

Zoning Case No. C14-2017-0094

RESTRICTIVE COVENANT

OWNER: BCC Shady Lane, LLC, a Texas limited liability company

OWNER ADDRESS: 515 Congress Avenue, Suite 1515
Austin, Texas 78701

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: 7.93 acre tract out of the J.C. Tannehill League, Abstract No. 22 in the City of Austin, Travis County, Texas, being a part of that certain 7.35 acre tract (First Tract) and all of that certain called .65 acre tract (Second Tract) in a deed to Otto Friedrich and recorded in Volume 376, Page 276, of the Deed Records of Travis County, Texas, being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant (the "Property").

WHEREAS, the Owner 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. Development on the Property is subject to the recommendations contained in the Transportation Mitigation Memorandum from the Austin Transportation Department (the "Department"), dated March 17, 2019. The memorandum shall be kept on file at the Department.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin and (b) by the Owner 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 26th day of March, 2019.

Owner:

BCC Shady Lane, LLC, a Texas limited liability company

By:

Keith Buchanan
Keith Buchanan, Manager

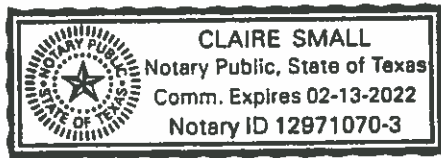
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 26th day of March 2019, by Keith Buchanan, as Manager of BCC Shady Lane, LLC, a Texas limited liability company, on behalf of said company.

Claire Small
Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin





LEGAL DESCRIPTION
Survey for: Barton Creek Capital, LLC

7.93 ACRE TRACT

Being out of the J.C. Tannehill League, Abstract No. 22 in the City of Austin, Travis County, Texas, being part of that certain called 7.35 acre tract (First Tract) and all of that certain called 0.65 acre tract (Second Tract) in a deed to Otto Friedrich and recorded in Volume 376, Page 276 of the Deed Records of Travis County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 1-inch bolt found at a chain link fence corner post in the north line of said First Tract, being the northeast corner of that certain called 1,998 square foot tract of land to the City of Austin recorded in Volume 10070, Page 43, Real Property Records, Travis County, Texas, at the southwest corner of that certain called 1.926 acre tract of land to Saguaro Holdings, LLC, recorded in Document number 2017004773, Official Public Records of Travis County, Texas, and in the east right of way line of Shady Lane, for the northwest corner of this;

THENCE along the north line of said First Tract, S 61°04'27" E passing an iron rod found (diameter = 1/2 inch) 0.54 feet northeast of line at a distance of 362.67 feet being the southeast corner of said 1.926 acre tract and the southwest corner of that certain called 6.308 acre tract of land to Austin Affordable Housing Corporation, recorded in Document number 2015170606, Official Public Records of Travis County, Texas and continuing for a total distance of 961.69 feet to a calculated point at the northeast corner of said First Tract, being the northwest corner of said Second Tract, for a point in the north line of this;

THENCE along the north line of said Second Tract, S 61°04'27" E a distance of 88.89 feet to an iron pipe found (diameter = 1/2 inch) at the northeast corner of said Second Tract, being the southerly southeast corner of said 6.308 and in a northerly western line of that certain called 23.32 acre tract of land to the City of Austin, recorded in Volume 828, Page 5, Deed Records of Travis County, Texas, for the northeast corner of this;

THENCE along the east line of said Second Tract common with the northerly western line of said 23.32 acre tract, S 27°26'17" W a distance of 325.73 feet to an iron rod found (1/2-inch diameter) at the southeast corner of said Second Tract, being an interior angle corner of said 23.32 acre tract, for the southeast corner of this;

THENCE along the south line of said Second Tract, N 61°16'47" W a distance of 88.89 feet to a calculated point at the southwest corner of said Second Tract, being the southeast corner of said First Tract, for a point in the south line of this;

THENCE along the south line of said First Tract, N 61°16'47" W a distance of 972.57 feet to a 1-inch bolt found in the south line of said First Tract and in the east right of way line of Shady Lane, for the southwest corner of this;

THENCE over and across said First Tract and along the east right of way of Shady Lane common with the east line of said 1,998 square foot tract the following three (3) courses and distances:

Exhibit A




1. N 29°36'59" E a distance of 134.72 feet to a 1-inch bolt found, for an angle point in the west line of this,
2. N 29°54'19" E a distance of 131.25 feet to a calculated point, for an angle point in the west line of this, from which two separate mag nails set for reference bear N 85°35'52" W a distance of 8.16 feet and N 38°34'19" W a distance of 8.12 feet, and
3. N 27°37'06" E a distance of 63.51 feet to the POINT OF BEGINNING, in all containing 7.93 acres of land.

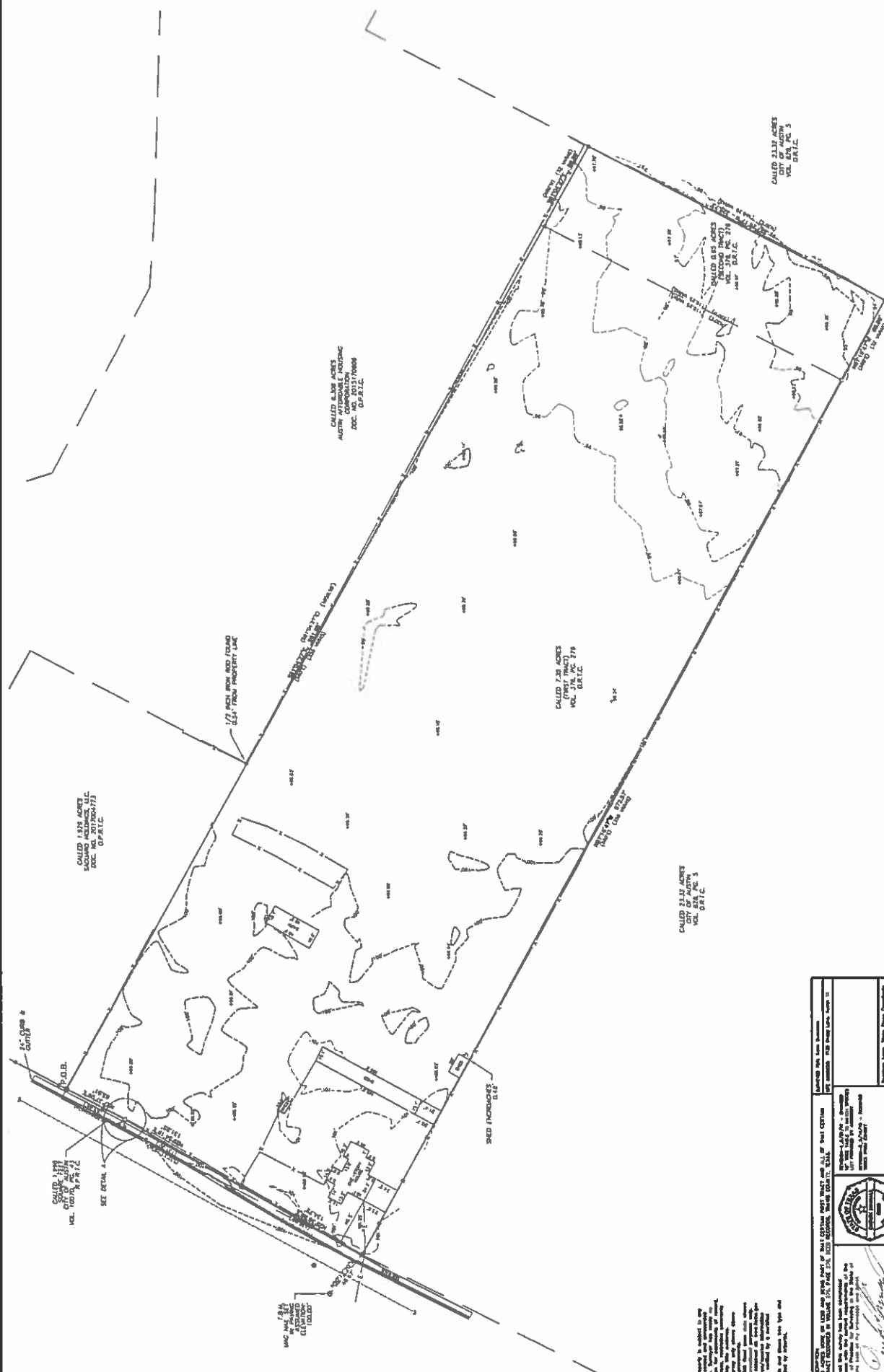
All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

This description to accompany a plat of like date representing an on the ground survey supervised by me Derek Kinsaul, Registered Professional Land Surveyor.

June 19, 2017


Derek Kinsaul
RPLS No. 6356
Job #17-0047





TOPOGRAPHIC SURVEY

NOTES:
 1) The property is located in the City of Austin, Texas, and is subject to the City of Austin's zoning regulations.
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 8) The property is located in the City of Austin, Texas, and is subject to the City of Austin's zoning regulations.
 9) The property is located in the City of Austin, Texas, and is subject to the City of Austin's zoning regulations.
 10) The property is located in the City of Austin, Texas, and is subject to the City of Austin's zoning regulations.

<p>1. PROJECT INFORMATION</p> <p>PROJECT NAME: [Blank]</p> <p>PROJECT LOCATION: [Blank]</p> <p>PROJECT OWNER: [Blank]</p> <p>PROJECT DATE: [Blank]</p>		<p>2. SURVEY INFORMATION</p> <p>SURVEY TYPE: [Blank]</p> <p>SURVEY DATE: [Blank]</p> <p>SURVEY METHOD: [Blank]</p>	
<p>3. SURVEY RESULTS</p> <p>AREA SURVEYED: [Blank]</p> <p>AREA NOT SURVEYED: [Blank]</p> <p>AREA OF INTEREST: [Blank]</p>		<p>4. SURVEY NOTES</p> <p>[Blank]</p> <p>[Blank]</p> <p>[Blank]</p>	

1517 TREE LIST

[illegible]

8" TO 19" TREE LIST

[illegible][illegible]

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