

RESTRICTIVE COVENANT TERMINATION CHANGE REVIEW SHEET

CASE: C14-78-189(RCT) 305 S. Congress RC DISTRICT: 9

EXISTING ZONING: PUD-NP

ADDRESS: 12.041 acres being a portion of 305 S. Congress Avenue

SITE AREA: 12.041 acres

PROPERTY OWNER:

Richard T. Suttle, Jr. (Trustee)

AGENT:

Armbrust & Brown PLLC (Richard Suttle)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends terminating the Restrictive Covenant. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 8, 2022 **Approved terminating the Restrictive Covenant, as Staff recommended. Vote: 12-0 [Commissioner Azhar; Vice-Chair Hempel – 2nd] Commissioner Praxis was absent**

January 25, 2022 Approved Planning Commission's postponement to February 8, 2022 on the consent agenda. Vote: 10-0. [Commissioner Shieh – 1st, Vice Chair Hempel – 2nd, Commissioner Praxis was off the dais, Commissioners Howard and Mushtaler were absent].

CITY COUNCIL ACTION:

April 7, 2022

ISSUES

No known issues at this time.

CASE MANAGER COMMENTS:

The proposed Restrictive Covenant Termination (RCT) area is approximately 12.04 acres in size and is part of a larger tract currently being requested to be rezoned from PUD-NP to PUD-NP, to change the conditions of zoning, please see Zoning Case No. C814-89-0003.02.

This tract was rezoned from “L” (Lake Development, Second Height and Area) to “C” (Commercial, Second Height and Area) in 1978. As a condition of that rezoning case, a restrictive covenant (RC) was created. This RC included restrictions to permitted land uses and special use permits as they existed in the City of Austin’s zoning ordinance as of November 1, 1978; and dedication of a perpetual 15-foot-wide public pedestrian and bicycle easement (to be recorded by a separate metes and bounds instrument).

The applicant is requesting to terminate this RC in conjunction with rezoning case C814-89-0003.02 and neighborhood plan amendment case NPA-2019-0022.02.

BASIS OF RECOMMENDATION:

Staff recommends terminating this restrictive covenant. This RC references land uses, and special use permits which date back to a previous version of the city’s land development code. Additionally, the requirement to dedicate a public access easement for the hike and bike trail has been fulfilled and if the requested zoning from C814-89-0003.02 is approved by City Council, this trail would be included in the area dedicated by deed for parkland.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	PUD-NP	Industrial
North	Not Zoned	Lady Bird Lake
South	LI-NP, CS-1-V-NP, CS-V-NP, CS-NP and PUD-NP	Automotive repair services; administrative and business offices; and personal services.
East	Not Zoned	Lady Bird Lake
West	PUD-NP	Industrial

NEIGHBORHOOD PLANNING AREA: Greater South River City Neighborhood Plan (South River City).

TIA: Deferred to the 305 S. Congress TIA associated with C814-89-0003.02

WATERSHED: Lady Bird Lake

OVERLAYS: ADU Approximate Area Reduced Parking, Capitol View Corridors (South Congress at east Live Oak), Residential Design Standards, Scenic Roadways Overlay (Barton Springs Road), Waterfront Setbacks Overlay (South Shore Central).

SCHOOLS: Travis Heights Elementary, Lively Middle and Travis High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Bouldin Creek Neighborhood Association
 Bouldin Creek Neighborhood Planning Team
 City of Austin Downtown Commission
 Downtown Austin Alliance
 Downtown Austin Neighborhood Assn. (DANA)
 Friends of Austin Neighborhoods

Greater South River City Combined
 Neighborhood Plan Contact Team
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 South Central Coalition
 South River City Citizens Association
 Waterloo Greenway
 Zoning Committee of South River City
 Citizens

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0026 Area Wide Plan	To add Garage Placement provisions to Bouldin Creek Neighborhood Area Plan	Recommended adding placement too planning area	Case was indefinitely postponed by staff; Council did not act.
C814-2017-0001 425 W. Riverside Drive PUD	CS-1-V-NP to PUD-NP for Mixed Uses with associated improvements	Recommended staff recommendation with additional direction provided by 1) the Environmental Commission, 2) the Small Area Planning Joint Committee, and 3) the South Central Waterfront Advisory Board Working Group	Approved PUD-NP with additional direction to staff and revisions to the ordinance (5/10/2018)
C814-2012-0071 422 W. Riverside	LI-NP to PUD-NP	Recommended PUD-NP	Approved PUD-NP (10/18/2012)

Number	Request	Commission	City Council
C814-2008-0165 222 E. Riverside Drive PUD	L-V-NP and L-NP to PUD-NP	Recommended PUD-NP	Approved PUD-NP (10/16/2008)
C14-2007-0224 C14-2007-0220 Area Wide Plan	To add VMU to various tracts in the Greater South River City and the Bouldin NP Areas	Recommended adding V to zoning districts.	Approved adding VMU to tracts (12/13/2007)
C814-06-0106 C814-06-0106.01 C814-06-0106.02 208 Barton Springs PUD	CS-1-NP and L-NP to PUD-NP Amendments were to add additional permitted uses within PUD.	Recommended PUD-NP with conditions. Recommended both amendments.	Approved PUD-NP (2/15/2007) Approved both amendments (9/26/2013 and 8/7/2014)
C14-99-0069 200 S. Congress	LI to LI-PDA	Recommended LI-PDA.	Approved LI-PDA (10/26/2000)
C14-73-041	C2 and D to C	-	Approved C (2/14/1974)

RELATED CASES:

C814-89-0003.02: This is the rezoning case being considered in conjunction with this restrictive covenant termination case.

NPA-2019-0022.02: This is the neighborhood plan amendment being considered in conjunction with this restrictive covenant termination case.

C14-05-0139: This was the creation of the Greater South River City Neighborhood Plan which included the South River City and St. Edwards neighborhood areas. This property is located within the boundaries of the South River City neighborhood (ordinance no. 20050929-Z003).

C814-89-0003.01: Amended the site plan (Phases 2 through 4) originally submitted with the PUD and added three new sheets to the plan set (ordinance no. 931202-H).

C814-89-0003: This was the creation of the original PUD for this property (ordinance no. 890720-E). PUD regulations included a list of permitted and prohibited land uses, site development regulations, roadway improvements and phasing plan.

C14-78-189: This case rezoned Tract 1 (approximately 13.08 acres) of the rezoning case from L (lake, second height and area district) to C (commercial, second height and area district); and Tract 2 (approximately 0.89 acres) of the rezoning case from D (industrial, second height and area district) to C (commercial, second height and area district).

C14-72-161: This case involved rezoning an area of 52.6 acres on the south side of the river from C (commercial) and D (industrial) to L (lake district).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Congress Avenue (North of Barton Springs)	~60'	116'	61'	3	Yes	Yes	Yes
Congress Avenue (South of Barton Springs)	~131'	130'	87'	3	Yes	Yes	Yes
New Bridge Over Lady Bird Lake	N/A	120'	N/A	3	Yes	Yes	Yes
S. Central Waterfront Local Street 1	N/A	60'	N/A	1	Yes	Yes	Yes
S. Central Waterfront Local Street 2	N/A	60'	N/A	1	Yes	Yes	Yes

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
S. Central Waterfront Local Street 3	N/A	60'	N/A	1	Yes	Yes	Yes
Barton Springs Road (extension)	N/A	92'	N/A	2	Yes	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The proposal is to terminate an existing Restricted Covenant on this property.

The Imagine Austin Comprehensive Plan is a long-range planning and policy document, which is broad in scope, and the review of a restricted covenant is not under the purview of the plan and thus no review comments are being submitted.

PARD Review

PR1. This Restrictive Covenant (RC) was recorded in 1978 and referred to the proposed development of the Austin American Statesman property. Part 7 of the RC refers to a pedestrian and bicycle easement and requires its recordation. As specified, a bike and pedestrian easement roughly parallel to the shoreline of Town Lake / Lady Bird Lake was recorded, is now protected parkland, and contains the Butler Hike and Bike Trail. Therefore, the park-related obligation within this RC has been fulfilled and PARD finds no issue with the termination of the RC.

Site Plan

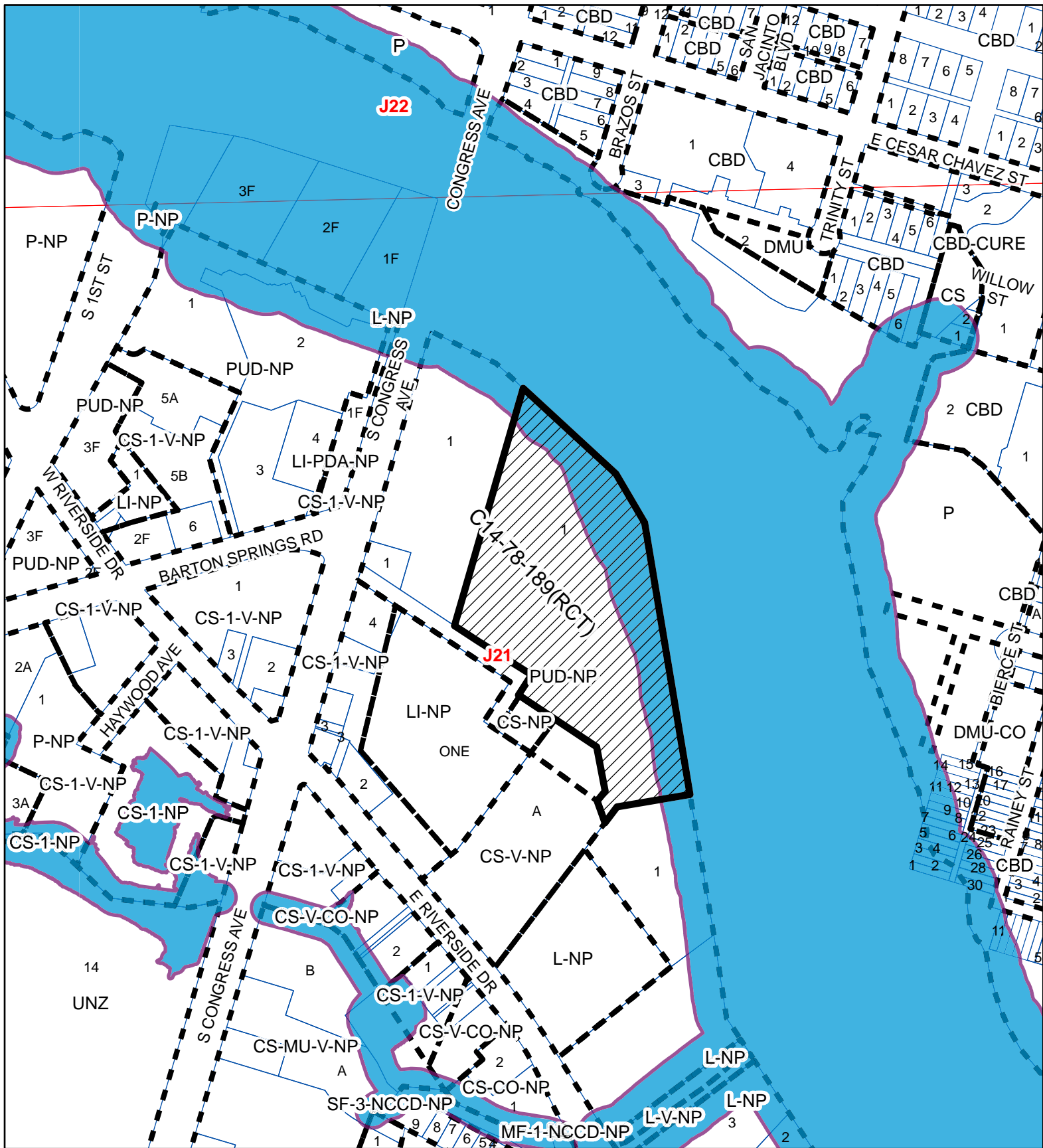
SP 1. There are no Site Plan concerns with terminating the restrictive covenant.

INDEX OF EXHIBITS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit B: Aerial Map

1978 Restrictive Covenant



305 S. Congress RCT

Exhibit A

ZONING CASE#: C14-78-189(RCT)
 LOCATION: 305 South Congress Avenue
 SUBJECT AREA: 12.04 Acres
 GRID: J21
 MANAGER: KATE CLARK



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

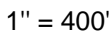


Exhibit B

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. 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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THE STATE OF TEXAS §
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS COX ENTERPRISES, INC. is the owner of that certain tract of land of 12.041 acres more or less (said 12.041 acre tract being hereinafter called the Subject Property) in the City of Austin, Travis County, Texas, said tract of 12.041 acres more or less (the Subject Property) being more particularly described on Exhibit A attached hereto and made a part hereof; and,

WHEREAS, as a condition to the rezoning of the Subject Property from "L" Lake Development, Second Height and Area, to "C" Commercial, Second Height and Area, under the zoning ordinance of the City of Austin, Texas, and for the better development of the Subject Property, the City Council of the City of Austin, desires that Cox Enterprises, Inc., execute and deliver for the benefit of the City of Austin, a municipal corporation, the following restrictive covenant;

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NOW, THEREFORE, Cox Enterprises, Inc., owner of the Subject Property, does hereby place upon and charge the Subject Property (the 12.041 acre tract described on Exhibit A hereto) with the following restrictive covenant which shall, subject to the following provisions hereof, be deemed a covenant running with the land for the benefit of the City of Austin and binding upon Cox Enterprises, Inc., and its successors and assigns, to wit:

1. No building shall be constructed or used on the Subject Property unless for one or more of the following uses:

(a) any use which would be a permissible use on the Subject Property under the zoning ordinance of the City of Austin as it exists November 1, 1978, if the Subject Property were at the time of such construction or use zoned "L" Lake Development, Second Height and Area under the zoning ordinance of the City of Austin as it exists November 1, 1978;

and,

(b) newspaper plant and office building or buildings, including related printing establishment, press rooms, warehouse

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facilities, loading docks, vehicle service facilities, associated drainage, utility and power facilities, drives, parking areas, landscaping and hike and bike trail, and other accessory buildings, facilities and uses customarily incident to a newspaper plant and its associated offices, printing and press rooms, warehouse and loading and unloading and vehicle service facilities.

2. With respect only to the erection or exterior structural alteration of any building on the Subject Property for any use which is not a use described in (or included within one or more uses described in) clause (b) of paragraph 1. hereof just above, a Special Permit shall be obtained and be in force prior to the issuance by the City of Austin of a building permit for the erection or structural alteration of such building (and such Special Permit shall be such that the building permit can be issued pursuant thereto or consistent therewith or in conformity with the provisions of Section 45-29(f) of the City of Austin, 1967, as amended, as same exists November 1, 1978); provided, however, that nothing in this paragraph 2. shall require a Special Permit with respect to the erection or structural alteration of any building on the Subject Property at any time at which the zoning ordinance of the City of Austin, as in effect at such time, does not then generally require a Special Permit for such erection or alteration of buildings located in areas zoned "L" Lake Development District under said zoning ordinance as then in effect. When a building has been erected (or had exterior structural alteration) pursuant to a building permit issued in accordance with the provisions hereof upon the obtaining of a Special Permit, a new Special Permit shall not be required hereby in order to obtain a new building permit for the exterior structural alteration of or addition to such building, provided the building, as so altered or added to, would have been consistent with or authorized by (or in conformity with the provisions of Section 45-29(f) of the Code of the City of Austin, 1967, as amended, as same exists November 1, 1978) the Special Permit on the basis of which the building permit for the initial erection or alteration of such building was issued. "Special Permit" in

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connection with this paragraph 2. refers to the special permit issued under the zoning ordinance of the City of Austin for purposes of complying with the special permit requirements of Section 45-22.5 of the Code of the City of Austin, 1967, as amended, as in effect November 1, 1978, more particularly a special permit under Sections 45-22.5(i), 45-22.5(j) and 45.29 of the Code of the City of Austin, 1967, as amended, as the same is in force and effect November 1, 1978; provided, however, that if such City of Austin special permit procedure (for purposes of complying with the special permit requirements for buildings in an area zoned "L" Lake Development under the zoning ordinance of the City of Austin) is hereafter amended or is hereafter replaced by a successor similar such permit procedure of the City of Austin, then such a permit obtained under the new or then amended procedure will be sufficient to meet the requirements of this paragraph 2. for obtaining a building permit; provided, further, however, it is not intended by this paragraph 2. to charge the Subject Property (or to have the Subject Property so restricted), now or at any time in the future, as a condition for obtaining a building permit, with any further or more onerous or more restrictive requirements or conditions in respect to obtaining a Special Permit than are provided for respecting buildings in areas zoned "L" Lake Development by the zoning ordinance of the City of Austin (including particularly Sections 45-22.5(i), 45-22.5(j) and 45.29 of the Code of the City of Austin, 1967, as amended) as the same is in effect November 1, 1978. Nothing in this paragraph 2. shall require a Special Permit for the erection or exterior structural alteration of any building on the Subject Property for any use which is a use described in (or included within one or more uses described in) clause (b) of paragraph 1. hereof above.

3. With respect to the erection or substantial exterior structural alteration of any building on the Subejct Property for any use which is a use described in (or included within one or more of the uses described in) clause (b) of paragraph 1. hereof above,

no building permit shall (except as otherwise herein provided) be issued for such erection or such alteration of such a building unless same be substantially in accordance either with the conceptual site plan for the Subject Property dated November 27, 1978, prepared by Wilson, Crain, Anderson, Reynolds, Architects, for the Austin American-Statesman and now on file in the City of Austin Planning Department file No. C14-78-189 (having been presented, as modified, to the City Council of the City of Austin, November 30, 1978), or with such variance from said site plan as may be both requested by the then owner of the Subject Property and approved by resolution of the City Council of the City of Austin acting pursuant to majority vote of a quorum thereof (which approval shall not be unreasonably refused or delayed), or with such other conceptual site plan for the Subject Property (or the part thereof on which such building or proposed building is or is to be located) as the City Council of the City of Austin (acting pursuant to majority vote of a quorum thereof) may hereafter approve by resolution, or with such variance from any such other site plan hereafter so approved by said City Council as may be both requested by the then owner of the Subject Property and approved by resolution of the City Council of the City of Austin acting pursuant to majority vote of a quorum thereof (which approval shall not be unreasonably refused or delayed). A variance or site plan approval once granted by the City of Austin shall not be withdrawn or modified without the written consent of the then owners of the Subject Property. Notwithstanding the foregoing, it is understood and agreed that any one or more of the below described additions to the buildings as depicted in the above referenced conceptual site plan dated November 27, 1978 on file in said file No. C14-78-189 may be made (at any time or times) by the then owner of the Subject Property without the necessity of procuring a variance for same from said site plan or having a site plan showing same approved by the City Council in order to procure a building permit covering or including such additions or any of same, and such additions shall each be deemed as fully authorized (for all purposes of these restrictions) as if included as a part of said conceptual site plan dated November 27,

* an exact duplicate of which said conceptual site plan, as so modified, being attached hereto as Exhibit B and made a part hereof.

1978, provided that such additions, to be authorized by the terms of this sentence, shall be of such exterior surfacing and design as is substantially consistent with the portion of the building to which such addition is being made; the said authorized additions herein above referred to are as follows, viz: (i) increase the height, to not to exceed three aboveground stories in height, of some or all of that part less than three aboveground stories high of the building labeled on said November 27, 1978 conceptual site plan as "Press Building"; (ii) expand to the northwest the building labeled on said November 27, 1978 conceptual site plan as "Paper Warehouse", the expansion not to be any stories higher than the "Paper Warehouse" as so shown on said site plan and the expansion to be substantially in accordance with the possible expansion area depicted on said site plan just off the northwest wall of the said "Paper Warehouse" building shown thereon; (iii) increase the height of all or any part of the building labeled "Office Building" on said conceptual site plan dated November 27, 1978 to any height not exceeding the maximum height permitted for the said building under the zoning ordinances of the City of Austin in effect, and applicable to the portion of the Subject Property on which said building is situated, at the time of procuring the building permit for making such addition to said building.

4. No building on the Subject Property for any use which is a use described in (or included within one or more uses described in) clause (b) of paragraph 1. hereof above shall be so erected or structurally altered as to be closer than fifty (50) feet to the November 30, 1978 water's edge of Town Lake;

5. Subject to the following portion of this paragraph 5, no building on the Subject Property for any use which is a use described in (or included within one or more uses described in) clause (b) of paragraph 1. hereof above shall be so erected or structurally altered as to have more than three aboveground stories; provided, however, that nothing in this paragraph 5. shall prevent the erection or structural alteration of any building of more than three aboveground stories where such building, or the story or

stories thereof above the third aboveground storey, is an office building (or storey or stories) or for office purposes.

6. If the office of City Manager of the City of Austin should be abolished or vacant at any time, then the official of the City of Austin then performing the majority of the functions now assigned to the said City Manager shall at such time act for purposes of these restrictions in lieu of the City Manager, and the written certification or opinion of the City Attorney (or an Assistant City Attorney) of the City of Austin as to the identity of such substitute official for purposes of these restrictions may be relied upon for purposes of compliance with these restrictions by the owner of the Subject Property, his or its successors, heirs, assigns, mortgagees, tenants or contractors, and/or by any City of Austin official who issues a building permit or occupancy permit. If at any time the governing body of the City of Austin should be other than the City Council of the City of Austin, then "City Council" as used herein shall be taken to refer to such substitute or successor governing body.

7. The Subject Property constitutes a part of Lot 1 of Miller Subdivision, a subdivision in the City of Austin, Travis County, Texas, map or plat of which is of record in Book 77, Page 284, Plat Records of Travis County, Texas. The undersigned hereby agrees to dedicate to the City of Austin, by separate metes and bounds instrument, a perpetual 15 foot wide public pedestrian (and bicycle) easement (an easement for a "hike and bike" trail) running from the northwest line of the Subject Property to the southeast line thereof; the exact location of such 15 foot wide easement strip will be as reasonably selected by the owner of the Subject Property, but such 15 foot wide strip will lie within the area north and east of (i.e., on the Town Lake side of) the south or west line of the segment of the drainage easement area which runs along the Town Lake frontage of the Subject Property as shown on said plat of Miller Subdivision (such drainage easement being that drainage easement segment shown on said plat running along the

Town Lake frontage of the Subject Property and having as its north or east line the south bank of Town Lake and as its south or west line an irregular line running from the northwest line of the Subject Property to the southeast line thereof) and south or west of the presently southerly or westerly edge of Town Lake. At its intersection with the most easterly south line of the Subject Property such 15 foot wide easement will be not more than 25 feet west of the most easterly south corner of the Subject Property. Such easement will be created by instrument in recordable form and having field notes describing the exact location of said 15 foot wide easement strip as aforesaid. The easement will not be for any motor powered vehicle (other than vehicles properly being used to maintain same). The easement will not grant or create a park. The easement will be an easement only, and not a grant of fee title, and upon the 15 foot wide strip no longer being used for a hike and bike trail the easement will terminate and revert to the owner of the Subject Property, its successors and assigns. The easement will be dedicated prior to the City of Austin issuing a Certificate of Occupancy for any buildings hereafter constructed on the Subject Property. Nothing in this paragraph 7 or in said easement will grant or imply any right on the part of the public to access to said 15 foot wide strip over any of the Subject Property other than said 15 foot wide strip itself. Upon recordation of the instrument dedicating such easement the restrictions imposed by this paragraph 7 shall be fully satisfied.

8. The owner of the Subject Property, its successors, heirs, assigns, mortgagees, tenants or contractors, shall be entitled to rely on the issuance of a building permit (for any building hereafter to be constructed on the Subject Property) by the official of the City of Austin charged with such responsibility (presently the office of the Building Inspector) as conclusively evidencing that the restrictions and conditions (including but not limited to the procuring of any hereby required special permit or site plan or variance, or substantially conforming to any

of same, or meeting the conditions of paragraphs 4 or 5 hereof above) imposed by these restrictions in respect to procuring such building permit, and in respect to the building erection and/or alteration and/or use provided for in or purportedly authorized by such building permit, have been fully complied with and satisfied. With respect to the 15 foot wide easement called for by paragraph 7 hereof, the owner of the Subject Property, its successors, heirs, assigns, mortgagees, tenants or contractors, shall be entitled to rely upon the issuance of an occupancy permit (for any building hereafter erected on the Subject Property) by the official of the City of Austin charged with such responsibility (presently the Office of the Building Inspector), and/or upon any written certification by the City Manager of the City of Austin, as conclusively evidencing that the restrictions and conditions imposed by these restrictions in respect to the 15 foot wide easement dedication called for by paragraph 7 hereof have been fully complied with and satisfied.

9. If the Subject Property is hereafter divided so that it consists of or includes all or part of two or more lots, this restrictive covenant will be applied on an individual lot basis, to each respective individual lot (or the part thereof that consists of any of the Subject Property) severally. If the Subject Property is not hereafter divided so that it consists of or includes all or part of two or more lots, this restrictive covenant will apply to it as a whole (unless and until it is so divided so that it consists of or includes all or part of two or more lots, at which time the application will be as stated in the first sentence of this paragraph 8).

10. This restrictive covenant shall run solely to and in favor of the City of Austin and can be enforced by, and only by, the City of Austin.

11. If any person or persons shall violate or attempt to violate the foregoing restriction and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors

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and assigns, to prosecute proceedings at law, or in equity, against the person or persons violating or attempting to violate such restriction or covenant, and either to prevent him or them from so doing or to collect damages for such violation.

12. This restrictive covenant can be amended or revoked by joint action of the City of Austin (acting by resolution pursuant to majority vote of a quorum of the City Council of the City of Austin) and the then owner of the Subject Property (or of the particular lot in question out of the Subject Property).

13. Any suit brought to interpret or enforce this restrictive covenant, or to determine the validity, as reasonable or otherwise, of any failure or refusal to issue a building permit or Special Permit or approve a site plan or variance as above provided, shall be brought in a District Court of Travis County, Texas.

EXECUTED this 7th day of December, 1978.

COX ENTERPRISES, INC.

IND SEAL

By G.L. Williams
Its Vice President
G.L. Williams

THE STATE OF Texas
COUNTY OF Travis

BEFORE ME, the undersigned authority, on this day personally appeared G.L. Williams, Vice President of COX ENTERPRISES, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 7th day of December, 1978.

NOTARY SEAL

My Commission Expires:

Margaret Borchardt
Notary Public in and for

Travis County Texas

MARGARET BORCHARDT
MY COMMISSION EXPIRES
JUNE 30, 1980

Exhibit A
METCALFE ENGINEERING CO., INC.

4800 SOUTH CONGRESS
PHONE 442-5363 — 476-1579
AUSTIN, TEXAS 78745

1-96-7595

FIELD NOTES OF A SURVEY OF 12.041 ACRES OF LAND, BEING A PORTION OF THE ISAAC DECKER LEAGUE SURVEY #20, ABSTRACT #8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 18.697 ACRE TRACT DESCRIBED IN A DEED FROM SARATOGA DEVELOPMENT CORPORATION TO HUDSON PROPERTIES AS RECORDED IN VOLUME 4534, PAGE 557, TRAVIS COUNTY DEED RECORDS, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS 18.697 ACRES SAVE AND EXCEPT A 4.00 ACRE TRACT AND A 1.613 ACRE TRACT, BOTH A PART OF THE SAID 18.697 ACRE TRACT, IN A DEED FROM JOHN W. SPARKS, A SUBSTITUTE TRUSTEE, TO ALLIED BANK OF TEXAS AS RECORDED IN VOLUME 5311, PAGE 1275, TRAVIS COUNTY DEED RECORDS, AS SURVEYED FOR COX ENTERPRISES, INC. BY METCALFE ENGINEERING COMPANY, INC., 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Commencing for reference at an iron stake at the intersection of the east line of South Congress Avenue and the northeast line of that tract of land known as Miller Street and at the southwest corner of a tract of land out of the Isaac Decker League Survey #20 in the City of Austin, as described in a deed to Duplex Advertising Company in Volume 465, Page 164, Travis County Deed Records, and being also the northwest corner of the 50 foot easement for right-of-way as set aside in said deed to Duplex Advertising Company, said commencing iron stake being S 19° 00' W 112.74 feet and S 53° 37' E 73.34 feet from a concrete monument which has been placed by the Department of Public Works of the City of Austin at the intersection of the centerline of Barton Springs Road and a line 10 feet westerly from and parallel to the centerline of South Congress Avenue.

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Thence with the northeast line of that tract of land known as Miller Street, being also the northeast line of the aforesaid 50 foot easement and being also the southwest line of the said Duplex Advertising Company tract described in Volume 465, Page 164, Travis County Deed Records, and with a southwest line of that tract of land described in a deed to Duplex Advertising Company in Volume 1131, Page 429, Travis County Deed Records, and with the southwest line of a tract of 3484 square feet described in a deed to Duplex Advertising Company in Volume 1215, Page 65, Travis County Deed Records, and with a southwest line of an 18.697 acre tract, a portion of the said Isaac Decker League Survey #20, as described in a deed to Hudson Properties in Volume 4534, Page 557, Travis County Deed Records, and being also with a southwest line of a 4.000 acre tract, designated as Tract II and with a southwest line of a 1.613 acre tract, designated as Tract I, both a part of the said 18.697 acre tract, in a deed to Spring Branch Bank in Volume 5239, Page 454, Travis County Deed Records, S 53° 37' E 346.27 feet to an iron stake found at the southeast corner of the said Tract I of 1.613 acres and being the most westerly southwest corner of that portion of the said 18.697 acre tract conveyed to Allied Bank of Texas in Volume 5311, Page 1275, Travis County Deed Records, for the BEGINNING and most westerly southwest corner of the herein described tract;

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(1) THENCE with the most westerly west line of the said Allied Bank of Texas tract, being also the east line of the said Tract I of 1.613 acres, N 19° 00' E 775.19 feet to an iron stake on the south bank of Town Lake at the northwest corner of the said Allied Bank of Texas tract, being also the northeast corner of the said Tract I of 1.613 acres and in the northeast line of the said Hudson Properties 18.697 acre tract, said iron stake being in a Boundary Line Agreement as established in a Boundary Line Agreement and Partition Deed by and between the City of Austin, Martha Ola Sheppard, et vir, Mina Miller, a feme sole, and the American National Bank, Austin, Texas, Trustee of the Estate of Wallace R. Miller, deceased, as recorded in Volume 2221, Pages 69-90, Travis County Deed Records;

Thence with the said Boundary Line Agreement, being also the northeast and east line of the said Hudson Properties 18.697 acre tract, being also the northeast and east line of the said Allied Bank of Texas tract, courses numbered 2-4 inclusive, as follows:

(2) S 44° 30' E 395.29 feet to a point in the waters of Town Lake;
 (3) S 27° 30' E 177.35 feet to a point in the waters of Town Lake;
 (4) S 6° 41' E 864.67 feet to an iron stake on the south bank of Town Lake at point of termination of the Boundary Line Agreement by and between the City of Austin, Martha Ola Miller, et vir, and Mina Miller, a feme sole, and the American National Bank, Austin, Texas, Trustee of the Estate of Wallace R. Miller, deceased, as recorded in Volume 2221, Pages 69-90, Travis County Deed Records, said iron stake being at the northeast corner of that 6.951 acre tract described as Tract 4 in a deed to Dean R. Giles, James B. Giles, Jr. and Rogan Giles in Volume 4608, Page 706, Travis County Deed Records, said iron stake being at the most easterly southeast corner of the Hudson Properties 18.697 acre tract and the most easterly southeast corner of the Allied Bank of Texas tract;

(5) THENCE with the south line of the said Allied Bank of Texas tract and the 18.697 acre tract, being also the north line of the said Giles Tract 4 of 6.951 acres, S 83° 11' W 232.40 feet to an iron stake;

(6) THENCE with a southeast line of the said Allied Bank of Texas tract, being also a southeast line of the said 18.697 acre tract, and with a northwest line of the said Giles Tract 4 of 6.951 acres, S 40° 03' W 62.27 feet to an iron stake at the most southerly corner of the said Allied Bank of Texas tract, and the 18.697 acre tract, said iron stake being at a corner of a 10.979 acre tract out of the Isaac Decker League Survey #20 as described in a deed from J. L. Costley to M. H. Crockett in Volume 385, Page 217, Travis County Deed Records;

(7) THENCE with a west line of the said Allied Bank of Texas tract, being also a west line of the said Hudson Properties 18.697 acre tract, and being also an east line of the Crockett 10.979 acre tract, N 16° 46' W 71.69 feet to an iron stake;

(8) THENCE N 40° 03' E 40.00 feet to an iron stake;

(9) THENCE N 7° 43' W 140.52 feet to an iron stake;

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(10) THENCE N 53° 37' W 290.00 feet to an iron stake in a north-west line of the said Hudson Properties 18.697 acre tract, being also a northwest line of the said Allied Bank of Texas tract, and being also in the southeast line of a permanent easement of right-of-way for street purposes described in a deed from Wallace R. Miller, et ux to Walter Quebedeaux in Volume 275, Page 28, Travis County Deed Records;

(11) THENCE with a northwest line of the said Allied Bank of Texas tract, being also a northwest line of the said 18.697 acre tract, and the southeast line of said street easement as described in Volume 275, Page 28, Travis County Deed Records, and with a southeast line of the aforesaid 50 foot easement as set aside in said deed to Duplex Advertising Company in Volume 465, Page 164, Travis County Deed Records, N 36° 23' E at 60 feet passing the most easterly or northeast corner of said street easement of record in Volume 275, Page 28, Travis County Deed Records, in all 70.00 feet to an iron stake at the most easterly or northeast corner of that tract of land known as Miller Street, said iron stake being the most easterly or northeast corner of the said 50 foot easement as set aside in said Volume 465, Page 164, Travis County Deed Records, said iron stake being an interior corner of the said Allied Bank of Texas tract and the said 18.697 acre tract;

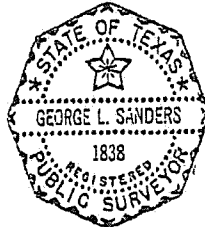
(12) THENCE with a southwest line of the said 18.697 acre tract, being also a southwest line of the said Allied Bank of Texas tract, and the northeast line of that tract of land known as Miller Street, and with the northeast line of the said 50 foot easement set aside in Volume 465, Page 164, Travis County Deed Records, N 53° 37' W 292.40 feet to the beginning corner of the herein described tract and containing 12.041 acres of land.

Surveyed October 12, 1978.

METCALF ENGINEERING COMPANY, INC.

By *George L. Sanders*
George L. Sanders
Registered Public Surveyor #1838

Plans 8877, 6740, 8828
FB 538, P 59



ORIGINAL DIM

STATE OF TEXAS
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, as Stamped hereon by me, on

MAR 6 1979



Caris Thompson
COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED

MAR 6 8 11 AM '79

Caris Thompson
COUNTY CLERK
TRAVIS COUNTY, TEXAS

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