Zoning Case No. C14-2018-0056

**RESTRICTIVE COVENANT**

**OWNER:** SRE/MRE Oak Hill, Ltd., a Texas limited partnership

**OWNER ADDRESS:** 9811 Katy Freeway, Suite 925, Houston, TX 77024

**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 are acknowledged.

**PROPERTY:** 18.3163 acres (797,857 square feet) out of the Thomas Anderson Survey No. 99, Abstract No. 28, located in Austin, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit “A” incorporated into this covenant; and

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

WHEREAS, the Austin Fire Department (“AFD”) has recommended that no residential dwelling units be constructed on the Property within 528 feet of the west property line of Lot 1, The Patton Ranch 1, Phase A, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 81, Page 140-141, Plat Records of Travis County, Texas;

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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis (“NTA”) memorandum from the Land Use Review-Transportation Section of the Development Services Department (the “Department”), dated November 6, 2018. The NTA memorandum shall be kept on file at the Department.

2. Residential dwelling units are prohibited on the Property in the area that is within 528 feet of the west property line of Lot 1, The Patton Ranch 1, Phase A, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 81, Page 140-141, Plat Records of Travis County, Texas, (the “Setback”), as illustrated in Exhibit “B.” The Setback shall be measured from the exterior wall or roof projection of any residential structure on the Property.
3. 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.

4. 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 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 ________________, 2018.

Owner:

SRE/MRE Oak Hill, Ltd., a Texas limited partnership

By:  SRE/MRE Oak Hills GP, LLC, a Texas limited liability company, its general partner

By: _____________________________

J. Mark Stevenson, Manager
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 12th day of December 2018, by J. Mark Stevenson, as manager of SRE/MRE Oak Hills GP, LLC, a Texas limited liability company, as general partner of SRE/MRE Oak Hill, Ltd., a Texas limited partnership on behalf of said partnership.

__________________________
KIMBERLY TUCKER
Notary Public, State of Texas

APPROVED AS TO FORM:

__________________________
Assistant City Attorney
City of Austin
BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 18.3163 ACRES (797,857 SQUARE FEET) OUT OF THE THOMAS ANDERSON SURVEY NO. 90, ABSTRACT NO. 28 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 18.308 ACRE TRACT CONVEYED TO GALT GRAYDON IN DOCUMENT NO. 2001091311 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 18.3163 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 3/4-inch iron pipe found at a corner in the west right-of-way line of Old Bee Caves Road (right-of-way varies), and being the southeast corner of said Graydon tract, for the southeast corner and POINT OF BEGINNING hereof;

THENCE, with the south line of said Graydon tract, in part with the west right-of-way line of said Old Bee Caves Road, in part with the north line of Lot 1, Block “A” of Center of the Hills, Section II, a subdivision recorded in Volume 95, Pages 341-342 of the Plat Records of Travis County, Texas (P.R.T.C.T.), and in part with the north line of Lot 1, Block “A” of Center of the Hills, a subdivision recorded in Volume 93, Pages 93-94 (P.R.T.C.T.), the following three (3) courses and distances:

1) N79°21'22"W, passing at a distance of 16.22 feet, a TxDot Type III aluminum cap found at a corner in the west right-of-way line of said Old Bee Caves Road, and being the northeast corner of Lot 1 of said Center of the Hills Section II, and continuing for a total distance of 339.24 feet to a 1/4-inch iron pipe found for an angle point hereof,

2) N79°22'52"W, a distance of 226.22 feet to a 1/4-inch iron pipe found for an angle point hereof, said point being at the common north corner of Lot 1 of said Center of the Hills Section II and Lot 1 of said Center of the Hills, and

3) N77°35'51"W, a distance of 35.47 feet to a calculated (inundated) point for the southwest corner hereof, said point being at the approximate centerline of Williamson Creek, and being in the north line of Lot 1 of said Center of the Hills, and being at the southeast corner of the remainder of a called 21.08 acre tract conveyed to Alice Min-Fei Z Yi in Document No. 2016051484 (O.P.R.T.C.T.), said tract being more particularly described in Volume 8491, Page 617 of the Deed Records of Travis County, Texas (D.R.T.C.T.);

THENCE, with the approximate centerline of said Williamson Creek, and with the common line of said Yi tract and said Graydon tract, the following three (3) courses and distances:

1) N34°35'40"W, a distance of 525.71 feet to a calculated (inundated) point for an angle point hereof,

2) N43°04'13"W, a distance of 255.90 feet to a calculated (inundated) point for an angle point hereof, and

3) N35°27'03"W, a distance of 86.02 feet to a calculated (inundated) point for the northwest corner hereof, said point being in the southeast line of a called 1.50 acre tract conveyed to Jacqueline May in Document No. 2013139393 (O.P.R.T.C.T.), said tract being more particularly described in Volume 1950, Page 341 (D.R.T.C.T.), and being the northeast corner of said Yi tract, and being the northwest corner of said Graydon tract;

Exhibit A
THENCE, with the common line of said May tract and said Graydon tract, the following two (2) courses and distances:

1) **N60°42’34”E**, a distance of **24.66** feet to a 1-inch iron rod found for an angle point hereof, and
2) **N57°28’20”E**, a distance of **424.56** feet to a 1/2-inch iron rod with “Ward-5811” cap set for an exterior ell-corner hereof, said point being in the south right-of-way line of Old Bee Caves Road, and being at the common north corner of said May tract and said Graydon tract;

THENCE, with the south and west right-of-way line of said Old Bee Caves Road and the north and east lines of said Graydon tract, the following five (5) courses and distances:

1) **S76°05’54”E**, a distance of **630.58** feet to a 1/2-inch iron rod found for an angle point hereof,
2) **S67°56’42”E**, a distance of **94.19** feet to a 1/2-inch iron rod found for an angle point hereof,
3) **S52°23’11”E**, a distance of **91.92** feet to a 1/2-inch iron rod found for an angle point hereof,
4) **S19°10’42”E**, a distance of **108.33** feet to a calculated point (that falls inside a wastewater cleanout) for an angle point hereof, and
5) **S06°02’36”W**, a distance of **700.69** feet to the **POINT OF BEGINNING** and containing 18.3163 Acres (797,857 Square Feet) more or less.

**NOTE:**
All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000071862816. See attached sketch (reference drawing: 00592.dwg)

__________________________________
Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC
LOT 1, BLOCK "A"
CENTER OF
THE HILLS
VOL. 93, PG. 93-94
P.R.T.C.T.

P.O.B.
CALLED 18.308 ACRES
GALT GRAYDON
DOC. NO. 2001091311
O.P.R.T.C.T.

18.3163 ACRE(S)
797,857 SQUARE FEET

CALLED 18.308 ACRES
GALT GRAYDON
DOC. NO. 2001091311
O.P.R.T.C.T.

18.3163 ACRES
City of Austin,
Travis County, Texas
[A] LOT 1, BLOCK "A"
CENTER OF THE HILLS
SECTION II
VOL. 95, PG. 341-342, P.R.T.C.T.

[B] ALICE MIN-FEI Z YI
DOC. NO. 2016051484, O.P.R.T.C.T.
REMAINDER OF
CALLED 21.08 ACRES
TRACT DESCRIBED IN
VOL. 8491, PG. 617, D.R.T.C.T.

[C] JACQUELINE MAY
DOC. NO. 2013139393, O.P.R.T.C.T.
CALLED 1.50 ACRES DESCRIBED IN
VOL. 1950, PG. 341, D.R.T.C.T.

TCAD PARCEL #308771
COA GRID #C19

NOTES:
1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000071862816.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

EXHIBIT "B"
(Restrictive Covenant)
Thomas Anderson Survey No. 90, Abstract No. 28

Legal Description
BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 2.9538
ACRES (128,668 SQUARE FEET) OUT OF THE THOMAS ANDERSON
SURVEY NO. 90, ABSTRACT NO. 28 IN TRAVIS COUNTY, TEXAS,
BEING OUT OF AND A PART OF A CALLED 18.3163 ACRE TRACT
CONVEYED TO SRE/MRE OAK HILL, LTD., A TEXAS LIMITED
PARTNERSHIP, RECORDED IN DOCUMENT NO. 2018073696 OF THE
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
(O.P.R.T.C.T.), SAID 2.9538 ACRES BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 3/4-inch iron pipe found at a corner in the west right-of-way line of Old Bee Caves
Road (right-of-way varies), and being the southeast corner of said SRE/MRE Oak Hill tract;

THENCE, with the west right-of-way line of said Old Bee Caves Road, and with the east line of said
SRE/MRE tract, N06°02'36"E, a distance of 188.60 feet to a calculated point for the most southerly corner
and POINT OF BEGINNING hereof;

THENCE, leaving the west right-of-way line of said Old Bee Caves Road, and the east line of said
SRE/MRE tract, over and across said SRE/MRE tract, the following four (4) courses and distances hereof:

1) N23°59'28"W, a distance of 379.03 feet to a calculated point for an angle point hereof,
2) N25°07'35"W, a distance of 238.48 feet to a calculated point for an angle point hereof,
3) N24°22'05"W, a distance of 205.18 feet to a calculated point for an angle point hereof,
   and
4) N24°36'05"W, a distance of 3.71 feet to a calculated point for the northwest corner
   hereof, said point being in the north line of said SRE/MRE tract, and being in the south
   right-of-way line of said Old Bee Caves Road, from which a 1/2-inch iron rod with
   "Ward-5811" cap set in the south right-of-way line of said Old Bee Caves Road, and
   being the northwest corner of said SRE/MRE tract, and being the northeast corner of a
called 1.50 acre tract, conveyed to Jacqueline May, recorded in Document No.
2013139393 (O.P.R.T.C.T.) bears, N76°05'54"W, a distance of 424.76 feet;

THENCE, with the south and west right-of-way line of said Old Bee Caves Road and the north and east
lines of said SRE/MRE tract, the following five (5) courses and distances:

1) S76°05'54"E, a distance of 205.82 feet to a 1/2-inch iron rod found for an angle point hereof,
2) S67°56'42"E, a distance of 94.19 feet to a 1/2-inch iron rod found for an angle point hereof,
3) S52°23'11"E, a distance of 91.92 feet to a 1/2-inch iron rod found for an angle point hereof,
4) S19°10'42"E, a distance of 108.33 feet to a calculated point (that falls inside a wastewater
   cleanup) for an angle point hereof; and
5) S06°02'36"W, a distance of 512.09 feet to the POINT OF BEGINNING and containing
   2.9538 Acres (128,668 Square Feet) more or less.
NOTE:
All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000071862816. See attached sketch (reference drawing: 00592-(RM).dwg)

Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

TCAD Parcel No.: 308771
COA Grid No.: C-19
2.9538 ACRES
RESTRICTIVE COVENANT
City of Austin, Travis County, Texas

TCAD PARCEL NO. 308771
COA GRID NO. C-19

Date: 12/4/2018
Project: 00592
Scale: 1" = 150'
Reviewer: JSW
Tech: RM
Field Crew: JCR/KDL
Survey Date: MAR. 2017
Sheet: 1 OF 2
2.9538 ACRES
RESTRICTIVE COVENANT
City of Austin, Travis County, Texas
After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: C. Curtis, Paralegal