

RESTRICTIVE COVENANT

OWNER: Spearhead Academy, LTD., a Texas limited partnership

OWNER ADDRESS: P.O. Box 50408
Austin, Texas 78763

CITY: **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

CITY'S ADDRESS: P.O. Box 1088
Austin, Travis County, Texas 78767-1088

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: **Tract 1:** Being 1.8393 acres (80,119 square feet), more or less, out of (i) the Issac Decker League situated in Travis County Texas and (ii) all of Block 73, portions of Blocks 75 and 76, and all of Block 75 of Fairview Park, a subdivision in Travis County Texas according to the map or plat thereof, recorded in Volume 1, Page 46, Plat Records Travis, Texas, said 1.8393 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

Tract 2: Being 0.388 acres more or less, out of (i) the Issac Decker League situated in Travis County Texas and (ii) all of Block 73, portions of Blocks 75 and 76, and all of Block 75 of Fairview Park, a subdivision in Travis County Texas according to the map or plat thereof, recorded in Volume 1, Page 46, Plat Records Travis, Texas, said 0.388 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

Tract 3: Being 2.446 acres (106, 548 square feet) out of the that certain tract of land conveyed to Spearhead Academy, Ltd. By Special Warranty Deed recorded in Document No. 2012222395, Official Public Records of Travis County, Texas, being portions of LOTS 1-13, BLOCK 3, AND THAT LOT DESIGNATED AS "RESERVED" IN BLOCK 3, OF NORWOOD HEIGHTS, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 3, Page 169, Plat Records of Travis County, Texas, said 2.446 acres of land being more particularly

described by metes and bounds in **Exhibit “A”** incorporated into this restrictive covenant.

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. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis prepared by WGI Engineering, dated July 31, 2020 and subsequently updated on November 25, 2020, January 29, 2021, March 26, 2021, April 29, 2021, and October 7, 2021 (“TIA”), or as amended and approved by the Director of the Austin Transportation Department. All development on the Property is subject to the Austin Transportation Department’s staff memorandum dated October 11, 2021 (“memorandum”) and any amendments to the memorandum that address subsequent TIA updates for the Property. The TIA and memorandum shall be kept on file at the Austin Transportation 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 _____ day of _____, 2021.

Owner:

Spearhead Academy, LTD., a Texas limited partnership

By: Spearhead Properties, LLC, a Texas limited liability company, its general partner

By: _____
Chris Wallin, Manager and Member

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of _____, 2021, by Chris Wallin, as manager and member of Spearhead Properties, LLC, a Texas limited liability company, general partner of Spearhead Academy, LTD., a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

FIELD NOTES

BEING TRACT 1: 1.8393 ACRES; TRACT 2: 0.3888 ACRES; & TRACT 3: 2.4460 ACRES OF LAND OUT OF THAT CERTAIN TRACT OF LAND CONVEYED TO SPEARHEAD ACADEMY, LTD. BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2012222395, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING PORTIONS OF LOTS 1-13, BLOCK 3, AND THAT LOT DESIGNATED AS "RESERVED" IN BLOCK 3, OF NORWOOD HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 169 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; ALONG WITH ALL OF THAT CERTAIN 2.226 ACRE TRACT OF LAND, MORE OR LESS, OUT OF (i) THE ISAAC DECKER LEAGUE SITUATED IN TRAVIS COUNTY, TEXAS, AND (ii) ALL OF BLOCK 73, PORTIONS OF BLOCKS 75 AND 76, AND ALL OF BLOCK 75 OF FAIRVIEW PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 46 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SAID TRACTS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND MADE A PART HEREOF.

TRACT 1:

BEGINNING at a 1/2" iron rod found in the north right-of-way line of academy drive, being the southeast corner of that certain tract conveyed to 112 Academy, LLC by deed recorded in document no. 2006197905, Official Public Records of Travis County, Texas, and **POINT OF BEGINNING** of herein described tract 1 also being the point of commencement for tracts 2 & 3, from which a found 1/2" iron rod bears S3°32'27"W at a distance of 2.24 feet;

THENCE with the common line between said 112 Academy tract and herein described tract 1, N14°04'20"W for a distance of 179.58 feet to a 1/2" iron rod found in an asphalt parking lot;

THENCE continuing with the common line of said 112 Academy tract and herein described tract, N81°00'27"W for a distance of 250.00' to a set capped iron rod stamped "WATERLOO RPLS 4324" for the westerly most corner of herein described tract 1, and the east line of that certain tract Hotel Saint Cecilia Residential Condominiums recorded in document no. 2018200253, Official Public Records;

THENCE with the common line with said Saint Cecilia Condos, N8°37'39"E for a distance of 212.55 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for the northwest corner of said tract 1;

THECNE S82°21'46"E for a distance of 196.21 feet to a point in the face of a wall for an angle point of herein described tract 1;

THENCE N55°26'51"E for a distance of 86.01 feet to a found capped iron rod stamped "RL SURVEYING" for an angle point;

THENCE with the common line of herein described tract 1 and tract 3, the following seven (7) calls:

- 1.) S2°23'47"W for a distance of 96.48 feet to a found 1/2" iron rod for an angle point;
- 2.) S54°40'05"E for a distance of 40.45 feet to a found 1/2" iron rod for an angle point;
- 3.) S23°15'14"E for a distance of 37.70 feet to a found 1/2" iron rod for an angle point;
- 4.) S0°17'51"W for a distance of 91.47 feet to a found 1/2" iron rod for an angle point;
- 5.) S19°42'05"W for a distance of 44.93 feet to a found 1/2" iron rod for an angle point;
- 6.) S7°38'37"E for a distance of 87.70 feet to a found 1/2" iron rod for an angle point;
- 7.) S16°59'11"W for a distance of 77.98 feet to a found 1/2" iron rod in the north R.O.W. line of Academy Drive;

THENCE N81°25'02"W for a distance of 23.98 feet to the **POINT OF BEGINNING**, containing 1.8393 acres (80119 square feet), more or less.

TRACT 2:

COMMENCING at a 1/2" iron rod found in the north right-of-way line of academy drive, being the southeast corner of that certain tract conveyed to 112 Academy, LLC by deed recorded in document no. 2006197905, Official Public Records of Travis County, Texas, from which a found 1/2" iron rod bears S3°32'27"W at a distance of 2.24 feet;

THENCE with the common line between said 112 Academy tract and herein described tract 1, N14°04'20"W for a distance of 179.58 feet to a 1/2" iron rod found in an asphalt parking lot;

THENCE continuing with the common line of said 112 Academy tract and herein described tract, N81°00'27"W for a distance of 250.00' to a set capped iron rod stamped "WATERLOO RPLS 4324" for the westerly most corner of herein described tract 1, and the east line of that certain tract Hotel Saint Cecilia Residential Condominiums recorded in document no. 2018200253, Official Public Records;

THENCE with the common line with said Saint Cecilia Condos, N8°37'39"E for a distance of 212.55 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for the **POINT OF BEGINNING** or herein described tract 2;

THENCE with the common line with said Saint Cecilia Condos N81°42'33"W for a distance of 50.75 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" in the southeast R.O.W. of Music Lane;

THENCE with the SE R.O.W. of Music Lane the following two (2) calls:

- 1.) N18°44'34"W for a distance of 5.12 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for an angle point;
- 2.) N59°28'31"E for a distance of 11.38 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for an angle point, also being a point in the SW line of that certain Cityview Condominium tract as recorded in document no. 2019202836, Official Public Records;

THENCE with the common line between herein described tract 2 and said Cityview Condos, the following three (3) calls:

- 1.) S67°22'29"E for a distance of 6.25 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for an angle point;
- 2.) N59°35'08"E for a distance of 126.93 feet to a found 1/2" iron rod for an angle point
- 3.) S80°54'20"E for a distance of 86.89 feet to a point on the face of a building wall;

THENCE with the face of said building wall, the following 12 calls:

- 1) N09°19'58"E for a distance of 10.29 feet to a building corner;
- 2) S81°07'13"E for a distance of 38.7 feet to a building corner, also being a point of beginning of a non-tangent curve to the left having a radius of 69.88 feet;
- 3) with said curve an arc length of 34.51 feet, whose chord bears S10°16'28"E for a distance of 34.16 feet to a corner;
- 4) S67°34'32"W a distance of 0.64 feet to a corner;
- 5) N20°19'28"W a distance of 3.05 feet to a corner;
- 6) S63°20'32"W a distance of 15.37 feet to a corner;
- 7) S7°56'32"W a distance of 12.23 feet to a corner;
- 8) S80°59'28"E a distance of 5.71 feet to a corner;
- 9) N84°43'41"E a distance of 6.18 feet to a corner;
- 10) S8°05'19"W a distance of 5.69 feet to a corner;
- 11) S83°39'23"E a distance of 1.75 feet to a corner;
- 12) S8°42'14"W a distance of 40.63 feet to a corner;

THENCE N82°21'46"W for a distance of 196.21 feet to the **POINT OF BEGINNING** of tract 2, containing 0.3888 acres (16934 square feet), more or less.

TRACT 3:

COMMENCING at a 1/2" iron rod found in the north right-of-way line of academy drive, being the southeast corner of that certain tract conveyed to 112 Academy, LLC by deed recorded in document no. 2006197905, Official Public Records of Travis County, Texas, from which a found 1/2" iron rod bears S3°32'27"W at a distance of 2.24 feet;

THENCE S81°25'02"E for a distance of 23.98 feet to a found 1/2" iron rod for the **POINT OF BEGINNING** of herein describe tract 3, also being the southern most corner of the aforementioned tract 1;

THENCE with the common line between herein described tract 3 and the aforementioned tract 1, the following seven(7) calls:

- 1.) N16°59'11"E for a distance of 77.98 feet to a found 1/2" iron rod for an angle point;
- 2.) N7°38'37"W for a distance of 87.70 feet to a found 1/2" iron rod for an angle point;
- 3.) N19°42'05"E for a distance of 44.93 feet to a found 1/2" iron rod for an angle point;
- 4.) N0°17'51"E for a distance of 91.47 feet to a found 1/2" iron rod for an angle point;
- 5.) N23°15'14"W for a distance of 37.70 feet to a found 1/2" iron rod for an angle point;
- 6.) N54°40'05"W for a distance of 40.45 feet to a found 1/2" iron rod for an angle point;
- 7.) N2°23'47"E for a distance of 96.48 feet to a found capped iron rod stamped "RL SURVEYING" for an angle point, also being in the SE line of the aforementioned Cityview Condos tract;

THENCE with the common line of said Cityview tract and herein described tract, the following ten (10)calls:

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- 1) N26°12'32"E for a distance of 39.67 feet to a found 1/2" iron rod for a common corner;
- 2) N13°44'56"E for a distance of 49.55 feet to a found capped 1/2" iron rod for a common corner;
- 3) N32°18'04"E for a distance of 23.77 feet to a found "X" on the curb for a common corner;
- 4) N79°38'32"E for a distance of 28.86 feet to a found capped iron rod for a common corner;
- 5) N21°59'01"W for a distance of 22.00 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for a common corner;
- 6) N39°17'09"W for a distance of 43.00 feet to a found capped iron rod for a common corner;
- 7) N12°47'48"E for a distance of 35.40 feet to a found capped iron rod for a common corner;
- 8) N16°39'42"E for a distance of 75.30 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for a common corner;
- 9) N19°48'42"E for a distance of 79.56 feet to a found capped iron rod for a common corner;
- 10) N21°21'40"E for a distance of 48.42 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for a common corner, also being the southwest corner of lot 9, block 2, of Norwood Heights, a subdivision in Travis County, Texas, recorded in volume 3, page 169 of the Plat Records of Travis County, Texas;

THENCE with the common line between said lot 9 and herein described tract, S63°10'04"E for a distance of 113.38 feet to a 1/2" iron rod found in the west right-of-way line of Melissa Lane and Bonnieview Street, from which a found 1/2" iron rod for the southeast corner of said lot 9 bears, S62°17'54"E for a distance of 61.33 feet;

THENCE with the west right-of-way line of Melissa Lane and the east line of herein described tract, the following 5 calls:

- 1) S13°23'08"W for a distance of 190.56 feet to a found 1/2" iron rod for an angle point;
- 2) S9°17'11"W for a distance of 171.87 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for the point of beginning of a tangent curve to the left having a radius of 88.82 feet;
- 3) with said curve and arc length of 27.91 feet, whose chord bears S0°09'33"W for a distance of 27.79 feet to a set capped iron rod stamped "WATERLOO RPLS 4324" for a point of tangency;
- 4) S9°52'51"E for a distance of 195.29 feet to a found mag nail in a driveway;
- 5) S12°30'22"E for a distance of 158.77 feet to a found 1/2" iron rod for the intersection of the west right-of-way line of Melissa Lane and the north right-of-way line of Academy Drive,

THENCE with the north right-of-way line of Academy Drive, S68°46'28"W for a distance of 171.92 feet to a found 60D nail in an asphalt driveway for an angle point;

THENCE continuing with the north right-of-way line of Academy Drive, N80°52'42"W for a distance of 29.11 feet to the **POINT OF BEGINNING** of herein described tract 3, containing 2.4460 acres (106548 square feet) more or less.

Bearing based on the Texas Coordinate System of 1983(NAD83) Central Texas Zone, based on local observation.
All records Travis County, Texas.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.



Thomas P. Dixon R.P.L.S. 4324,
Waterloo Surveyors
P.O. Box 160176 Austin, Tx 78716
(512) 481-9602 TBPLS FIRM# 10124400



Waterloo Surveyors SURVEY PLAT

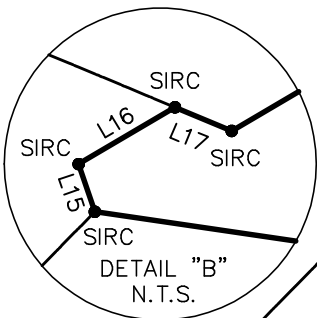
LEGAL DESCRIPTION:

BEING TRACT 1: 1.8393 ACRES; TRACT 2: 0.3888 ACRES; & TRACT 3: 2.4460 ACRES OF LAND OUT OF THAT CERTAIN TRACT OF LAND CONVEYED TO SPEARHEAD ACADEMY, LTD. BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2012222395, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING PORTIONS OF LOTS 1-13, BLOCK 3, AND THAT LOT DESIGNATED AS "RESERVED" IN BLOCK 3, OF NORWOOD HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3, PAGE 169 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALONG WITH ALL OF THAT CERTAIN 2.226 ACRE TRACT OF LAND, MORE OR LESS, OUT OF (i) THE ISAAC DECKER LEAGUE SITUATED IN TRAVIS COUNTY, TEXAS, AND (ii) ALL OF BLOCK 73, PORTIONS OF BLOCKS 75 AND 76, AND ALL OF BLOCK 75 OF FAIRVIEW PARK, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 46 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SAID TRACTS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND MADE A PART HEREOF.

NOTE:

BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983(NAD83) CENTRAL TEXAS ZONE, BASED ON LOCAL GPS OBSERVATIONS.

A0156zn
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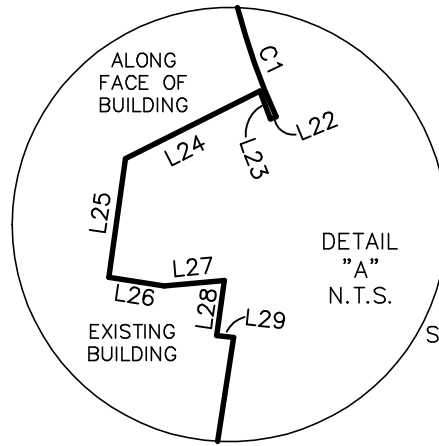
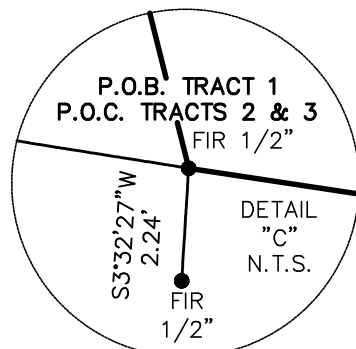


MUSIC LANE

SCALE
1" = 100'

HOTEL SAINT
CECILIA
RESIDENTIAL
CONDOS
(DOC#
2018200253)

LEGEND
RECORD CALL ()
FOUND PK NAIL FPK
FOUND IRON ROD FIR
SET IRON ROD WITH CAP SIRC
FOUND IRON ROD WITH CAP FIRC



CITYVIEW CONDOS
(DOC# 2019202836)

TRACT 2
0.3888 ACRES
16934 SQ.FT.

2.226 ACRES out of
FAIRVIEW PARK
(VOL. 1, PG. 46)

TRACT 1
1.8393 ACRES
80119 SQ.FT.

112 ACADEMY, LLC.
(DOC# 2006197905)

TRACT 3
2.4460 ACRES
106548 SQ.FT.

P.O.B. TRACT 3

ACADEMY DRIVE

Waterloo Surveyors SURVEY PLAT

OWNER:
SPEARHEAD ACADEMY, LTD.


ADDRESS:
200 ACADEMY DRIVE
AUSTIN, TEXAS 78704

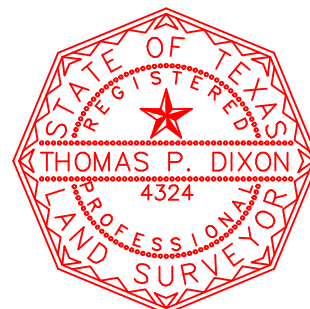
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TRACT 1				TRACT 3			
NUM	BEARING	DISTANCE	(RECORD)	NUM	BEARING	DISTANCE	(RECORD)
L1	N14°04'20"W	179.58'	(179.53')	L32	S81°25'02"E	23.98'	(23.99')
L2	N81°00'27"W	250.00'	(250.14')	L33	N16°59'11"E	77.98'	
L3	N8°37'39"E	212.55'	(212.55')	L34	N7°38'37"W	87.70'	
L4	S82°21'46"E	196.21'	—	L35	N19°42'05"E	44.93'	
L5	N55°26'51"E	86.01'	(86.17')	L36	N0°17'51"E	91.47'	
L6	S2°23'47"W	96.48'	—	L37	N23°15'14"W	37.70'	
L7	S54°40'05"E	40.45'	—	L38	N54°40'05"W	40.45'	
L8	S23°15'14"E	37.70'	—	L39	N2°23'47"E	96.48'	
L9	S0°17'51"W	91.47'	—	L40	N26°12'32"E	39.67'	(39.84')
L10	S19°42'05"W	44.93'	—	L41	N13°44'56"E	49.55'	(50.10')
L11	S7°38'37"E	87.70'	—	L42	N32°18'04"E	23.77'	(23.60')
L12	S16°59'11"W	77.98'	—	L43	N79°38'32"E	28.86'	(29.10')
L13	N81°25'02"W	23.98'	(23.99')	L44	N21°59'01"W	22.00'	
TRACT 2				L45	N39°17'09"W	43.00'	(43.00')
NUM	BEARING	DISTANCE	(RECORD)	L46	N12°47'48"E	35.40'	(35.40')
L14	N81°42'33"W	50.75'	(50.75')	L47	N16°39'42"E	75.30'	(75.10')
L15	N18°44'34"W	5.12'		L48	N19°48'42"E	79.56'	(79.35')
L16	N59°28'31"E	11.38'		L49	N21°21'40"E	48.42'	
L17	S67°22'29"E	6.25'		L50	S63°10'04"E	113.38'	(114.18')
L18	N59°35'08"E	126.93'	(126.96')	L51	S13°23'08"W	190.56'	(190.85')
L19	S80°54'20"E	86.89'	(86.91')	L52	S9°17'11"W	171.87'	(171.87')
L20	N9°19'58"E	10.29'		L53	S9°52'51"E	195.29'	(196.33')
L21	S81°07'13"E	38.70'		L54	S12°30'22"E	158.77'	(158.73')
L22	S67°34'32"W	0.64'		L55	S68°46'28"W	171.92'	(172.05')
L23	N20°19'28"W	3.05'		L56	N80°52'42"W	29.11'	(29.18')
L24	S63°20'32"W	15.37'		L57	S62°17'54"E	61.33'	(60.75')
L25	S7°56'32"W	12.23'					
L26	S80°59'28"E	5.71'					
L27	N84°43'41"E	6.18'					
L28	S8°05'19"W	5.69'					
L29	S83°39'23"E	1.75'					
L30	S8°42'14"W	40.63'					
L31	N82°21'46"W	196.21'					

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	28°17'53"	34.51'	69.88'	S10°16'28"E	34.16'
C2	18°00'09"	27.91'	88.82'	S0°09'33"W	27.79'

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE
FIELD NOTES AND ACCOMPANYING SKETCH WERE
PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY
UNDER MY DIRECT SUPERVISION AND THAT THEY ARE
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


Thomas P. Dixon R.P.L.S. 4324
FIRM #10124400



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