RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C814-88-0001(RCA) – Canyons at Rob Roy Rezoning

Z. P. C. DATE: 11/05/13, 11/19/13, 12/03/13

ADDRESS: 800 N. Capital of Texas Highway

AREA: 16.82 acres

OWNER: Brandywine Acquisition Partners, LP (Ralph Bistline)

APPLICANT: G5 Texas Development, L.L.C. (Jim Gallegos)

AGENT: Armbrust & Brown, L.L.P. (Amanda Morrow)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: Is not required

HILL COUNTRY ROADWAY: Yes – Low Intensity Zone

WATERSHED: Bee Creek – Water Supply Rural

DESIRED DEVELOPMENT ZONE: No

CURRENT ZONING: PUD – Planned Unit Development

SUMMARY STAFF RECOMMENDATION:

Staff recommendation is to amend the Restrictive Covenant as follows –

1. That Article 1, Land Use and Site Development Standards, Section 1.10 of the Restrictive Covenant be modified as follows:

1.10. Commercial uses within the Property shall be limited to the commercial portions of the Property (as identified on the Concept Plan). The remainder of the Property shall be developed for single family uses. Block A, Lot 1 shall be developed as a multifamily use.

2. That the last page, Exhibit "B" of the Restrictive Covenant be modified as follows:

DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT
SECTION ONE
LAND USES

Tract*	Permitted Land Uses**
Block A, Lots 2 through 9, and Block B, Lots 1 through 30	Single Family Residence Uses
~~Block A, Lot 1~~, and Block B, Lots 33 and 34	Limited Office Uses
Block A, Lot 1	Multifamily Residential Use

* Each tract is referenced to by Block and Lot on the Concept Plan

** All uses shall be determined under City Zoning Ordinance (Chapter 13-2A, City Code of the City of Austin, as of May 7, 1987. Permitted uses as to each Tract and Lot within the Property shall include all uses allowed as a permitted use under the specified zoning classification.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 5, 2013: The motion to postpone to November 19, 2013 by the request of the neighborhood was approved by Commissioner Patricia Seeger, Commissioner Gabriel Rojas seconded the motion on a vote of 7-0.

November 19, 2013: The motion to postpone to December 3, 2013 by the request of staff was approved by Commissioner Gabriel Rojas, Commissioner Patricia Seeger seconded the motion on a vote of 7-0.

December 3, 2013: The motion to approve staff's recommendation for PUD, Planned Unit Development to change a condition of zoning and to limit the number of units to 225 was approved by Commissioner Sean Compton's motion, Commissioner Patricia Seeger seconded the motion on a vote of 4-0; Commissioners Rahm McDaniel, Gabriel Rojas and Jason Meeker were absent.

RELATED CASE: C814-88-0001.10 – Canyons at Rob Roy Rezoning (also known as Davenport Ranch West P.U.D.)

DEPARTMENT COMMENTS:

The site is located at 800 North Capital of Texas Highway and is currently undeveloped. The property is part of the Davenport Ranch West Planned Unit Development (PUD) that was approved by ordinance number 890202-B on February 2, 1989. In addition to the PUD ordinance, there was a Public Restrictive Covenant associated with the zoning case that was filed for record at the Travis County Courthouse in Volume 10909, Pages 1601-1616. The Davenport Ranch West PUD consists of approximately 113.46 acres. This tract is known as Lot A-1, Tract D, Section 1 of the Davenport Ranch West PUD. The site is currently designed as "office" under the Davenport Ranch West PUD. The applicant proposes to amend the PUD to allow multifamily residential use of the Property in accordance with multifamily residence low density "MF-2" zoning district. The applicant's proposal will consist of a maximum of 245 dwelling units with structured parking on 16.29 acres. The project will comply with the height and impervious cover allowances for the Property as originally proposed and shown on the land use plan. The staff is recommending approval of the change in land use since the proposed "multifamily" use is a less intense use than an "office" use as well as an overall vehicle trip reduction with the proposed "multifamily" use. In order to change the PUD Land Use Plan, the applicant must also amend the Restrictive Covenant that accompanies the PUD amendment case. In particular, the Restrictive Covenant at the bottom of page 4 under Section 1.10, only references "single family uses". The applicant is requesting that the Restrictive Covenant be amended to include the sentence "Lot 1-A shall be developed as a multifamily use" in Section 1.10. Additionally on the last page, in Exhibit "B", "Block A, Lot 1" needs to be eliminated from "Limited Office Uses" and added to "Multifamily Uses".

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	PUD	Undeveloped
NORTH	PUD	Single family residential
SOUTH	LO	Office complex

EAST	SF-2	Undeveloped
WEST	SF-2	Single family residential

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-93-0060 – Black Capped Vireo Nature Preserve – 1107 N Capital of Texas Hwy	SF-2 to P	To Grant P	Apvd P (07-01-1993).
C14-98-0180 – Davenport Ranch – 6620 and 6622 Northern Dancer Dr	RR to SF-1	To Grant SF-1	Apvd SF-1 (02-04-1999).

NEIGHBORHOOD ORGANIZATIONS:

- Austin Neighborhood Council
- Roy HOA, Inc.

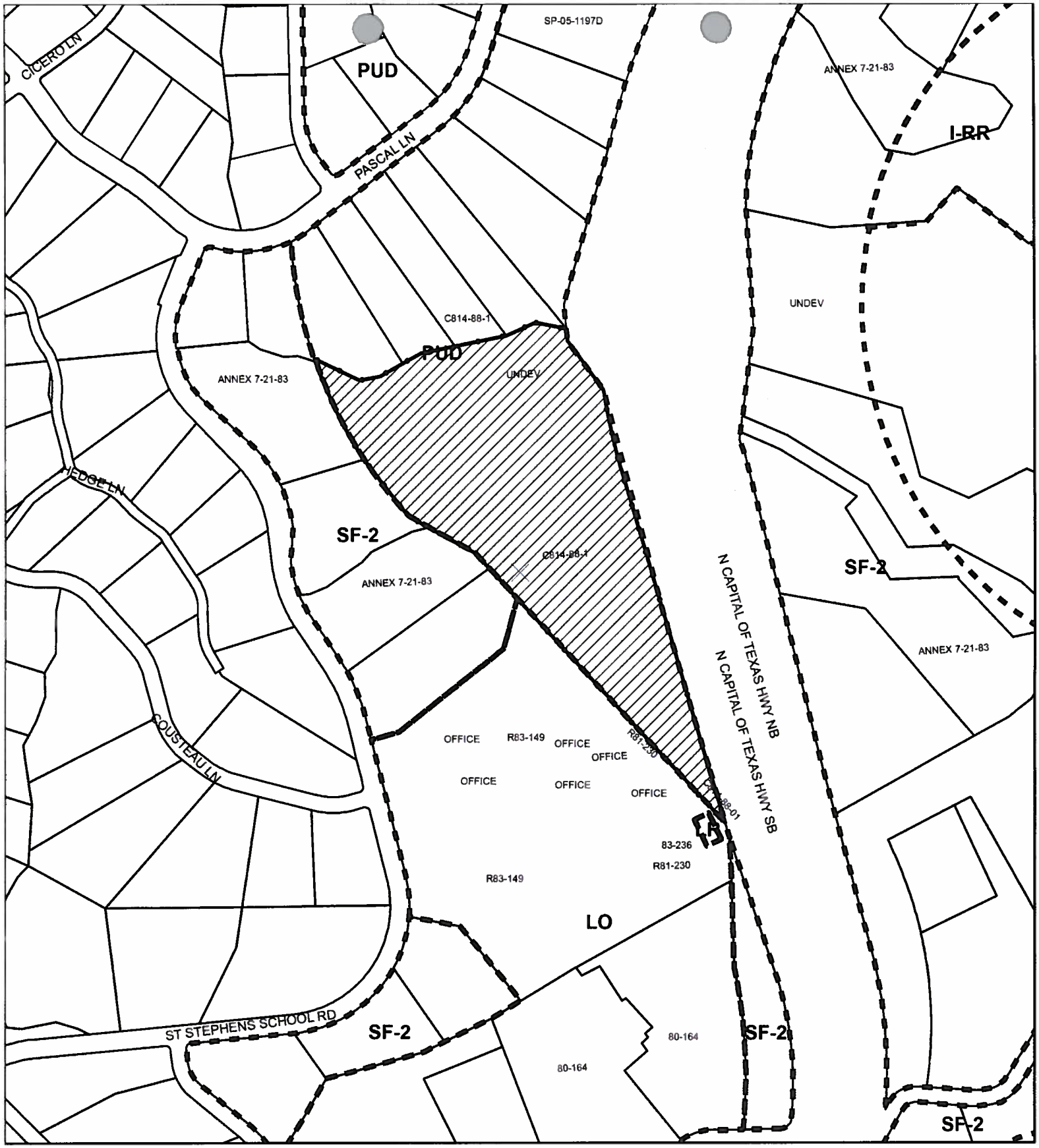
SCHOOLS:

Eanes Independent School District
Bridge Point Elementary School West Ridge Middle School Westlake High School

CITY COUNCIL DATE: December 12, 2013	**ACTION:** Approved a Postponement request by the Neighborhood to January 23, 2014 (7-0).
January 23, 2014	Postponed to January 30, 2014 (6-0, Mayor Lee Leffingwell – off the dais).
January 30, 2014	Postponed to February 13, 2014 (7-0).
February 13, 2014	Approved a Postponement request by Staff to February 27, 2014 (6-0, Mayor Pro Tem Cole – off the dais).
February 27, 2014	Approved a Postponement request by the Applicant to March 6, 2014 (7-0). Note: Direction to staff to regarding the addition of –MU to the LO base district, compliance w/the Watershed Protection Ordinance except for impervious cover provisions, and affordable housing.
March 6, 2014	

CASE MANAGER: Wendy Rhoades
wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING CASE

C814-88-0001(RCA)

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.

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DOC. NO. 89027440

RESTRICTIVE COVENANTS
DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT
Section One
City of Austin Case
No. C814-88- 0001

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

390274.40-DO
7908.88-CH

WHEREAS, Davenport Limited, a Texas limited partnership ("Declarant"), is the owner of approximately 113.5 acres of land in Travis County, Texas, being more fully described in Exhibit A attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Declarant, its successors or assigns, intends to develop the Property and has agreed to impose certain restrictions and covenants on such development in order to assure its compatibility with other existing and planned development for the area; and

WHEREAS, the City of Austin, Texas (the "City") and Declarant have agreed that the Property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreements in writing;

NOW, THEREFORE, Declarant, for and in consideration of One and No/100 Dollars ($1.00) and other good and valuable consideration in hand paid by the City, the sufficiency and receipt of which are hereby acknowledged, does hereby agree with respect to the Property, such agreement to be deemed and considered as a covenant running with the land for the benefit of the City, and which shall be binding upon Declarant, its successors and assigns, to wit:

ARTICLE I.

Land Use and Site Development Standards

1.01 The Property is part of Davenport Ranch West Planned Unit Development described and included as part of City of Austin Case No. C814-88-0001 (the "PUD"). The PUD is schematically represented as separate tracts ("Tracts") within the Property and

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certain otl - :and on the conceptual site plans (the "Concept Plans") submitted as part of the PUD, which Concept Plans (and all other materials in the above referenced City of Austin Case) are incorporated herein. The development contemplated on the Concept Plans will be phased over a number of years. Nothing herein shall be construed to limit or prevent the right of Declarant or Declarant's successors or assigns to amend the Concept Plans or any other provision of this Restriction, subject to the terms set forth herein and other applicable City requirements.

1.02 Nothing in this Restriction shall be construed to prohibit the exercise by the City Council of the City of its police powers and its authority under the City Charter and the laws of the State of Texas, or to limit or prevent the right of Declarant (or its successors in ownership of any portion of the land within the Property) from seeking variances under any or all of the ordinances applicable to such land. The approval of the Concept Plans for the PUD, and the zoning and land uses and the preliminary subdivision plats pertaining to the Property, shall not lapse or expire and may be modified in accordance with applicable provisions of the Code of the City of Austin and state law. Declarant shall submit a site plan for review and approval by the City, pursuant to applicable City ordinances, rules and regulations (including applicable provisions of this Restriction and ordinances approved by the City Council in connection with the PUD), prior to site development. The terms and provisions of this Restriction are intended to be consistent with the Concept Plans submitted as part of the PUD and approved by the City Council in connection with its zoning the Property as a Planned Unit Development zoning district in the above referenced City of Austin Case.

1.03 All public facilities constructed within the Property, including without limitation streets, street lights, street signs, sidewalks, water supply systems, sewerage systems, waste treatment facilities, drainage systems, and park and recreation

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equipment and improvements, shall be constructed in accordance with the City's design criteria and specifications for similar facilities as applicable within the City, except as and to the extent modified by or pursuant to this Restriction; provided, however, that the Alternate Urban Standards Ordinance as in effect on September 18, 1980, shall govern as to the construction of certain streets within the Property identified on the Concept Plans. All plans and specifications for such facilities shall be submitted to and approved by the City prior to their construction. The City shall have the right to inspect the construction of the facilities and to require that the facilities be constructed in accordance with the provisions set forth herein.

1.04 The Comprehensive Watersheds Ordinance (No. 860508V, as in effect May 7, 1987) shall apply to the Property; provided, however, that on any residential portions of the Property (as identified on the Concept Plans), single family detached residential development, limited to density of one unit per two acres based on the gross site area of the residential portion of the Property and with minimum one acre lots, shall be permitted; and provided further, that the variances set forth on the Concept Plans and on the preliminary subdivision plats pertaining to the Property in the above referenced City of Austin Case and approved by the City Council in connection with the PUD are hereby confirmed.

1.05 All provisions of the Hill Country Roadway Ordinance (No. 860116-J, as in effect May 7, 1987) shall apply to the Property; provided, however, that the variances set forth on the Concept Plans and on the preliminary subdivision plats pertaining to the Property in the above referenced City of Austin Case and approved by the City Council in connection with the PUD are hereby confirmed.

1.06 All lots within the Property fronting on Loop 360 shall be subject to the access restrictions of the Hill Country Roadway Ordinance (No. 860116-J, as in effect May 7, 1987), and

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direct driveway access to Loop 360 shall be permitted only as and to the extent set forth on the Concept Plans.

1.07 Critical environmental feature setbacks as set forth in the Comprehensive Watersheds Ordinance (No. 860508-V, as in effect May 7, 1987) shall be required for the Property, and shall be depicted on the subdivision plats and site plans for the Property.

1.08 Ground water discharge areas (seeps and springs, according to criteria for critical environmental features as defined by the Comprehensive Watersheds Ordinance [No. 860508-V, as in effect May 7, 1987]) shall be depicted on all subdivision plats and site plans for the Property.

1.09 The City has annexed, for the limited purpose of "Planning and Zoning", all of the Property not previously within the City's zoning jurisdiction. If any or all of the Property is disannexed in the future, or otherwise not subject to the City's zoning jurisdiction, such property so disannexed shall be developed according to City standards as if it were within the limited purpose jurisdiction of the City, as and to the extent expressly set forth in this Restriction. Declarant agrees that the Property may remain in the status of being within the jurisdiction of the City for limited purposes for forty (40) years from the effective date of this Restriction, and expressly waives the right to request and require annexation for full purposes within three (3) years of the annexation for limited purposes. The City may from time to time annex all or a portion of the Property for full purposes at any time provided that such annexations shall be in accordance with this Restriction and all statutory requirements of the State of Texas regarding annexation of territory for full purposes.

1.10 Commercial use within the Property shall be limited to the commercial portions of the Property (as identified on the Concept Plans). The remainder of the Property shall be developed for single family residential uses. ~~Lot A-1~~ Shall be developed As a multi Family use. Block A, Lot 1

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1.11 The uses of the Property shall not be more intensive than the uses set forth on Exhibit B attached hereto and made a part hereof for all purposes. As to portions of the Property within the city limits of the City, uses shall be in accordance with the permanent zoning classifications fixed in the above referenced City of Austin Zoning Case. Development intensities as set forth on the Concept Plans and on Exhibit B may be subject to reduction on a lot by lot basis upon submittal to and review by the City of final site development permit plans containing full vegatative and tree survey information and grading plans, based on such information and plans.

1.12 (a) The total developed area of the commercial portions of each Tract within the Property shall not exceed the floor-to-area ratio ("FAR") and the impervious cover ("Impervious Cover") as set forth on the Concept Plans.

(b) The FAR or Impervious Cover may be transferred among the lots within each Tract, and on any portion of a particular Tract may exceed the limit specified for such Tract, provided that the total FAR or Impervious Cover within each Tract does not exceed the total allowable FAR or Impervious cover limits specified for such Tract on the Concept Plans. Declarant shall have the right to effectuate any such allocation of FAR or Impervious Cover within a Tract by a notice of allocation filed by Declarant in the Real Property Records of Travis County, Texas. Declarant shall deliver written notice of such allocation to the Director of the City's Planning Department or any successor agency thereto ("Planning Director"). In such event, Declarant shall have the right to receive from the Planning Director certificates verifying such allocation of FAR and/or Impervious Cover and that the affected portion(s) of Tract(s) comply with the FAR and/or Impervious Cover requirements of this Restriction. Further, in the event of an allocation of FAR and/or Impervious Cover by Declarant under the terms hereof, the allocated FAR and/or Impervious Cover may only be utilized in connection with the

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designated portion of the Tract to which such allocation has been made, unless Declarant makes a reallocation of FAR and/or Impervious Cover as set forth above.

(c) The right to allocate and reallocate FAR and/or Impervious Cover hereunder is assignable in whole or in part by Declarant, but such assignment must be expressly made in writing and filed of record in the Real Property Records of Travis County, Texas, and the mere conveyance of any portion of the Property without the express transfer of the right to allocate FAR and/or Impervious Cover hereunder shall not be considered to transfer or assign any allocation rights hereunder. Further, written notice of any assignment of allocation rights hereunder must be delivered to the Planning Director before such notice of assignment shall be binding upon the City for purposes hereof.

(d) In the event FAR and/or Impervious Cover are allocated to a particular portion of any Tract under the terms hereof, the owner(s) of such portion shall have the right to allocate available FAR and/or Impervious Cover within such portion by written agreements filed with the Planning Director and in the Real Property Records of Travis County, Texas. In the event that FAR and/or Impervious Cover are allocated to a particular portion of any Tract under the terms hereof and it is subsequently determined that the actual FAR and/or Impervious Cover required for the full development of such portion is less than the FAR and/or Impervious Cover so allocated to such portion, then, subject to the limitations set forth on the Concept Plans, the unused FAR and/or Impervious Cover shall be deemed available for use by other portions of such Tract and the right to allocate or reallocate such excess FAR and/or Impervious Cover shall automatically be deemed to have reverted to Declarant or to the entity to whom Declarant has assigned the right to allocate such excess available FAR and/or Impervious Cover.

(e) Once available FAR and/or Impervious Cover has been allocated to a particular portion of any Tract under the

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terms hereof, such FAR and/or Impervious Cover allocation shall be deemed to be a right running with the land which shall automatically be conveyed by the deed(s) transferring the pertinent portion unless previously reallocated as provided herein or specifically reserved in whole or in part by the owner(s) of such portion in the deed(s) conveying such portion.

1.13 The maximum height of each building within the commercial portions of each Tract within the Property shall not exceed the height set forth on the Concept Plans. This restriction shall not limit the number of stories within each building so long as the height limitation set forth on the Concept Plans is not exceeded.

1.14 Upon the approval and release of a site plan in accordance with applicable ordinances of the City of Austin as to any portion of the Property, the development proposed for such portion of the Property with respect to which such site plan has been issued shall be deemed to have complied with all terms and provisions of this Restriction.

ARTICLE II.

Water and Wastewater Services

2.01 The PUD shall receive water and wastewater services as provided and subject to the conditions set forth on the preliminary subdivision plats pertaining to the Property in the above referenced City of Austin Case.

ARTICLE III.

Miscellaneous Provisions

3.01 If any person, corporation or entity of any other character shall violate or attempt to violate the foregoing agreements and covenants, it shall be lawful for the City or Declarant, or their respective successors and assigns, to prosecute proceedings at law or in equity against said person or entity violating or attempting to violate such agreements or covenants and to prevent said person or entity from violating or attempting to violate such agreements or covenants.

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3.02 The failure at any time to enforce any agreement or covenant herein by the City, Declarant, or their respective successors and assigns, whether any violation hereof is known or not, shall not constitute a waiver or estoppel of the right to do so.

3.03 Except as provided otherwise herein, this Restriction 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) who is/are the owner(s) at the time of such modification, amendment or termination, of the portion(s) of the Property which is/are directly affected by the proposed modification, amendment or termination. Notice of any proposed modification shall be provided in the same manner as required by applicable City ordinances for an application for a zoning change.

EXECUTED this 19 day of January, 1989.

DAVENPORT LIMITED, a Texas limited partnership

By: Westview Development, Inc., its managing partner

By: [signature]
Name: Wilmesling R Morian
Title: President

CITY OF AUSTIN, TEXAS

By: [signature]
Name: Barney L. Knight
Title: Acting City Manager

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1608

THE STATE OF TEXAS §
§
COUNTY OF TRA..S §

This instrument was acknowledged before me on this 19 day of Jan., 1989, by Wilhelmina P. Marlan, President of Westview Development, Inc., managing partner of DAVENPORT LIMITED, a Texas limited partnership, on behalf of said corporation and said partnership.

CAROL BOYD NOTARY PUBLIC STATE OF TEXAS COMM. EXP. JAN 25, 1992

Carol Boyd
Notary Public in and for the State of Texas

My Commission Expires:

Print Name: _____

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 16th day of January, 1989, by Barney L. Knight, Acting City Manager of CITY OF AUSTIN, TEXAS, a municipal corporation, on behalf of said corporation.

Notary Public in and for the State of Texas

My Commission Expires:

Print Name: _____

LOLITA J. SIACLE

R-6779
01/12/89

REAL PROPERTY RECORDS
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FIELD NOTES

FIELD NOTES FOR 78.0803 ACRES OUT O THE JOHN BECKHAM SURVEY NO. 94, THE ANTONIO RODRIGUEZ SURVEY NO. 4, AND THE BURKE TRAMMEL SURVEY NO. 3, SAID 78.0803 ACRES CONSISTING OF THE FOLLOWING: 1) ALL OF A 2.576 ACRE TRACT CONVEYED TO W.R. GEISELMAN, et al BY DEED RECORDED IN VOL. 6656, PAGE 780 OF THE TRAVIS COUNTY DEED RECORDS, 2) ALL OF A 0.169 ACRE TRACT CONVEYED TO W.R. GEISELMAN, et al BY DEED RECORDED IN VOL. 6656, PAGE 780 OF THE TRAVIS COUNTY DEED RECORDS, 3) PART OF A 6.02 ACRE TRACT CONVEYED TO W.R. GEISELMAN, et al BY DEED RECORDED IN VOL. 6656, PAGE 780 OF THE TRAVIS COUNTY DEED RECORDS, 4) PART OF A 54.345 ACRE TRACT CONVEYED TO DEE S. OSBORNE, et al BY DEED RECORDED IN VOL. 5489, PAGE 1543 OF THE TRAVIS COUNTY DEED RECORDS, 5) PART OF A 316.99 ACRE TRACT CONVEYED TO ISAAC ARNOLD, et al BY DEED RECORDED IN VOL. 4245, PAGE 163 OF THE TRAVIS COUNTY DEED RECORDS, SAID 78.0803 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found in the west right-of-way line of the Capital of Texas Highway, at Highway Reference Station 528+00;

THENCE with the west right-of-way line of Loop 360, the following two (2) courses:

1. S59°16'04"W, a distance of 1582.85 feet to a ½" steel pin set at a point of curvature;
2. Along a curve to the left, an arc distance of 1009.53 feet, said arc having a radius of 2084.86 feet and a chord which bears S45°25'10"W, a distance of 999.70 feet to a ½" steel pin found at a point of reverse curvature being the P.C. of the right-of-way return of the intersection of Pascal Lane and Loop 360;

THENCE with the right-of-way return along a curve to the right, an arc distance of 45.95 feet, said arc having a radius of 29.94 feet and a chord which bears S75°33'06"W, a distance of 41.57 feet to a ½" steel pin set at the point of tangency;

THENCE with the north right-of-way line of Pascal Lane, the following five (5) courses:

1. N60°32'44"W, a distance of 125.22 feet to a ½" steel pin found at a point of curvature;
2. Along a curve to the left, an arc distance of 583.18 feet, said arc having a radius of 332.00 feet and a chord which bears S69°06'19"W, a distance of 511.04 feet to a ½" steel pin found at the point of tangency;
3. S18°47'06"W, a distance of 135.00 feet to a ½" steel pin found at a point of curvature;
4. Along a curve to the right, an arc distance of 251.62 feet, said arc having a radius of 406.94 feet and a chord which bears S36°31'15"W, a distance of 247.63 feet to a ½" steel pin found at the point of tangency;
5. S54°06'35"W, a distance of 335.71 feet to a ½" steel pin found at a point of reverse curvature, being also the P.C. of the right-of-way return of the intersection of the north right-of-way line of Pascal Lane and the east right-of-way line of St. Stephens School Road;

THENCE with right-of-way return along a curve to the right, an arc distance of 31.74 feet, said arc having a radius of 20.00 feet and a chord which bears N80°32'33"W, a distance of 28.52 feet to a ½" steel pin found at the point of tangency;

THENCE with the east right-of-way line of St. Stephens School Road, the following thirteen (13) courses:

1. N35°48'02"W, a distance of 46.00 feet to a ½" steel pin found at the point of curvature;

2. Along a curve to the right, an arc distance of 172.79 feet, said arc having a radius of 272.22 feet and a chord which bears N17°38'33"W, a distance of 169.90 feet to a ½" steel pin found at the point of tangency;
3. N00°52'47"E, a distance of 572.74 feet to a ½" steel pin found at the point of curvature;
4. Along a curve to the right, an arc distance of 365.28 feet, said arc having a radius of 412.92 feet and a chord which bears N26°10'57"E, a distance of 353.49 feet to a ½" steel pin found at the point tangency;
5. N15.N51°34'53"E, a distance of 731.32 feet to a ½" steel pin found at the point of curvature;
6. Along a curve to the left, an arc distance of 148.92 feet, said arc having a radius of 431.77 feet and a chord which bears N41°42'25"E, a distance of 148.18 feet to a ½" steel pin found at the point of tangency;
7. N31°49'47"E, a distance of 136.08 feet to a ½" steel pin found at the point of curvature;
8. Along a curve to the left, an arc distance of 167.56 feet, said arc having a radius of 670.00 feet and a chord which bears N24°40'05"E, a distance of 167.12 feet to a ½" steel pin found at the point of tangency;
9. N17°33'34"E, a distance of 346.25 feet to a ½" steel pin found at the point of curvature;
10. Along a curve to the right, an arc distance of 113.12 feet, said arc having a radius of 538.48 feet and a chord which bears N27°29'50"E, a distance of 112.92 feet to a ½" steel pin found at the point of tangency;
11. N37°37'37"E, a distance of 338.16 feet to a ½" steel pin found at the point of curvature;
12. Along a curve to the right, an arc distance of 449.02 feet, said arc having a radius of 561.83 feet and a chord which bears N52°27'42"E, a distance of 437.16 feet to a ½" steel pin found at the point of tangency;
13. N75°40'21"E, a distance of 100.84 feet to a ½" steel pin found at the northeast end of St. Stephens School Road, being also in the northeast boundary of Rob Roy Phase II, a subdivision of record, a plat of which is recorded in Book 78, Page 227 of the Travis County Plat Records.

THENCE along the northeast boundary of Rob Roy Phase II, N14°30'37"W a distance of 54.82 feet to a ½" steel pin set at a point in a curve;

THENCE Leaving the boundary of Rob Roy Phase II the following six (6) courses:

1. Along a curve to the right an arc distance of 68.54 feet, said arc having a radius of 60.00 feet and a chord which bears S47°09'36"E, a distance of 64.88 feet to a ½" steel pin set;
2. S28°32'53"E, a distance of 702.24 feet to a ½" steel pin set at a point in a curve;
3. Along a curve to the right and arc Distance of 321.45 feet, said acr having a radius of 335.00 feet and a chord which bears S77°46'17"E, a distance of 309.26 feet to a ½"steel pin set;
4. N59°16'04"E, a distance of 493.20 feet to a ½" steel pin set;
5. S66°14'56"E, a distance of 270.00 feet to a ½" steel pin set;
6. S36°49'51"E, a distance of 312.00 feet to the POINT OF BEGINNING containing 78.0803 acres more or less.

Surveyed on the ground and field notes prepared by Canyon Engineering, Inc., 1000 Westlake High Dr., Bldg. 5A, Austin, Texas 78746.

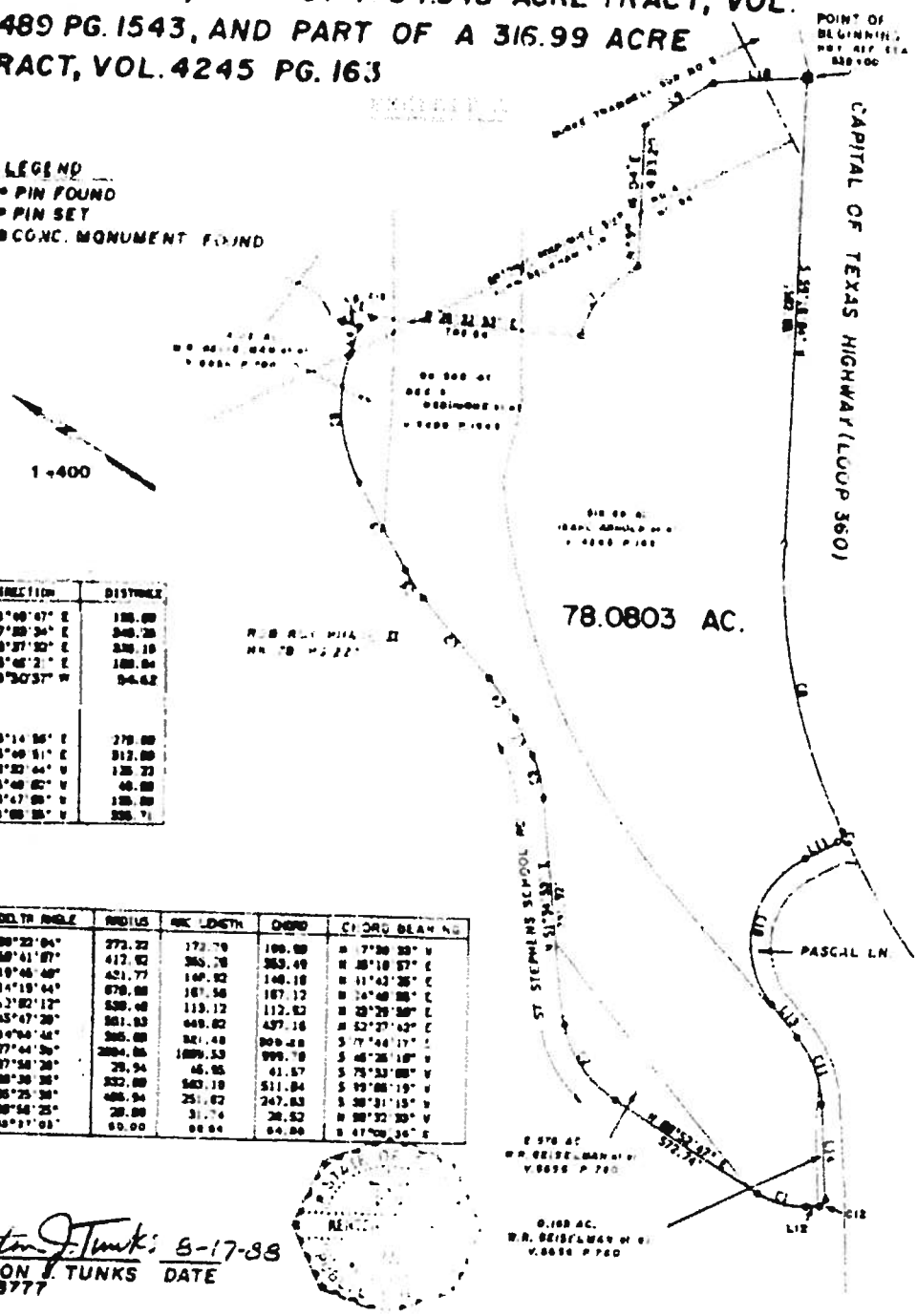
Kenton J. Tunks
Kenton J. Tunks, R.P.S. No. 3777

8-17-88
Date

STATE OF TEXAS
KENTON J. TUNKS

SKETCH TO ACCOMPANY FIELD NOTES FOR 78.0803 ACRES, BEING ALL OF A 0.169 ACRE TRACT, VOL. 6656 PG. 780, ALL OF A 2.576 ACRE TRACT, VOL. 6656 PG. 780, PART OF A 6.02 ACRE TRACT, VOL. 6656 PG. 780, PART OF A 54.345 ACRE TRACT, VOL. 5489 PG. 1543, AND PART OF A 316.99 ACRE TRACT, VOL. 4245 PG. 163

LEGEND
- • PIN FOUND
- • PIN SET
- ■ CONC. MONUMENT FOUND



LINE	DIRECTION	DISTANCE
L1	S 81°40'47" E	186.00
L2	S 17°20'34" E	340.26
L3	S 30°27'32" E	330.18
L4	S 78°46'21" E	188.04
L5	N 14°30'37" W	94.62
L9	S 88°14'56" E	270.00
L10	S 88°40'51" E	312.00
L11	S 88°32'44" W	136.22
L12	S 88°40'00" W	40.00
L13	S 18°47'00" W	180.00
L14	S 54°00'00" W	336.71

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C1	38°22'04"	272.22	172.70	169.60	N 17°30'33" W
C2	50°41'07"	412.92	365.78	353.49	N 38°18'57" E
C3	19°46'40"	421.77	146.92	146.18	N 11°43'35" E
C4	14°19'44"	670.00	167.56	167.12	N 14°40'00" E
C5	13°02'12"	520.40	118.12	117.82	N 20°20'50" E
C6	43°47'20"	581.83	445.02	437.16	N 32°27'42" E
C7	84°04'46"	385.00	521.48	509.48	S 77°44'17" E
C8	77°44'36"	2004.86	1559.33	999.70	S 46°26'18" W
C9	87°54'20"	28.94	46.05	41.67	S 75°33'00" W
C10	180°38'36"	332.00	583.19	511.84	S 89°00'19" W
C11	35°25'30"	406.94	251.62	247.63	S 30°31'15" W
C12	90°54'25"	20.00	31.74	28.52	N 30°32'39" W
C13	60°37'03"	60.00	63.54	60.66	S 47°00'36" E

Kenton J. Tunks 8-17-88
KENTON J. TUNKS DATE
RPS 3777

CANYON ENGINEERING INCORPORATED

10909 1612

EXHIBIT A

FIELD NOTES

FIELD NOTES FOR 35.3859 ACRES OUT OF THE JOHN BECKHAM SURVEY NO. 94 AND THE THOMAS CHAMBERS SURVEY NO. 504, SAID 35.3859 ACRES CONSISTING OF THE FOLLOWING: 1) ALL OF A 17.776 ACRE TRACT CONVEYED TO DEE S. OSBORNE, et al BY DEED RECORDED IN VOL. 5489, PAGE 1543 OF THE TRAVIS COUNTY DEED RECORDS, 2) ALL OF A 0.24 ACRE TRACT CONVEYED TO W.R. GRISELMAN, et al BY DEED RECORDED IN VOL. 6656, PAGE 782 OF THE TRAVIS COUNTY DEED RECORDS, 3) A PORTION OF A 316.99 ACRE TRACT CONVEYED TO ISAAC ARNOLD, et al BY DEED RECORDED IN VOL. 4245, PAGE 163 OF THE TRAVIS COUNTY DEED RECORDS, SAID 35.3859 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

STARTING FOR REFERENCE at a concrete monument found in the west right-of-way line of the Capital of Texas Highway (Loop 360) at Highway Reference Station 580+50, being also in the east line of Lot 6 of the Rob Roy Phase III Subdivision, a subdivision of record, a plat of which is recorded in Book 87, Page 173 of the Travis County Plat Records;

THENCE along the west right-of-way line of Loop 360 and the east line of said Lot 6, N14°55'11"W, a distance of 48.78 feet to a ½" steel pin found at the most southern corner of the said 17.776 acre tract for the POINT OF BEGINNING of the 35.3859 acre tract;

THENCE along the northeast line of Lot 6 being also the northeast boundary of said Rob Roy Phase III, and the southwest line of the 17.776 acre tract, N41°11'31"W, 969.65 feet to a ½" steel pin found;

THENCE continuing along the northeast boundary of Rob Roy Phase III the following three (3) courses:

1. N41°14'28"W, 194.97 feet to a ½" steel pin found;
2. N59°12'03"W, 241.81 feet to a ½" steel pin found;
3. Along a non-tangent curve to the right, an arc distance of 966.28 feet, said arc having a radius of 1370.92 feet and a chord which bears N20°59'53"W, a distance of 946.40 feet to a ½" steel pin set in the curving south right-of-way line of Pascal Lane, being also the northeast corner of Lot 1 of Rob Roy Phase III, and also being the northwest corner of the referenced 0.24 acre tract;

THENCE along the south right-of-way line of Pascal Lane, the following seven (7) courses:

1. Along a curve to the left, an arc distance of 59.72 feet, said arc having a radius of 343.26 feet and a chord which bears N59°09'57"E, a distance of 59.64 feet to a pin found at the point of tangency;
2. N54°11'24"E, a distance of 528.62 feet to a ½" steel pin found at a point of curvature;
3. Along a curve to the left, an arc distance of 291.24 feet, said arc having a radius of 470.94 feet and a chord which bears N36°25'01"E, a distance of 286.62 feet to a ½" steel pin found at the point of tangency;
4. N18°42'01"E, a distance of 134.95 feet to a ½" steel pin set at a point of curvature;
5. Along a curve to the right, an arc distance of 471.36 feet, said arc having a radius of 268.00 feet and a chord which bears N69°11'10"E, a distance of 412.91 feet to a ½" steel pin found at the point of tangency;
6. S60°32'44"E, a distance of 124.84 feet to a ½" steel pin found at a point of curvature;
7. Along a curve to the right, an arc distance of 46.01 feet, said arc having a radius of 29.69 feet and a chord which bears S16°15'44"E, a distance of 41.54 feet to a ½" steel pin found in the curving west right-of-way line of Loop 360;

10909 1613

EXHIBIT A

THENCE along the west right-of-way line of Loop 360, the following six (6) courses:

1. Along a curve to the left, an arc distance of 524.26 feet, said arc having a radius of 2084.86 feet and a chord which bears S20°57'09"W, a distance of 522.88 feet to a concrete monument found.
2. S18°11'00"W, 511.39 feet to a concrete monument found.
3. S03°48'54"E, 114.28 feet to a concrete monument found.
4. S34°29'22"E, 192.42 feet to a concrete monument found at a point of a beginning of a nontangent curve.
5. Along a curve to the left, an arc distance of 271.22 feet, said arc having a radius of 2084.86 feet and a chord which bears S11°01'57"E, a distance of 271.03 feet to a concrete monument found.
6. S14°42'09"E, a distance of 1152.36 feet to the POINT OF BEGINNING, containing 35.3859 acres more or less

Surveyed on the ground and field notes prepared by Canyon Engineering, Inc., 1000 Westlake High Dr., Bldg. 5A, Austin, Texas 78746.

Kenton J. Tunks, R.P.S. No. 3777

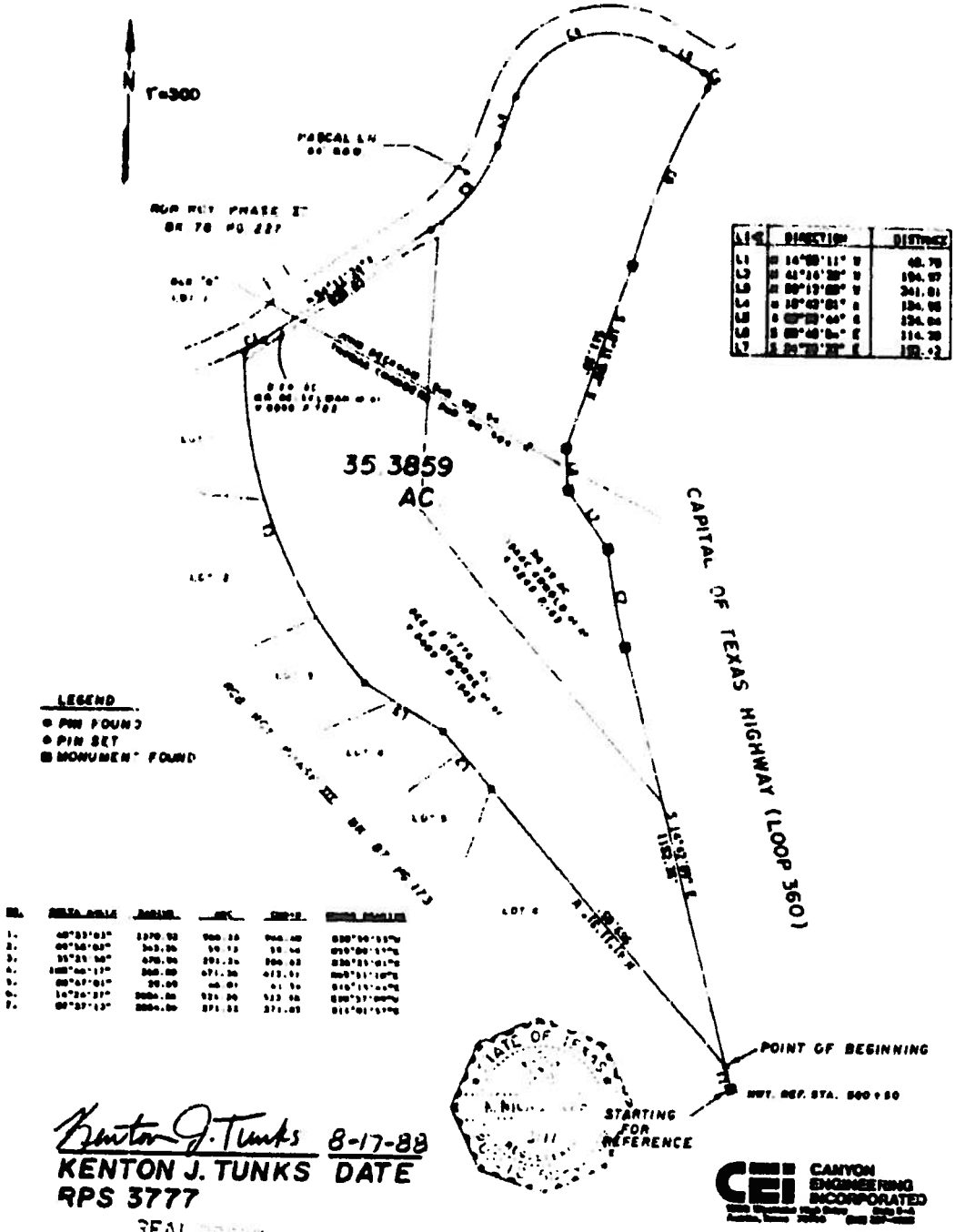
8-17-88
Date

STATE OF TEXAS
KENTON J. TUNKS
3777
REGISTERED
PUBLIC SURVEYOR

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1614

SKETCH TO ACCOMPANY FIELD NOTES FOR 35.3859 ACRES, BEING ALL OF A 17.776 ACRE TRACT, VOL. 5489 PG. 1543, ALL OF A 0.24 ACRE TRACT, VOL. 6656 PG. 782, AND A PORTION OF A 316.99 ACRE TRACT, VOL. 4245 PG. 163, TRAVIS CO., TEXAS



Kenton J. Tunks 8-17-88
KENTON J. TUNKS DATE
RPS 3777

CANYON ENGINEERING INCORPORATED

REAL PROPERTY RECORDS

10909 1615

DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT

Section One

Land Uses

Tract*	Permitted Land Uses**
Block A, Lots 2 through 9, and Block B, Lots 1 through 30	Single Family Residence Uses
~~Block A, Lot 1~~, and Block B, Lots 33 and 34	Limited Office Uses
Block A, Lot 1	multifamily residential use

*Each Tract is referred to by Block and Lot on the Concept Plans.

**All uses shall be determined under the City Zoning Ordinance (Chapter 13-2A, City Code of the City of Austin), as of May 7, 1987. Permitted uses as to each Tract and Lot within the Property shall include all uses allowed as a permitted use under the specified zoning classification.

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 the named RECORDS of Travis County, Texas, on

APR 4 1989

FILED

1989 APR -4 PM 2:51

DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

after recording return to
CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767
Attn: Betty Lewis

RESTRICTIVE MEMORANDUM
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photocopy, discolored paper, etc. Illegible notes, additions, and changes were present at time the instrument was filed and recorded.

WTB:3/3

Exhibit B

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1616

COATS | ROSE

A Professional Corporation

JOHN M. JOSEPH

jmjoseph@coatsrose.com
Direct Dial
512.541.3593

December 5, 2013

VIA EMAIL
Mr. Greg Guernsey, Director
Planning & Development Review Department
City of Austin
505 Barton Springs, 5th Floor
Austin, Texas 78704

Re: Canyons @ Rob Roy (C814-88-0001.10 and C814-88-0001(RCA)); Postponement Request

Dear Mr. Guernsey:

I am writing to you on behalf of our client, Rob Roy Homeowner's Association ("Client"), to formally request a postponement of the above-referenced case to the January 23, 2014 City Council hearing. A large number of my Clients (residents of Rob Roy) are abroad and are not able to attend the public hearing scheduled for December 12, 2013. This is our Client's first request for a postponement.

Thank you for your immediate attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

John M. Joseph

cc: Mayor & City Council Members
Clark Patterson, City of Austin
Jerry Rusthoven, City of Austin

4811-8146-9202, v. 1