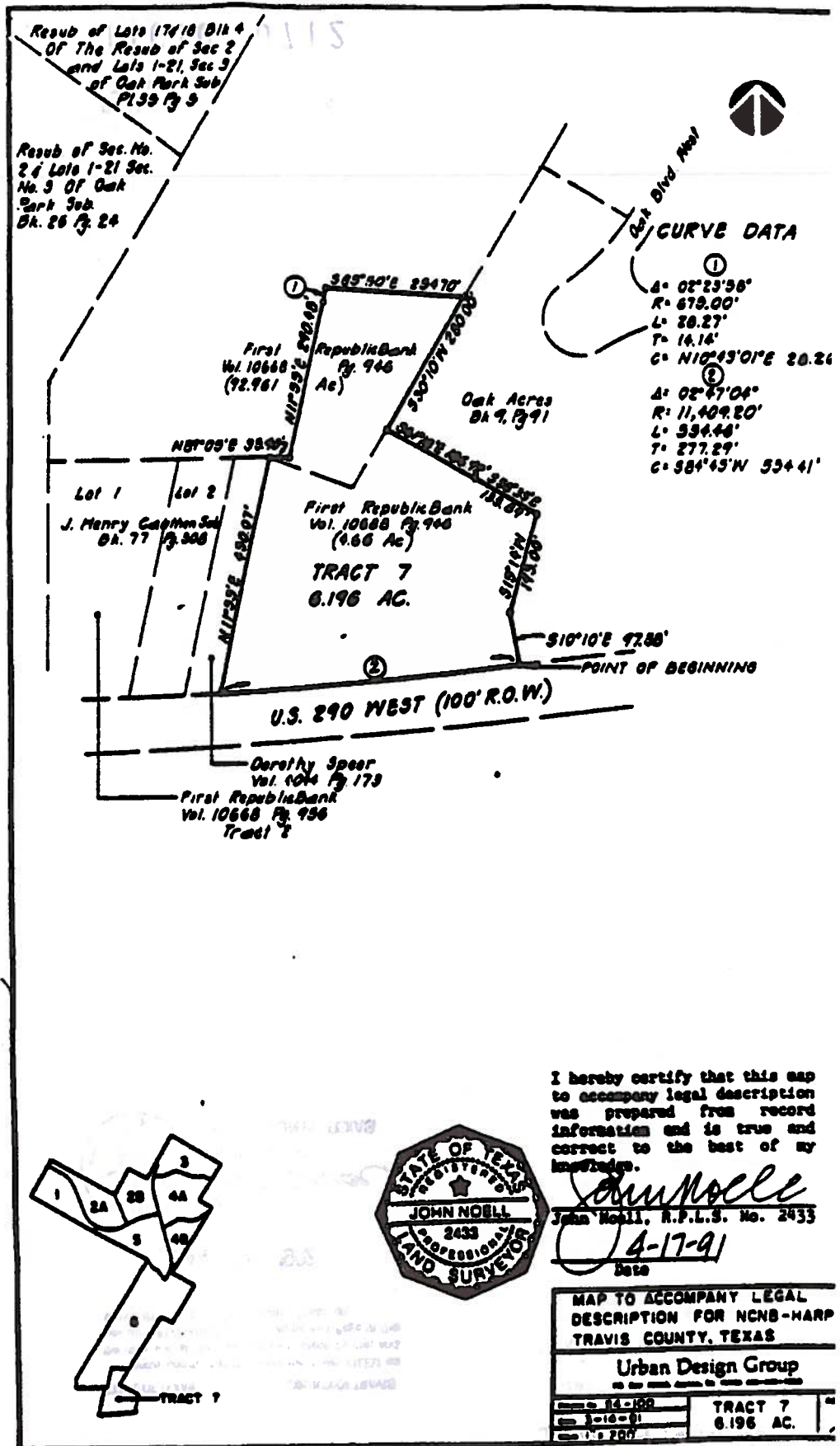


PREPARED BY URBAN DESIGN GROUP

BASED ON OFFICE CALCULATIONS BY UDG
AND FIELD SURVEYS BY OTHERS

John Noell, N.P.L.S. No. 2433

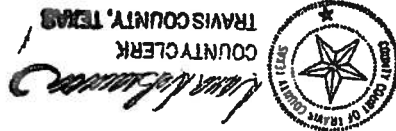
4-17-91
Date



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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

RECORDERS MEMORANDUM - At the time of
recording this instrument was found to be inadequate
for the best photographic reproduction, because of
illegibility, carbon or photo copy, discolored paper,
etc. All blockouts, additions and changes were present
at the time the instrument was filed and recorded.



JAN 28 1992

STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me; and
was duly RECORDED, in the Volume and Page of this
named RECORDS of Travis County, Texas, as

DAHA...
COUNTY CLERK
TRAVIS COUNTY, TEXAS

JAN 28 4 20 PM '92

FILED