Zoning Case No. C14-2014-0008 RC
Zoning Case No. C14-2014-0009 RC

RESTRICTIVE COVENANT

OWNER: Protestant Episcopal Church Council of the Diocese of Texas, a non-profit Texas corporation

ADDRESS: 1225 Texas Avenue, Houston, Texas 77002

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: 0.57 acre tract of land being all of Lots 10, 11, 12 and 13 and the North 2 feet of Lot 9, Block 10, The Whitis Addition Subdivision, the 0.57 acre tract of land being more particularly described by metes and bounds in Exhibit "A", and;

0.86 acre tract of land being all of Lots 18, 19, 20, 21, 22, 23 and the North 2 feet of Lot 24, Block 10, The Whitis Addition Subdivision, the 0.86 acre tract of land being more particularly described by metes and bounds in Exhibit "B" attached and incorporated into this covenant (both tracts are cumulatively referred to as the "Property"),

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 ground floor parking structure must be designed to include occupant space along no less than 75 feet of the length of street frontage along University Avenue and Whitis Avenue, as calculated in City Code §25-2-754(H)(1) (*Use Regulations*). This requirement does not apply to a portion of the structure used for an entrance or an exit.

2. Each occupant space in the parking structure shall have a minimum depth of 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.

3. Upper levels of the parking structure shall be screened from adjacent properties. The north facing upper levels of a parking structure shall be screened from adjacent properties using 'green' screen mechanism with living plant material.

4. The parking structure and related improvements shall be designed in accordance with the University Neighborhood Overlay design guidelines, or alternative minimum compliance as allowed in the Overlay.

5. The parking structure shall be designed to support the weight load of residential units above the parking structure.

6. 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.

7. 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.

8. 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.

9. 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 24 day of July, 2014.

OWNER:

Protestant Episcopal Church Council of the Diocese of Texas, a Texas non-profit corporation

By: Robert J. Biehl

Robert J. Biehl
Assistant Treasurer

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 24th day of July, 2014, by Robert J. Biehl, Assistant Treasurer of Protestant Episcopal Church Council of the Diocese of Texas, a Texas non-profit corporation, on behalf of said corporation.

Rochelle L. Childers
Notary Public, State of Texas

Rochelle L. Childers
Notary Public,
State of Texas
Expires:02-24-2018

C14-2014-0008

EXHIBIT "A"
FN #1246
UDG #13-736
PAGE 1 OF 2

WHITIS ADDITION
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

DESCRIPTION

DESCRIBING A TRACT OF LAND CONTAINING 0.579 OF AN ACRE (25,209 SQUARE FEET), SAME BEING ALL OF LOTS 10, 11, 12 AND 13 AND THE NORTH 2 FEET OF LOT 9, BLOCK 10, THE WHITIS ADDITION, A SUBDIVISION RECORDED IN BOOK N PAGE 576, CIVIL MINUTES, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE PROPERTY DESCRIBED IN A CORRECTION DEED TO PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS, EXECUTED ON MAY 30, 1985 AND RECORDED IN VOLUME 9211 PAGE 427, REAL PROPERTY RECORDS OF SAID COUNTY, SAID 0.579 OF AN ACRE (25,209 SQUARE FEET) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a mag nail set at the southwest corner of said Episcopal Church tract, same being the northwest corner of a tract of land owned by the University of Texas, in the west line of said Lot 9, Block 10 and in the east right-of-way line of Whitis Avenue (80' R.O.W.);

THENCE, with the west line of said Lots 10, 11, 12, 13 and a portion of Lot 9, Block 10, same being the east line of said Whitis Avenue, N03°35'10"E, at 2.00 feet passing the common west corner of said Lot 9 and Lot 10, Block 10, continuing for a total distance of 193.92 feet to a calculated point at the northwest corner of said Lot 13, Block 10, same being the southwest corner of Lot 14, Block 10, said Whitis Addition from which a mag nail set at the northwest corner of Lot 15, Block 10, said Whitis Addition bears N03°35'10"E, 95.95 feet;

THENCE, with the north line of said Lot 13, Block 10, same being the south line of said Lot 14, Block 10, S86°46'35"E, 130.00 feet to a calculated point at the northeast corner of said Lot 13, Block 10, same being the southeast corner of said Lot 14, Block 10, and in the west line of a 20' alley;

THENCE, with the east line of Lots 10, 11, 12, 13 and a portion of Lot 9, Block 10, said Whitis Addition, same being the west line of said 20' alley, S03°35'10"W, 193.92 feet to a calculated point at the southeast corner of said Episcopal Church tract, same being in the east line of said Lot 9 and in the north line of said University of Texas tract from which a ½" iron rod with cap (UDG #2433) set at the southeast corner of said Episcopal Church tract, same being at the northeast corner of said University of Texas tract and in the west right-of-way line of University Avenue (80' R.O.W.) bears S86°46'35"E, 150.00 feet;

THENCE, with the south line of said Episcopal Church tract, same being north line of said University of Texas tract and through the interior of said Lot 9, Block 10, N86°46'35"W, 130.00 feet to the POINT OF BEGINNING and containing 0.579 of an acre (25,209 square feet) of land.

SCANNED

WHITIS ADDITION
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

Field Notes Prepared by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040

STATE OF TEXAS
REGISTERED
JOHN NOELL
2433
PROFESSIONAL
LAND SURVEYOR

John Noell, R.P.L.S. #2433

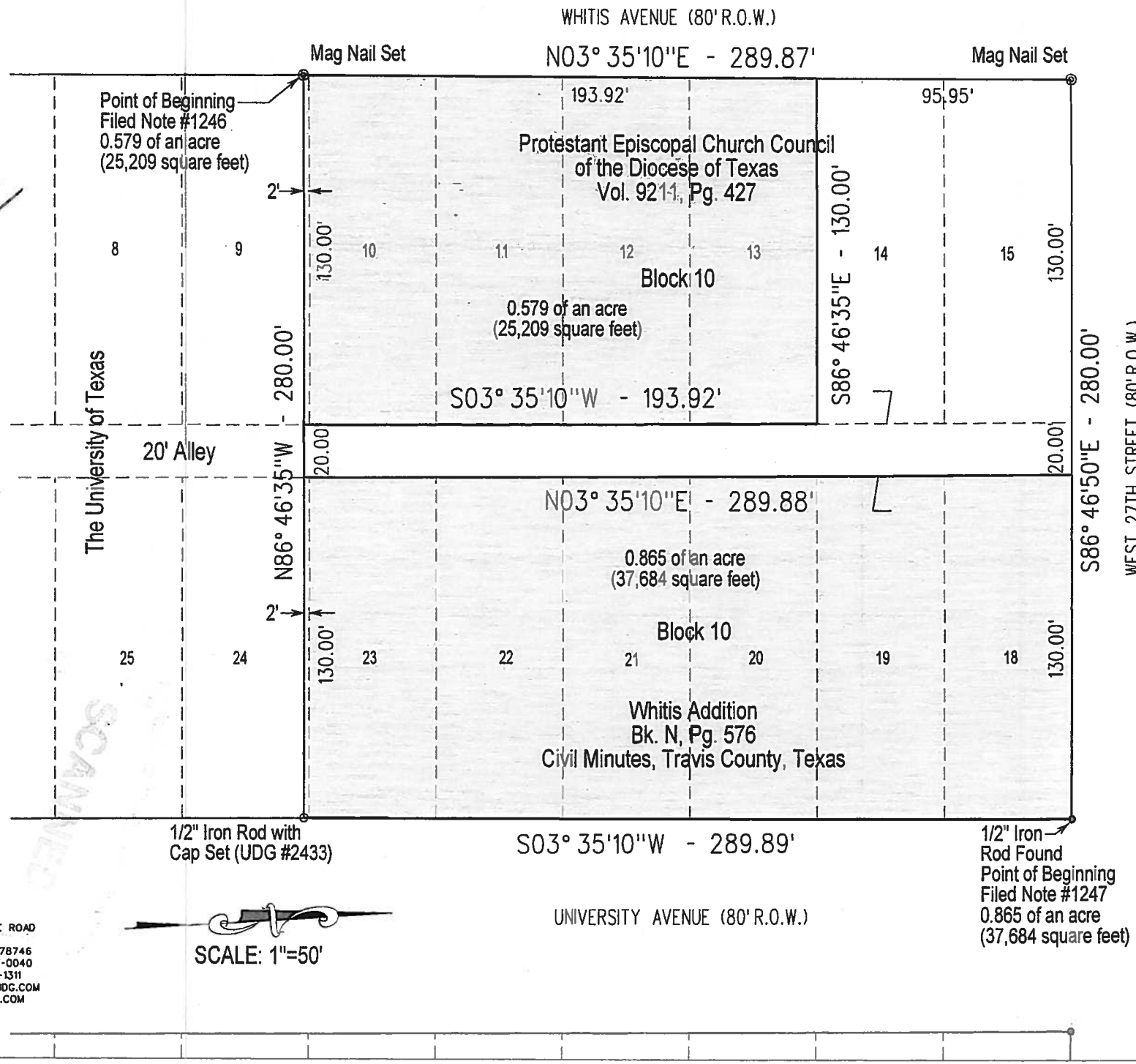
Date: 1.9.14

Map attached.

Basis of Bearings: Bearings shown hereon are based on the Texas State Plane Coordinate System, NAD 83 (1986 Adjustment), Texas Central Zone (4203). All bearings, distances and acreages shown hereon relate to this datum and grid coordinate system.

References: TCAD: 02 1503 0505.
Austin Grid: J-24.

SCANNED



STATE OF TEXAS
REGISTERED
JOHN NOELL
2433
PROFESSIONAL
LAND SURVEYOR

1.9.14

Basis of Bearings: Bearings shown hereon are based on the Texas State Plane Coordinate System, NAD 83 (1986 Adjustment), Texas Central Zone (4203). All bearings, distances and acreages shown hereon relate to this datum and grid coordinate system.

Field Note #1246 and#1247 to accompany this map.

3660 STONERIDGE ROAD
SUITE E101
AUSTIN, TEXAS 78746
PHONE: (512) 347-0040
FAX: (512) 347-1311
E-MAIL: GENERAL@UDG.COM
WWW: WWW.UDG.COM
Urban Design Group

C14-2014-0009

EXHIBIT "A"
FN #1247
UDG #13-736
PAGE 1 OF 2

WHITIS ADDITION
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

DESCRIPTION

DESCRIBING A TRACT OF LAND CONTAINING 0.865 OF AN ACRE (37,684 SQUARE FEET), SAME BEING ALL OF LOTS 18, 19, 20, 21, 22 AND 23 AND THE NORTH 2 FEET OF LOT 24, BLOCK 10, THE WHITIS ADDITION, A SUBDIVISION RECORDED IN BOOK N PAGE 576, CIVIL MINUTES, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE PROPERTY DESCRIBED IN A CORRECTION DEED TO PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS, EXECUTED ON MAY 30, 1985 AND RECORDED IN VOLUME 9211 PAGE 427, REAL PROPERTY RECORDS OF SAID COUNTY, SAID 0.865 OF AN ACRE (37,684 SQUARE FEET) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½" iron rod found at the northeast corner of said Episcopal Church tract, same being the northeast corner of said Lot 18, in the south right-of-way line of West 27th Street (80' R.O.W.) and in the west right-of-way line of University Avenue (80' R.O.W.);

THENCE, with the east line of said Lots 18, 19, 20, 21, 22, 23 and a portion of Lot 24, Block 10, same being the west line of said University Avenue, S03°35'10"W, at 287.89 feet passing the common east corner of said Lot 23 and Lot 24, Block 10, continuing for a total distance of 289.89 feet to a ½" iron rod with cap (UDG #2433) set at the southeast corner of said Episcopal Church tract, same being at the northeast corner of a tract of land owned by the University of Texas and in the east line of said Lot 24, Block 10;

THENCE, with the south line of said Episcopal Church tract, same being with the north line of said University of Texas tract and through the interior of said Lot 24, Block 10, N86°46'35"W, 130.00 feet to a calculated point at the southwest corner of said Episcopal Church tract, same being in the east line of a 20' alley from which a mag nail set at the southwest corner of said Episcopal Church tract, same being the northwest corner of said University of Texas tract and in the east line of Whitis Avenue (80' R.O.W.) bears N86°46'35"W, 150.00 feet;

THENCE, with the west line of said Lots 18, 19, 20, 21, 22, 23 and a portion of Lot 24, Block 10, same being the east line of said 20' alley, N03°35'10"E, 289.88 feet to a calculated point at the northwest corner of said Lot 18, Block 10, same being in the south right-of-way line of said West 27th Street from which a mag nail set at the northwest corner of Lot 15, Block 10, said Whitis Addition, same being in the east right-of-way line of said Whitis Avenue bears N86°46'50"W, 150.00 feet;

THENCE, with the north line of said Lot 18, Block 10, same being the south line of said West 27th Street, S86°46'50"E, 130.00 feet to the POINT OF BEGINNING and containing 0.865 of an acre (37,684 square feet) of land.

SCANNED

WHITIS ADDITION
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

Field Notes Prepared by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040

STATE OF TEXAS
REGISTERED
JOHN NOELL
2433
PROFESSIONAL
LAND SURVEYOR

John Noell, R.P.L.S. #2433

Date: 1-9-14

Map attached.

Basis of Bearings: Bearings shown hereon are based on the Texas State Plane Coordinate System, NAD 83 (1986 Adjustment), Texas Central Zone (4203). All bearings, distances and acreages shown hereon relate to this datum and grid coordinate system.

References: TCAD: 02 1503 0505.
Austin Grid: J-24.

SCANNED

C215C30565

STATE OF TEXAS
REGISTERED
JOHN NOELL
2433
PROFESSIONAL
LAND SURVEYOR

1.9.14

WHITIS AVENUE (80' R.O.W.)

Mag Nail Set — N03° 35'10"E - 289.87' — Mag Nail Set

Point of Beginning
Filed Note #1246
0.579 of an acre
(25,209 square feet)

193.92' — 95.95'

Protestant Episcopal Church Council
of the Diocese of Texas
Vol. 9211, Pg. 427

2' — 130.00' — 8 — 9 — 10 — 11 — 12 — 13 — 14 — 15 — 130.00'

Block 10

0.579 of an acre
(25,209 square feet)

S03° 35'10"W - 193.92'

S86° 46'35"E - 130.00'

The University of Texas — 280.00' — N86° 46'35"W

20' Alley — 20.00 — 20.00

S86° 46'50"E - 280.00'

WEST 27TH STREET (80' R.O.W.)

N03° 35'10"E - 289.88'

0.865 of an acre
(37,684 square feet)

2' — 130.00' — 25 — 24 — 23 — 22 — 21 — 20 — 19 — 18 — 130.00'

Block 10

Whitis Addition
Bk. N, Pg. 576
Civil Minutes, Travis County, Texas

1/2" Iron Rod with
Cap Set (UDG #2433)

S03° 35'10"W - 289.89'

1/2" Iron
Rod Found
Point of Beginning
Filed Note #1247
0.865 of an acre
(37,684 square feet)

UNIVERSITY AVENUE (80' R.O.W.)

Basis of Bearings: Bearings shown hereon are based on the Texas State Plane Coordinate System, NAD 83 (1986 Adjustment), Texas Central Zone (4203). All bearings, distances and acreages shown hereon relate to this datum and grid coordinate system.

Field Note #1246 and#1247 to accompany this map.

SCALE: 1"=50'

UDG
Urban Design Group
3660 STONERIDGE ROAD
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After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: J. Collins, Paralegal