



**City Council Questions and Answers for
Thursday, February 13, 2014**

These questions and answers are related to the
Austin City Council meeting that will convene at 10:00 AM on
Thursday, February 13, 2014 at Austin City Hall
301 W. Second Street, Austin, TX



**Mayor Lee Leffingwell
Mayor Pro Tem Sheryl Cole
Council Member Chris Riley, Place 1
Council Member Mike Martinez, Place 2
Council Member Kathie Tovo, Place 3
Council Member Laura Morrison, Place 4
Council Member William Spelman, Place 5**

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

1. Agenda Item # 12 - Authorize negotiation and execution of a 24-month interlocal agreement with the Health and Human Services Commission for Commission training to City of Austin Health and Human Services Department staff to help citizens apply for program benefits through the Your Texas Benefits website at six neighborhood centers.
 - a. QUESTION: Please provide a list of the neighborhood centers that will be included in this program and information regarding how they were selected. Please also provide details regarding how the program will be structured and any plans for outreach to neighbors that might be interested in participating. COUNCIL MEMBER MARTINEZ
 - b. ANSWER: See attachment
 - c. QUESTION: City has various programs targeted to low income residents, such as those described in agenda items # 12 (Your Texas Benefits) and # 26 (Youth creation programming) as well as the Austin Energy discount program. Will staff be trained to provide coordinated information on all programs so that eligible populations are aware of all their program options? COUNCIL MEMBER MORRISON
 - d. ANSWER: Pending
2. Agenda Item # 16 - Approve an ordinance amending Fiscal Year 2013-2014 Management Services Department Operating Budget (Ordinance No. 20130909-001) to appropriate funds for the Independent Citizens Redistricting Commission.
 - a. QUESTION: The memo from January 30 states that there is a request for \$25,000 "in the event the ICRC has to defend the final certification of their product and all legal issues surrounding the said certification of the final product". What portion of the \$25,000 is needed for current legal issues? Please explain why the legal fees needed only in the event of a challenge should be allocated at this time. COUNCIL MEMBER SPELMAN
 - b. ANSWER: Per ICRC Executive Director Craig Tounget: All of the \$25,000 for additional legal fees is for current legal issues. When the ICRC requested this extra funding, they anticipated it may be needed "to defend the certification of the final product [map]". No challenge occurred, but the ICRC did continue to hold meetings. Therefore, this \$25,000 will cover legal services provided in the course of continued ICRC activity, not specifically to

defend the certification of the final map. Please see the attached memo.

3. Agenda Items # 17-21 - 17) Approve a resolution for the commitment of a loan in an amount not to exceed \$2,000,000 to Foundation Communities, Inc. for a proposed 120-unit affordable rental development, to be known as Bluebonnet Studios, located at 2301 South Lamar Boulevard, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project. 18) Approve a resolution for the commitment of a loan in an amount not to exceed \$2,805,000 to Foundation Communities, Inc. for a proposed 170-unit affordable rental development, to be known as Cardinal Point, located at 11108 and 11300 Zimmerman Lane, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project. 19) Approve a resolution for the commitment of a loan in an amount not to exceed \$1,250,000 to Foundation Communities, Inc. for a proposed 60-unit expansion of its existing multi-family development, Southwest Trails, to be known as Southwest Trails Phase II, located at 8500 U.S. Highway 71, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project. 20) Approve a resolution for the commitment of a loan in an amount not to exceed \$2,200,000 to DDC Merritt Lakeline Station, Ltd. for a proposed 200-unit mixed-income rental development, Merritt Lakeline Station Apartments, located at 10701 Lakeline Mall Drive, with funding being conditional upon the award of tax credits to DDC Merritt Lakeline Station, Ltd. by the Texas Department of Housing and Community Affairs for the proposed project. 21) Approve a resolution for the commitment of a loan in an amount not to exceed \$2,475,000 to Foundation Communities, Inc. for a proposed 150-unit affordable rental development, to be known as Rutledge Spur Apartments, located at the northeast corner of Rutledge Spur and FM 620, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project.
 - a. QUESTION: Please provide the applications in back up, the RHDA score for each project, the individuals on the review panel and the date of their application review. MAYOR PRO TEM SHERYL COLE
 - b. ANSWER: See attachment
4. Agenda Item # 22 - Authorize negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 351.6122 acres in Hays County, Texas, located at 4450 W. FM 150 from Thomas H. Searcy and Joan Searcy for a total amount not to exceed \$7,500,000.
 - a. QUESTION: The scale on the map provided doesn't appear to match the wording about the size of this parcel. Please provide a zoomed in map and more specifics about the lot size. COUNCIL MEMBER SPELMAN

- b. ANSWER: The tract is approximately 351.6122 acres. The requested map is attached.
- 5. Agenda Item # 23 - Approve an ordinance vacating approximately 8,779 square feet of street right-of-way in the City of Austin, Travis County, Texas, being the western half of Tillery Street south of the intersection of Tillery Street and East Cesar Chavez Street to AusPro Enterprises, L.P. for consideration not to exceed \$11,000; and vacating approximately 8,573 square feet of street right-of-way in the City of Austin, Travis County, Texas, being the eastern half of Tillery Street south of the intersection of Tillery Street and East Cesar Chavez Street to Joe M. Moore, Jr., Daniel Baladez, and Rose Baladez for consideration not to exceed \$10,700.
 - a. QUESTION: The City is placing a 100% drainage and inundation easement over the entire property. Please outline what construction and uses are allowed and precluded from occurring on the tract with the inclusion of these easements. COUNCIL MEMBER MORRISON
 - b. ANSWER: The only improvements that would be permitted over the referenced easements on this tract are parking, sidewalks, and to a limited degree, landscaping.
- 6. Agenda Items # 24 and # 25: Authorize the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell an approximately 13,200-square-foot vacant lot, locally known as 1120 E. 12th Street, to BUTLER EQUITY HOLDINGS, LTD., in accordance with Local Government Code Section 374.017, in the amount of \$451,000, excluding any applicable closing costs, for the development of a five-story vertical mixed use building. Authorize the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell approximately 26,206 square feet of vacant land, locally known as 1322, 1324, 1326, 1328, 1330, 1332, 1334 and 1336 E. 12th Street, to BUTLER EQUITY HOLDINGS, LTD., in accordance with Local Government Code Section 374.017, in the amount of \$901,000, excluding any applicable closing costs, for the development of a five-story vertical mixed use building.
 - a. QUESTION: Please provide some information about why the proposals from Butler Equity Holdings, Inc. ranked highest in the staff and Urban Renewal Board's evaluation. COUNCIL MEMBER TOVO
 - b. ANSWER: Pending
- 7. Agenda Item # 25: Authorize the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell approximately 26,206 square feet of vacant land, locally known as 1322, 1324, 1326, 1328, 1330, 1332, 1334 and 1336 E. 12th Street, to BUTLER EQUITY HOLDINGS, LTD., in accordance with Local Government Code Section 374.017, in the amount of \$901,000, excluding any applicable closing costs, for the

development of a five-story vertical mixed use building.

a. QUESTION: Please explain the selection process and provide any public information that's available from the evaluation of the proposals that were submitted. COUNCIL MEMBER MORRISON

b. ANSWER: Pending

8. Agenda Item # 35 Authorize negotiation and execution of contracts with CARAT, BBH GLOBAL, OGILVYONE, M&M GLOBAL PUBLIC RELATIONS, AND PORTER NOVELLI, for advertising, marketing, and promotion of the British Airways nonstop passenger air service between Austin and London for a combined total amount not to exceed \$450,000.

a. QUESTION: The funding for this items comes partially from the Aviation Department and partially from the Economic Development Department's Economic Incentives Reserve Fund. What fund within the budget does the Aviation Department's portion come from? Is there any reason that the Aviation Department cannot cover the entire expenditure? COUNCIL MEMBER MORRISON

b. ANSWER: Pending

9. Agenda Item # 43: Approve an ordinance authorizing the waiver of certain fees and requirements under City Code Chapter 14-8, authorizing the waiver of certain other fees and requirements, and authorizing payment of certain costs for the City co-sponsored 2014 South by Southwest Conferences and Festivals, to be held March 7-16, 2014.

a. QUESTION: For larger events such as SXSW, staff were asked to produce estimates of the total economic impact. The analysis and supporting recommendations were due back to Council by November 1, 2013; a) please provide an update as to when we might expect that analysis. COUNCIL MEMBER TOVO

b. ANSWER: a) In response to Council Resolution 20130926-078, staff has requested information about special events costs, revenues and waivers for the last five years, from all City departments and from event promoters. Event promoters have not provided. The Finance Department provided the data on waivers which total \$3,485,200 for Fiscal Years 2009 through 2013. Of that total, SXSW received \$1,829,700 in waivers. During that time, the City spent \$24,000,000 in expenses for special events and collected \$13,000,000 in revenue, also from special events. The majority of the expenses and revenue generated by special events were for Police services, with \$15,798,600 in expenses and \$7,779,300 in revenue. Most of the information has been collected, although some departments have not yet reported their information. Staff will complete the report to Council by March 1, 2014.

- c. QUESTION: b) The resolution specifically references the possibility of “requiring events that apply for more than \$60,000 in fee waivers to be funded through the Economic Development Program. . .” Do any obstacles exist to prevent Council from using Economic Incentives Reserve Fund to provide reimbursements to PARD, Austin Police Department, and other city departments that will forgo revenue if Council approves these fee waivers? Please indicate what action Council would need to take to effect that shift.
COUNCIL MEMBER TOVO
 - d. ANSWER: Pending
10. Agenda Item # 66- C814-88-0001(RCA) - Canyons @ Rob Roy Rezoning - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Zoning and Platting Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Owner: Brandywine Acquisition Partners (Ralph Bistline). Applicant: G5 Texas Development, L.L.C. (Jim Gallegos). Agent: Armbrust & Brown, PLLC (Richard Suttle). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719.
- a. QUESTION (originally asked through the January 30, 2014 Council Q&A Process): Please provide a list (and links to) the other restrictive covenant agreements that the city has entered into that use language similar to this RCA regarding who must agree to make changes to the RC, e.g. including owners of the property that are “directly affected by the proposed change”. COUNCIL MEMBER MORRISON
 - b. ANSWER: (originally provided through the January 30, 2014 Council Q&A Process): Staff reviewed several restrictive covenants and could not find an example that uses the same “directly affected” language. All of the restrictive covenants reviewed by staff have language that states that the agreements may be modified by the majority members of the City Council and “the owners of the above described property at the time of amendment, modification or termination.” Copies of the referenced restrictive covenants can be provided upon request.
 - c. REVISED ANSWER: Section 4.03 of the attached restrictive covenant states that the covenant may be amended by the joint action of the Council and the owners of the property who are directly affected by the proposed amendment. Also attached is an amendment of the restrictive covenant that is signed by the owner of the property that is the subject of the amendment.
11. Agenda Item # 77 C14-2013-0148 – Dabney Horne House – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning

property locally known as 507 West 23rd Street (Shoal Creek Watershed) from general office-conditional overlay-historic landmark-neighborhood plan (GO-CO-H-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To forward without a recommendation. Owner: University Cooperative Society, Inc. (George Mitchell). Applicant: Mike McHone Real Estate (Mike McHone). City Staff: Heather Chaffin, 512-974-2122.

- a. QUESTION 1: Staff land use recommendations in the backup indicate the rezoning of the property does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. Material in back up indicates in January 2013, the applicant requested to remove a 32" Heritage Pecan tree that is associated with the proposed development and the request was disapproved at the Environmental Board and denied at the Planning Commission. Where is the 32" Heritage Pecan tree located? COUNCIL MEMBER MORRISON
- b. ANSWER: The 32" Heritage Pecan tree is located near the southeast corner of the house, in the rear.
- c. QUESTION 2: The Historic Landmark Commission recommended denial to remove historic designation to the site the Dabney-Horne house. Please provide their reasoning for the denial. Are there typical or regulated setbacks required for historic structures in the area? Did the Commission address whether the proposal will meet the Secretary of the Interior's Standards for Rehabilitation Standard 9 "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property....to protect the integrity of the property and its environment"? How will the proposed development meet the UNO zoning district design regulation 12.1.6 Historical Authenticity? COUNCIL MEMBER MORRISON
- d. ANSWER: Pending
- e. QUESTION 3: Back up submitted by the applicant indicates their property should be treated comparably to other properties in the area. The property at 2110 Rio Grande was suggested to have its lot sized reduced to allow condos to be built alongside. Please provide the original lot area and what it was reduced to for the historic structure. Please indicate whether the properties were subdivided? Please provide the height of the condo development and height of the existing historic structure. Please provide what distances exist between the historic structure and the new development. COUNCIL MEMBER MORRISON
- f. ANSWER: Pending

g. QUESTION 4: Back up submitted by the applicant indicates the area of the lot to remain historically zoned must be the size indicated to allow for the minimum site size required for their proposed development to accommodate construction of a parking garage. Please provide the number of units/bedrooms and parking spaces being proposed for the development and number of parking spaces required by the City. In an effort to reduce required on-site student parking, will this project provide car-sharing service for their student population? COUNCIL MEMBER MORRISON


h. ANSWER: Pending


12. Agenda Item # 86 Conduct a public hearing and consider an ordinance amending City Code Title 25 to amend the occupancy limit for unrelated individuals in single-family zoned property.

a. QUESTION: Has this item been reviewed by the Commission on Immigrant Affairs or have they been engaged in the related Planning Commission Task Force? MAYOR PRO TEM COLE

b. ANSWER: This item has not been reviewed by the Commission on Immigrant Affairs. Staff is unaware of whether or not that commission has been involved with the stealth dorm working group.

END OF REPORT - ATTACHMENTS TO FOLLOW

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance please call (512) 974-2210 OR (512) 974-2445 TDD.*



Council Question and Answer

Related To	Agenda Item # 12	Meeting Date	February 13, 2014
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Additional Answer Information

QUESTION: Please provide a list of the neighborhood centers that will be included in this program and information regarding how they were selected. Please also provide details regarding how the program will be structured and any plans for outreach to neighbors that might be interested in participating. COUNCIL MEMBER MARTINEZ

ANSWER:

The following neighborhood centers will be included:

1. Blackland Neighborhood Center
2005 Salina Street
Austin, TX 78722
2. East Austin Neighborhood Center
211 Comal Street
Austin, TX 78702
3. Montopolis Neighborhood Center
1416 Montopolis Drive
Austin, TX 78741
4. Rosewood-Zaragosa Neighborhood Center
2800 Webberville Road
Austin, TX 78702
5. South Austin Neighborhood Center
2508 Durwood
Austin, TX 78704
6. St. John Community Center
7500 Blessing
Austin, TX 78752

Selection Criteria and Program Structure

- Each center selected has an Emergency Food Pantry. When citizens contact a Center requesting an appointment for emergency food assistance, they will be offered the opportunity to apply for SNAP (food stamps) and other benefits during this same appointment time.
- All appropriate Neighborhood Services Unit staff will be trained through the State of Texas Health and Human Services Commission (HHSC) Community Partner program and will be certified to provide application assistance. These staff can then assist clients with entering their applications and uploading documents directly into the State's online "Your Texas Benefits" portal.

- HHSC's Community Partner Program will provide reports on how many people are being assisted with benefits enrollments at these sites.

Outreach Plans

- HHSC provides signage and brochures which will be prominently displayed in all Neighborhood Centers. Information will also be made available in WIC, Immunization and other HHSD sites.
- The Neighborhood Services Unit partners closely with the Capital Area Food Bank and will distribute information about SNAP application assistance during all joint food distribution programs including Fresh Food for Families, Healthy Options Program for the Elderly, and Wheels of Sharing Mobile Food Pantry. One or more of these distributions are held at all six centers, as well as Dove Springs and Turner Roberts Recreation Centers, and Santa Barbara Church.
- 211 and 311 will be given information about the service so callers can be informed of its availability
- HHSD will work neighborhood advisory boards and associations to help get the word out to community residents, through attending meetings, sharing the information in newsletters, list-serves and other means.
- HHSD will work with members of the Sustainable Food Policy Board and the Community Development Commission to ensure the information gets out to the community about this service.
- HHSD will work with the Community Advancement Network, United Way and AISD's Family Resource Centers to publicize the program.
- HHSD will email all Social Services contractors to provide information about the centers enrollment process.



TO: Mayor and Council

FROM: Marc A. Ott, City Manager

DATE: January 30, 2014

SUBJECT: Funding Request from the Independent Citizens Redistricting Commission

The purpose of this memo is to inform you that my office has received a supplemental funding request from the Independent Citizens Redistricting Commission (ICRC) in the amount of \$40,000 for staff and legal services.

According to ICRC Executive Director Craig Tounget, the Commission at their November 13, 2013 meeting took formal action to request \$25,000 from the City for legal fees in the event the ICRC has "to defend the certification of the final product [i.e. single-member district maps] and all legal issues surrounding the said certification of the final product." At a subsequent meeting on December 11, 2013, the ICRC revised its funding request by asking for an additional \$15,000 to retain their Executive Director for an additional two months in order to ensure the completion of the ICRC's Final Report.

My staff has reviewed the ICRC's request and has determined that the requested amount is both reasonable and necessary for the ICRC to complete its work. Therefore, I have instructed Elaine Hart, Chief Financial Officer, to provide the additional \$40,000 in funding to the ICRC.

Should you have any questions or need additional information, please feel free to contact me directly. Thanks!

Attachment (1) – Letter from ICRC Executive Director Craig Tounget

cc: Magdalena Blanco, Chair, ICRC
Craig Tounget, Executive Director, ICRC
Michael McDonald, Deputy City Manager
Elaine Hart, Chief Financial Officer
Karen Kennard, City Attorney
Ed Van Eenoo, Deputy Financial Officer

Independent Citizens Redistricting Commission

The Independent Citizens Redistricting Commission (ICRC) has determined that, pursuant to Subsection (H) of the City of Austin Charter, Article II, Section (3)(H), “that funds...provided for the operation of the ICRC are not adequate,” thus requiring the allocation of an additional \$40,000 to its budget.

The ICRC has determined that it needs an additional \$25,000 for legal fees **“in order to defend the certification of the final product and all legal issues surrounding the said certification of the final product the Commission authorizes the executive director to budget and if not in the budget to go through processes to secure up to \$25,000.00 to utilize current legal counsel to assist the Commission in any legal issues surrounding said certification.”** (See Minutes of November 13, 2013.)

In addition, the ICRC has determined that they need to retain their Executive Director for a period of up to two additional months in order to ensure the completion of the Final Report. Several more meetings of the Commission are anticipated and numerous drafts of the report are expected before a final version is completed. The meeting planning, staffing of meetings, drafting of minutes, compilation of the report, etc. will require retaining staff. The ICRC has authorized **“the Chair to handle any administrative issues, including contract extensions, for the Commission.”** (See Minutes of December 11, 2013.) The ICRC seeks an additional \$15,000, which, coupled with remaining funds, will be sufficient for up to two more months of fees for the Executive Director.

Thank you for your help in this matter. Please let me know if you have any questions.

Craig Tounget

Executive Director



Council Question and Answer

Related To	Agenda Items #17-21	Meeting Date	February 13, 2014
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Additional Answer Information

QUESTION: Please provide the applications in back up, the RHDA score for each project, the individuals on the review panel and the date of their application review. Mayor Pro Tem Cole

ANSWER:

Applications: The five applications are voluminous, over 100 pages each.

They can be found at the following links:

Southwest Trails, Phase II:

http://austintexas.gov/sites/default/files/files/Housing/Application_Center/RHDA/FY_13-14/RHDA_App_SW_Trails_FC_-_FINAL-reducedsize.pdf

Bluebonnet Studios:

http://austintexas.gov/sites/default/files/files/Housing/Application_Center/RHDA/FY_13-14/RHDA_App_Bluebonnet_Studios_-_FINAL-reducedsize.pdf

Cardinal Point:

http://austintexas.gov/sites/default/files/files/Housing/Application_Center/RHDA/FY_13-14/RHDA_App_Cardinal_Point_FC_-_FINAL-reducedsize.pdf

Rutledge Spur:

http://austintexas.gov/sites/default/files/files/Housing/Application_Center/RHDA/FY_13-14/RHDA_App_Rutledge_Spur_FC_-_FINAL-reducedsize.pdf

Merritt Lakeline Station:

http://austintexas.gov/sites/default/files/files/Housing/Application_Center/RHDA/FY_13-14/RHDA_App_Merritt_Lakeline_FY1314-FINAL.pdf

Scoring: The RHDA Consensus Score Sheet is attached below.

Review Panel and Dates: The individuals on the review panel were:

- Regina Copic, Real Estate & Development Manager
- Deepa Vasan, Research Analyst Senior
- Jonathan Tomko, Research Analyst Senior
- Nathanael Blum, Financial Consultant
- Sandra Harkins, Project Coordinator

The initial application review took place on January 28, 2014. The review of revised applications took place on February 10, 2014. All applicants were provided an opportunity to revise their respective applications.

9% Competitive Apps	1	2	3	4	5
Developer	DDC Merritt Lakeline Station, Ltd.	Foundation Communities	Foundation Communities	Foundation Communities	Foundation Communities
Project Name	Merritt Lakeline Station	Bluebonnet Studios	Cardinal Point	Rutledge Spur	Southwest Trails, Phase II
Address	10701 Lakeline Mall Dr.	2301 South Lamar Blvd.	11108 Zimmerman Ln.	NE Corner Rutledge Spur &	8500 U.S. Hwy 71
Zip Code	78717	78704	78726	RM 620	78735
Units	200	120	170	150	60
Units for 50% MFI and below	56	120	102	90	60
Project Type	Mixed-Income	Affordable	Affordable	Affordable	Affordable
Tax Credit Application Number	#14243	#14068	#14071	#14070	#14069
Census Tract	Wmson County 203.11	13.04	17.14	Wmson County 203.11	19.08
SCORING ELEMENTS					
Compatibility w/ Core Values					
Deep Affordability (Affordable Units)	20	25	25	25	25
Long-term Affordability	25	25	25	25	25
Opportunity Map Score	25	10	25	25	15
Geographic Dispersion	Lakeline Mall Blvd & Lake Creek Parkway	Close-in; High-end rental properties going in	Four Points Area near 2222 and 620	Near 620 and Lakeline Mall Drive	Hwy 71 and Old Bee Caves Road
Initiatives and Priorities					
PSH	15	15	15	15	15
SF Rental or Sustainable Green Alley Flats	0	0	0	0	0
Additional Accessibility & Housing for Persons with Disabilities	10	20	10	10	10
Priority Location (incl. <.25 mi from transit stop, TOD, VMU, PUD)	10	10	0	10	10
(Transit Access Distrance)	<.25 mi	<.25 mi & VMU		TOD	<.25 mi
Preservation of Affordable Units	0	0	0	0	0
Transitional Housing (exclusively)	0	0	0	0	0
Underwriting					
Developer Capacity & Experience	15	15	15	15	15
Sources and Uses	5	5	5	5	5
Debt Coverage Ratio Per the Proforma	10	10	10	10	10
RHDA Funds ÷ Total Project Cost	6%	18%	13%	11%	11%
% RHDA Funds Score	10	10	10	10	10
RHDA Cost Per Unit (only 50% & below MFI Units)	\$39,286	\$16,667	\$27,500	\$27,500	\$20,833
Cost per unit score	10	10	10	10	10
Project Readiness	2	2	2	2	2
Property Management	10	10	10	10	10
Supportive Services	15	15	15	15	15
MBE/WBE	0	5	5	5	5
THRESHOLD SCORE = 150					
Original Consensus Score	132	162	162	177	167
FINAL CONSENSUS SCORE	182	187	182	192	182
RHDA Amount Requested	\$2,200,000	\$2,000,000	\$2,805,000	\$2,475,000	\$1,250,000

Searcy Property

(351.6122 acres)



0 500 1,000 2,000
Feet



Searcy

Water Quality Protection Lands



Fee Simple



Conservation Easement



Other Open Space & Parkland



Parcels

DOC. NO.

89827446

FILM CODE

00004466179

RESTRICTIVE COVENANTS
DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT

Section Four
City of Austin Case
No. C814-88-0001

STATE OF TEXAS §
COUNTY OF TRAVIS §

3:15 PM 2772

29.00 INDX

1 1 04/04/89

KNOW ALL MEN BY THESE PRESENTS

200274.46-DOC#

7908.88-CHK#

WHEREAS, The Protestant Episcopal Church Council of the Diocese of Texas ("Declarant") is the owner of approximately 46.56 acres of land in Travis County, Texas, being more fully described in Exhibit A attached hereto and incorporated herein by reference as "Property"; and

WHEREAS, Declarant believes that the Property is reasonably necessary for the operation of a private school and for use of Declarant's buildings as a residential school, and has no present intention to develop any part of the Property, but Declarant, its successors or assigns, may in the future convey the Property and therefore has agreed to impose certain restrictions and covenants on the Property in order to assure compatibility with other existing and planned development for the area; and

WHEREAS, the City of Austin, Texas (the "City") and Declarant have agreed that the Property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreements in writing;

NOW, THEREFORE, Declarant, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand paid by the City, the sufficiency and receipt of which are hereby acknowledged, does hereby agree with respect to the Property, such agreement to be deemed and considered as a covenant running with the land for the benefit of the City, and which shall be binding upon Declarant, its successors and assigns, to wit:

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1658

ARTICLE I.

Land Use and Site Development Standards

1.01 The Property is part of Davenport Ranch West Planned Unit Development described and included as part of City of Austin Case No. CS14-88-0001 (the "PUD"). The PUD is schematically represented as separate tracts ("Tracts") within the Property and certain other land on the conceptual site plans (the "Concept Plans") submitted as part of the PUD, which Concept Plans (and all other materials in the above-referenced City of Austin Case) are incorporated herein. The development contemplated on the Concept Plans will be phased over a number of years. Nothing herein shall be construed to limit or prevent the right of Declarant or Declarant's successors or assigns to amend the Concept Plans or any other provision of this Restriction, subject to the terms set forth herein and other applicable City requirements.

1.02 Nothing in this Restriction shall be construed to prohibit the exercise by the City Council of the City of its police powers and its authority under the City Charter and the laws of the State of Texas, or to limit or prevent the right of Declarant (or its successors in ownership of any portion of the land within the Property) from seeking variances under any or all of the ordinances applicable to such land. The approval of the Concept Plans for the PUD, and the zoning and land uses and the preliminary subdivision plats pertaining to the Property, shall not lapse or expire and may be modified in accordance with applicable provisions of the Code of the City of Austin and state law. Declarant shall submit a site plan for review and approval by the City, pursuant to applicable City ordinances, rules and regulations (including applicable provisions of this Restriction and ordinances approved by the City Council in connection with the PUD), prior to site development. The terms and provisions of this Restriction are intended to be consistent with the Concept Plans submitted as part of the PUD and approved by the City.

Council in connection with its zoning the Property as a Planned Unit Development zoning district in the above referenced City of Austin Case.

1.03 All public facilities constructed within the Property, including without limitation streets, street lights, street signs, sidewalks, water supply systems, sewerage systems, waste treatment facilities, drainage systems, and park and recreation equipment and improvements, shall be constructed in accordance with the City's design criteria and specifications for similar facilities as applicable within the City, except as and to the extent modified by or pursuant to this Restriction; provided, however, that the Alternate Urban Standards Ordinance as in effect on September 18, 1980, shall govern as to the construction of certain streets within the Property identified on the Concept Plans. All plans and specifications for such facilities shall be submitted to and approved by the City prior to their construction. The City shall have the right to inspect the construction of the facilities and to require that the facilities be constructed in accordance with the provisions set forth herein.

1.04 The Lake Austin Watershed Ordinance (Nos. 840301-F, 840301-G, and 841213-L) shall apply to the Property; provided, however, that except as and to the extent modified by or pursuant to the provisions set forth herein, all critical water quality zones, as defined by the Comprehensive Watersheds Ordinance (No. 860508-V, as in effect May 7, 1987), shall be set aside and left undisturbed, and such critical water quality zones shall be included in all calculations for impervious cover, building square footage, and residential density; and provided further, that the variances set forth on the Concept Plans and on the preliminary subdivision plats pertaining to the Property in the above referenced City of Austin Case and approved by the City Council in connection with the PUD are hereby confirmed.

1.05 All provisions of the Loop 360 Ordinance (Nos. 840105-AA, 840628-T, and 841129-T), exclusive of the land use restrictions set forth in Section 13-2-233 thereof, and the landscape standards of the Hill Country Roadway Ordinance (No. 860116-J, as in effect May 7, 1987), modified on a lot by lot basis to reduce the natural area requirements from 40% to 25% and the highway vegetative buffer area requirements from 100 feet to 50 feet or 20% of the lot, whichever is less, shall apply to the Property; provided, however, that the variances set forth on the Concept Plans and on the preliminary subdivision plats pertaining to the Property in the above referenced City of Austin Case and approved by the City Council in connection with the PUD are hereby confirmed.

1.06 All lots within the Property fronting on Loop 360 shall be subject to the access restrictions of the Hill Country Roadway Ordinance (No. 860116-J, as in effect May 7, 1987), and direct driveway access to Loop 360 shall be permitted only as and to the extent set forth on the Concept Plans.

1.07 Critical environmental feature setbacks as set forth in the Comprehensive Watersheds Ordinance (No. 860508-V, as in effect May 7, 1987) shall be required for the Property, and shall be depicted on the subdivision plats and site plans for the Property.

1.08 Ground water discharge areas (seeps and springs, according to criteria for critical environmental features as defined by the Comprehensive Watersheds Ordinance [No. 860508-V, as in effect May 7, 1987]) shall be depicted on all subdivision plats and site plans for the Property.

1.09 The City has annexed, for the limited purpose of "Planning and Zoning", all of the Property not previously within the City's zoning jurisdiction. If any or all of the Property is disannexed in the future, or otherwise not subject to the City's zoning jurisdiction, such property so disannexed shall be

developed according to City standards as if it were within the limited purpose jurisdiction of the City, as and to the extent expressly set forth in this Restriction. Declarant agrees that the Property may remain in the status of being within the jurisdiction of the City for limited purposes for forty (40) years from the effective date of this Restriction, and expressly waives the right to request and require annexation for full purposes within three (3) years of the annexation for limited purposes. The City may from time to time annex all or a portion of the Property for full purposes at any time provided that such annexations shall be in accordance with this Restriction and all statutory requirements of the State of Texas regarding annexation of territory for full purposes.

1.10 Commercial use within the Property shall be limited to the commercial portions of the Property (as identified on the Concept Plans). The remainder of the Property shall be developed for single family residential uses.

1.11 The uses of the Property shall not be more intensive than the uses, and shall be subject to the restrictions, set forth on Exhibit B attached hereto and made a part hereof for all purposes. As to portions of the Property within the city limits of the City, uses shall be in accordance with the permanent zoning classifications fixed in the above referenced City of Austin Zoning Case. Development intensities as set forth on the Concept Plans and on Exhibit B may be subject to reduction on a lot by lot basis upon submittal to and review by the City of final site development permit plans containing full vegetative and tree survey information and grading plans, based on such information and plans.

1.12 (a) The total developed area of the commercial portions of each Tract within the Property shall not exceed the floor-to-area ratio ("FAR") and the impervious cover ("Impervious Cover") as set forth on the Concept Plans.

(b) The FAR or Impervious Cover may be transferred among the lots within each Tract, and on any portion of a particular Tract may exceed the limit specified for such Tract, provided that the total FAR or Impervious Cover within each Tract does not exceed the total allowable FAR or Impervious cover limits specified for such Tract on the Concept Plans. Declarant shall have the right to effectuate any such allocation of FAR or Impervious Cover within a Tract by a notice of allocation filed by Declarant in the Real Property Records of Travis County, Texas. Declarant shall deliver written notice of such allocation to the Director of the City's Planning Department or any successor agency thereto ("Planning Director"). In such event, Declarant shall have the right to receive from the Planning Director certificates verifying such allocation of FAR and/or Impervious Cover and that the affected portion(s) of Tract(s) comply with the FAR and/or Impervious Cover requirements of this Restriction. Further, in the event of an allocation of FAR and/or Impervious Cover by Declarant under the terms hereof, the allocated FAR and/or Impervious Cover may only be utilized in connection with the designated portion of the Tract to which such allocation has been made, unless Declarant makes a reallocation of FAR and/or Impervious Cover as set forth above.

(c) The right to allocate and reallocate FAR and/or Impervious Cover hereunder is assignable in whole or in part by Declarant, but such assignment must be expressly made in writing and filed of record in the Real Property Records of Travis County, Texas, and the mere conveyance of any portion of the Property without the express transfer of the right to allocate FAR and/or Impervious Cover hereunder shall not be considered to transfer or assign any allocation rights hereunder. Further written notice of any assignment of allocation rights hereunder must be delivered to the Planning Director before such notice of assignment shall be binding upon the City for purposes hereof.

(d) In the event FAR and/or Impervious Cover are allocated to a particular portion of any Tract under the terms hereof, the owner(s) of such portion shall have the right to allocate available FAR and/or Impervious Cover within such portion by written agreements filed with the Planning Director and in the Real Property Records of Travis County, Texas. In the event that FAR and/or Impervious Cover are allocated to a particular portion of any Tract under the terms hereof and it is subsequently determined that the actual FAR and/or Impervious Cover required for the full development of such portion is less than the FAR and/or Impervious Cover so allocated to such portion, then, subject to the limitations set forth on the Concept Plans, the unused FAR and/or Impervious Cover shall be deemed available for use by other portions of such Tract and the right to allocate or reallocate such excess FAR and/or Impervious Cover shall automatically be deemed to have reverted to Declarant or to the entity to whom Declarant has assigned the right to allocate such excess available FAR and/or Impervious Cover.

(e) Once available FAR and/or Impervious Cover has been allocated to a particular portion of any Tract under the terms hereof, such FAR and/or Impervious Cover allocation shall be deemed to be a right running with the land which shall automatically be conveyed by the deed(s) transferring the pertinent portion unless previously reallocated as provided herein or specifically reserved in whole or in part by the owner(s) of such portion in the deed(s) conveying such portion.

1.13 The maximum height of each building within the commercial portions of each Tract within the Property shall not exceed the height set forth on the Concept Plans. This restriction shall not limit the number of stories within each building so long as the height limitation set forth on the Concept Plans is not exceeded.

1.14 Upon the approval and release of a site plan in accordance with applicable ordinances of the City of Austin as to any portion of the Property, the development proposed for such portion of the Property with respect to which such site plan has been issued shall be deemed to have complied with all terms and provisions of this Restriction.

ARTICLE II.

Water and Wastewater Services

2.01 The PUD shall receive water and wastewater services as provided and subject to the conditions set forth on the preliminary subdivision plats pertaining to the Property in the above referenced City of Austin Case.

ARTICLE III.

Development Phasing Related To Roadway Improvements

3.01 The PUD will generate additional traffic on adjacent roadways, and certain roadway improvements will be necessary in connection therewith. Accordingly, Declarant has agreed that the development of the PUD shall be subject to that certain Restrictive Covenant, Development and Roadway Construction Agreement (the "Roadway Agreement") of even date to be recorded in the Real Property Records of Travis County, Texas.

ARTICLE IV.

Miscellaneous Provisions

4.01 If any person, corporation or entity of any other character shall violate or attempt to violate the foregoing agreements and covenants, it shall be lawful for the City or Declarant, or their respective successors and assigns, to prosecute proceedings at law or in equity against said person or entity violating or attempting to violate such agreements or covenants and to prevent said person or entity from violating or attempting to violate such agreements or covenants.

4.02 The failure at any time to enforce any agreement or covenant herein by the City, Declarant, or their respective successors and assigns, whether any violation hereof is known or not, shall not constitute a waiver or estoppel of the right to do so.

4.03 Except as provided otherwise herein, this Restriction 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) who is/are the owner(s) at the time of such modification, amendment or termination, of the portion(s) of the Property which is/are directly affected by the proposed modification, amendment or termination. Notice of any proposed modification shall be provided in the same manner as required by applicable City ordinances for an application for a zoning change.

EXECUTED this 31 day of January, 1989.

THE PROTESTANT EPISCOPAL CHURCH
COUNCIL OF THE DIOCESE OF TEXAS

By: [Signature]
Name: Duncan E. Osborne
Title: Agent

CITY OF AUSTIN, TEXAS

By: [Signature]
Name: Barney L. Knight
Its: Acting City Manager

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1666

THE STATE OF TEXAS

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COUNTY OF TRAVIS

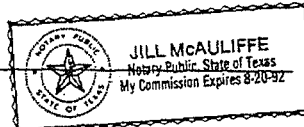
This instrument was acknowledged before me on this 31 day of January, 1989, by Duncan E. Osborne Agent of THE PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS, on behalf of said church council.

Jill A. McAuliffe
Notary Public in and for the
State of Texas

My Commission Expires:

8-20-92

Print Name:



THE STATE OF TEXAS

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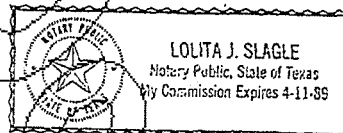
COUNTY OF TRAVIS

This instrument was acknowledged before me on this 16th day of March, 1989, by Barney L. Knight Acting City Manager of the CITY OF AUSTIN, TEXAS, a municipal corporation, on behalf of said corporation.

Lolita J. Slagle
Notary Public in and for the
State of Texas

My Commission Expires:

Print Name:



REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1667

TRACT 1FN:1 M4 D13
TRACT NO. 1

D. WEST PHASE II
46.5582 ACRES

EXHIBIT A

FIELD NOTES

FIELD NOTES FOR 46.5582 ACRES OUT OF THE BURKE TRAMMELL SURVEY NO. 3 AND THE ANTONIO RODRIGUEZ SURVEY NO. 4 IN TRAVIS COUNTY, TEXAS, SAID 46.5582 ACRES BEING OUT OF A 404.82 ACRE TRACT CONVEYED TO THE PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS BY DEED RECORDED IN VOLUME 6177 PAGE 1858 OF THE TRAVIS COUNTY DEED RECORDS, SAID 46.5582 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

STARTING FOR REFERENCE at a 1/2" steel pin set at the intersection of the north line of the 404.82 acre tract and the west right-of-way line of the Capital of Texas Highway (Loop 360);

THENCE along the west right-of-way line of Loop 360 S29°09'00"W a distance of 1836.88 feet to a concrete monument found at highway reference station 463+00 for the POINT OF BEGINNING;

THENCE along the west right-of-way line of Loop 360 S34°07'56"W a distance of 803.01 feet to a concrete monument found;

THENCE continuing along the west right-of-way line of Loop 360 S29°09'44"W a distance of 458.03 feet to a 1/2" steel pin set;

THENCE leaving the west right-of-way line of Loop 360 and crossing the 404.82 acre tract the following nine (9) courses:

1. N60°50'16"W a distance of 355.01 feet to a 1/2" steel pin set at a point of curvature;
 2. Along a curve to the right an arc distance of 904.74 feet, said arc having a radius of 479.73 feet and a chord which bears N06°48'37"W a distance of 776.49 feet to a 1/2" steel pin set at the point of tangency;
 3. N47°13'02"E a distance of 2.98 feet to a 1/2" steel pin set;
 4. N61°11'39"W a distance of 1134.52 feet to a 1/2" steel pin set;
 5. N31°07'41"E a distance of 32.78 feet to a 1/2" steel pin set;
 6. N58°52'19"W a distance of 70.00 feet to a 1/2" steel pin set at a point of a non-tangent curve;
 7. Along a curve to the right an arc distance of 24.33 feet, said arc having a radius of 15.00 feet and a chord which bears S86°16'12"W a distance of 21.75 feet to a 1/2" steel pin set at the point of tangency;
 8. N47°15'38"W a distance of 57.71 feet to a 1/2" steel pin set at a point of curvature;
 9. Along a curve to the left an arc distance of 208.36 feet, said arc having a radius of 735.00 feet and a chord which bears N55°22'54"W a distance of 207.67 feet to a 1/2" steel pin set in the northwest line of the 404.82 acre tract, being also the southeast line of a 2.856 acre tract conveyed to Walter B. B. by deed recorded in Volume 3500 Page 2325 of the Travis County Deed Records;
- THENCE along the southeast line of the 2.856 acre tract and the northwest line of the 404.82 acre tract N53°39'44"E a distance of 357.12 feet to a 1" iron pipe found;
- THENCE along the east line of the 2.856 acre tract and the northwest line of the 404.82 acre tract N32°37'44"E a distance of 499.46 feet to a 1" iron pipe found at the northeast corner of the 2.856 acre tract;

THENCE crossing the 404.82 acre tract the following nine (9) courses:

1. S89°22'16"E a distance of 245.00 feet to a 1/2" steel pin set;

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

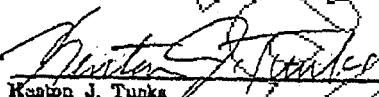
Page 1 of 3

10909 1668

EXHIBIT A

2. S56°22'16"E a distance of 547.75 feet to a 1/2" steel pin set at a point of curvature;
3. Along a curve to the left an arc distance of 75.06 feet, said arc having a radius of 532.24 feet and a chord which bears S60°24'41"E a distance of 75.00 feet to a 1/2" steel pin set;
4. S17°42'27"W a distance of 230.00 feet to a 1/2" steel pin set;
5. S42°42'27"W a distance of 100.00 feet to a 1/2" steel pin set;
6. S64°40'15"W a distance of 75.21 feet to a 1/2" steel pin set;
7. N89°11'39"W a distance of 240.00 feet to a 1/2" steel pin set;
8. S66°01'59"E a distance of 897.53 feet to a 1/2" steel pin set;
9. S68°48'48"E a distance of 695.07 feet to the POINT OF BEGINNING, containing 46.5582 acres of land, more or less.

Surveyed on the ground and field notes prepared by Canyon Engineering, 1000 Westlake High Drive, Bldg. 5A Austin, Texas 78746

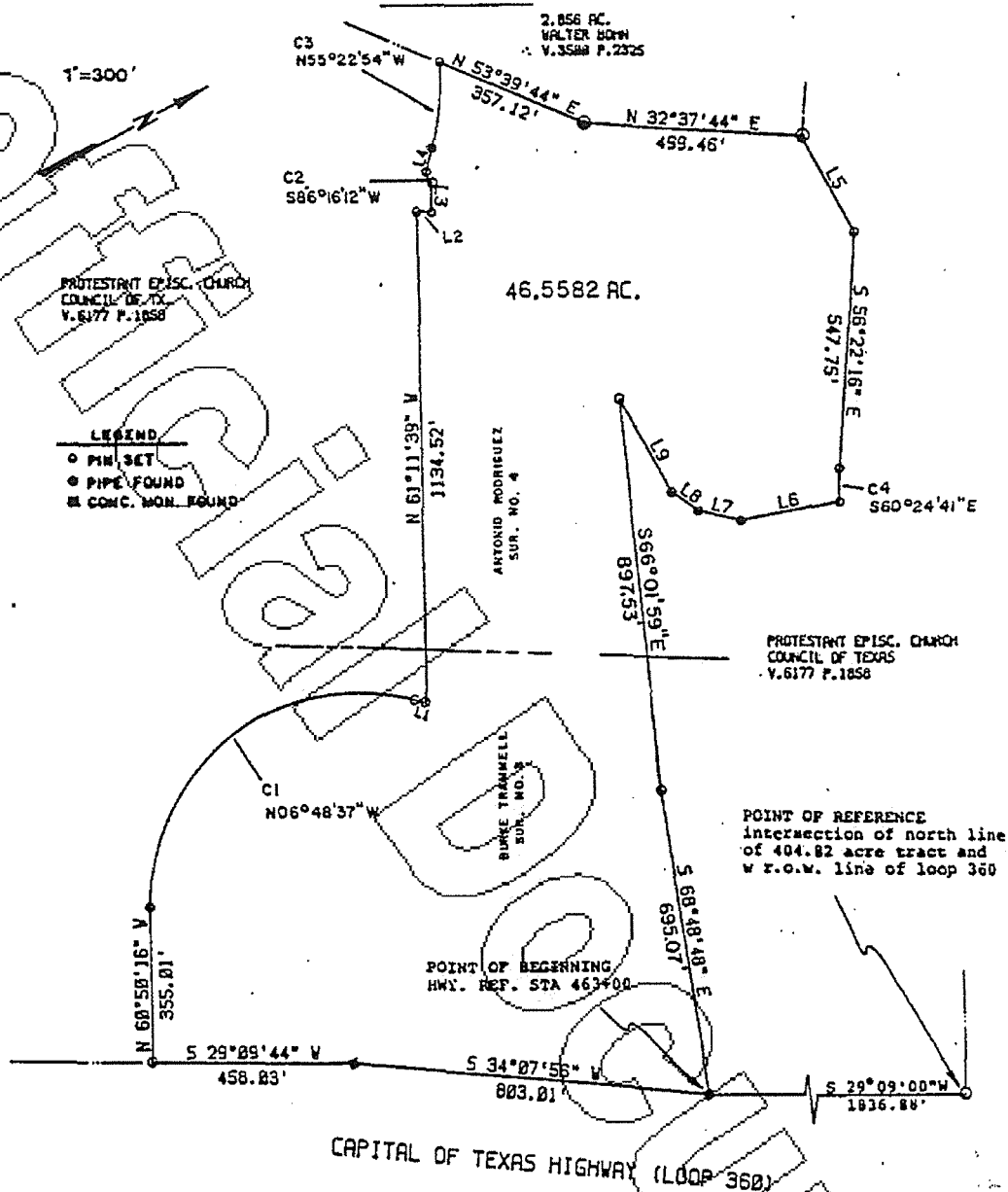

Kenton J. Tunks
RPS 3777

2-23-88
Date



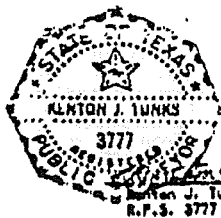
SKETCH TO ACCOMPANY FIELD NOTES FOR 46.5582 ACRES
OUT OF A 404.82 ACRE TRACT, VOL. 6177 PAGE 1858
TRAVIS COUNTY, TEXAS

EXHIBIT A



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD
C1	189°03'19"	479.73	984.74	776.49
C2	92°56'22"	15.88	24.33	21.75
C3	18°14'33"	735.88	288.36	287.67
C4	88°54'58"	532.24	75.88	75.88

LINE	DIRECTION	DISTANCE
L1	N 47°13'02" E	2.88
L2	N 31°07'41" E	32.78
L3	N 68°52'19" V	78.88
L4	N 47°15'38" V	57.71
L5	S 89°22'16" E	248.88
L6	S 17°42'27" V	238.88
L7	S 42°42'27" V	148.88
L8	S 64°48'15" V	75.21
L9	N 89°11'39" V	240.88



CEI CANYON ENGINEERING INCORPORATED
1000 Westlake Park Drive Suite 200
Austin, Texas 78746 (512) 287-0282

Alton J. Tunks 4-20-87
Date
R.P.S. 3777

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
10909 1670

10-97

DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT

Section Four

Land Uses

Tract*	Permitted Land Uses**
Block A, Lots 1 through 6	Single Family Residence Uses***
Block E, Lots 1 through 15	Single Family Residence Uses****
Block E, Lot 16	General Office Uses
Block D, Lot 1	Community Commercial Uses

*Each Tract is referred to by Block and Lot on the Concept Plans.

**All uses shall be determined under the City Zoning Ordinance (Chapter 13-2A, City Code of the City of Austin), as of May 7, 1987. Permitted uses as to each Tract and Lot within the Property shall include all uses allowed as a permitted use under the specified zoning classification.

***The number of units shall not exceed one (1) unit per acre of gross site area within all such Tracts, with no Lot smaller than three-fourths (3/4) acre. No improvements will be constructed nearer than thirty (30) feet from the bluff line located along the west boundary of the Block A Lots, or nearer than ten (10) feet to any side Lot line. Each residence shall contain not less than two thousand (2,000) square feet of living area.

****The number of units shall not exceed three (3) units per acre of gross site area within all such Tracts, with no Lot smaller than eight thousand (8,000) square feet and not more than fifteen (15) Lots. Each residence shall contain not less than one thousand six hundred (1,600) square feet of living area. A twenty-five (25) foot building set-back shall exist along Bunny Run; such set-back area shall remain in a natural landscaped condition, and no fences or other improvements shall be constructed within such set-back area.

FILED

1989 APR -4 PM 2:53

DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me, and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

APR 4 1989



Dana De Beauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

WTB:3/6

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10909 1671

Exhibit B

After recording return to:
CITY OF AUSTIN
DEPT. OF LAW
P.O. BOX 1088
AUSTIN, TEXAS 78767

Attn. Betty Lewis

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, portion of photo copy, discolored paper, etc. All blockouts, additions, and changes were present at the time the instrument was filed and recorded.

**FIRST AMENDMENT TO RESTRICTIVE COVENANTS
DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT
Section Four; City of Austin Case NO. C814-88-0001**

Owner: The Protestant Episcopal Church Council of the Diocese of Texas

Address: 2900 Bunny Run, Austin, Texas 78746

City: The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.

City Council: The City Council of the City of Austin

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, The Protestant Episcopal Church Council of the Diocese of Texas (the "Owner"), as owner of approximately 31.844 acres of land (the "Owner's Property"), located in the Davenport Ranch West planned unit development, (the "Davenport PUD"), wishes to amend the Restrictive Covenants being more particularly described in Volume 10909, Page 1658, recorded in the Real Property Records of Travis County, Texas, (the "Restrictive Covenants"), which impose certain restrictions and covenants on the Davenport PUD.

WHEREAS, the Owner's Property is more particularly described by metes and bounds in Exhibit "A", incorporated into this amended covenant;

WHEREAS, the Owner of the Owner's Property, on the date of this First Amendment to Restrictive Covenants (the "Amendment") desires to amend the Restrictive Covenants as to the Owner's Property only.

WHEREAS, the City Council and the Owner agree that the Restrictive Covenants should be amended as to the Owner's Property only.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Article 1.10 of the Restrictive Covenants is amended as follows:

Only commercial uses are permitted on Block D, Lot 1A of Owner's Property. Only detached condominium uses, limited to buildings containing not more than one residential unit, and townhouses are permitted on Block E, Lot 16 of Owner's Property. Only multifamily residential use is permitted on Block D, Lot 1 of Owner's Property.

2. Exhibit "B" to the Restrictive Covenants is amended so that (i) in the right-hand column

8/25/05
2-1

C:\DOCUME~1\RBIEHL~1\HOU\LOCALS~1\Temp\Gables Amended RC non-ZAP version.revised.DOC

(Permitted Land Uses) the stated permitted land use for each portion of the Owner's Property is as follows: Block D, Lot 1 - "Multifamily Residential-Low Density (MF-2) *****"; Block E, Lot 16 "Townhouse and Condominium Residential (SF-6) *****"; and Block D, Lot 1A - "Community Commercial (GR) *****", and (ii) a new footnote ***** is added to Exhibit "B" to read "Notwithstanding note ** above, the uses on this Tract shall be determined under the City Zoning Ordinance (Chapter 25-2, City Code of the City of Austin), as of August 25, 2005, such that the permitted uses on this Tract shall include only those uses allowed as a permitted use under the specified zoning classification" except that no multi-family residential is permitted on Block E, Lot 16 of Owner's Property; and pawn shop services, hotel-motel, commercial off-street parking, bail bond services, exterminating services, indoor sports and recreation, theater, communication service facilities, urban farm, off-site accessory parking, funeral services, automotive rentals, automotive sales, automotive repair services, communications services, indoor entertainment, outdoor sports and recreation, congregate living, and residential treatment, group home class I limited, group home class I general, group home class II, and family home shall be prohibited on Block D, Lot 1A of Owner's Property.

3. All references in the Restrictive Covenants to the PUD, including the Concept Plans made part of the PUD, shall be deemed to be references thereto as amended by this Amendment and by Zoning File No. C814-88-0001.8.
4. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenants, as set forth in the Restrictive Covenants, shall continue in full force and effect on and after the effective date of this Amendment.
5. The City Manager, or her designee, shall execute, on behalf of the City, this First Amendment to Restrictive Covenants for Zoning File No. C814-88-0001, as authorized by the City Council of the City of Austin. This First Amendment to Restrictive Covenants shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED this 25th day of August, 2005.

OWNER:

**The Protestant Episcopal Church
Council of the Diocese of Texas**

By: 

John R. Brock, Assistant Treasurer

CITY OF AUSTIN:

By: *Laura J. Huffman*

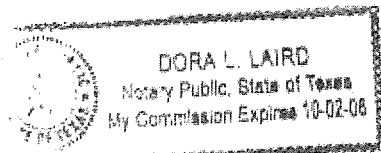
Laura J. Huffman,
Assistant City Manager,
City of Austin

THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 25th day of August, 2005, by John R. Brock, Assistant Treasurer, of The Protestant Episcopal Church Council of the Diocese of Texas, on behalf of the church council.



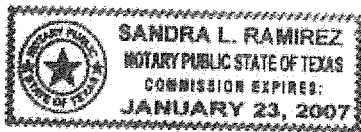
Dora L. Laird
Notary Public, State of Texas

THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 1st day of September, 2005, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



Sandra L. Ramirez
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

City of Austin Law Department

P.O. Box 1088

Austin, Texas 78767

ATTN: *DIANA MINTER, Paralegal*

31.844 ACRES
GABLES WESTLAKE

FN.NO. 04-191(MM)
JUNE 6, 2004
BPI JOB NO. 659-15

DESCRIPTION

OF A 31.844 ACRE TRACT OR PARCEL OF LAND OUT OF THE BURKE TRAMMELL SURVEY NO. 3 AND THE ANTONIO RODRIGUEZ SURVEY NO. 4, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 62.965 ACRE TRACT OF LAND CONVEYED TO PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS BY DEED OF RECORD IN VOLUME 6177, PAGE 1858 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 31.844 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the westerly right-of-way line of Capital of Texas Highway (Loop 360) (R.O.W. varies), being the southeasterly corner of said 62.965 acre tract, same being the northeasterly corner of Lot 1, St. Stephens School, a subdivision of record in Volume 90, Pages 204-205 of the Plat Records of Travis County, Texas for the southeasterly corner hereof;

THENCE, leaving the westerly line of Capital of Texas Highway, along the southerly line of said 62.965 acre tract, being a portion of the northerly line of said Lot 1, same being the southerly line hereof, the following four (4) courses and distances:

- 1) N60°48'34"W, a distance of 354.84 feet to a 1/2 inch iron rod found for the point of curvature of a non-tangent curve to the right;
- 2) Along said non-tangent curve to the right having a radius of 479.73 feet, a central angle of 108°02'36", an arc distance of 904.63 feet and a chord which bears N06°50'24"W, a distance of 776.43 feet to a 1/2 inch iron rod found for the end of said curve;
- 3) N47°16'27"E, a distance of 3.01 feet to a 1/2 inch iron rod found for an angle point;
- 4) N61°12'32"W, a distance of 1012.87 feet to a 1/2 inch iron rod found for the southwesterly corner hereof;

THENCE, leaving the northerly line of said Lot 1, over and across said 62.965 acre tract, along the westerly line hereof, the following three (3) courses and distances:

- 1) N28°47'53"E, a distance of 49.98 feet to a 1/2 inch iron rod found for an angle point;

- 2) N65°26'28"E, a distance of 254.05 feet to a 1/2 inch iron rod found for an angle point;
- 3) N44°56'27"E, a distance of 198.70 feet to a 1/2 inch iron rod found for the northwesterly corner hereof;

THENCE, S66°01'48"E, continuing over and across said 62.965 acre tract, passing at a distance of 107.06 feet, a 1/2 inch iron rod found 0.40 feet to the right (or south of this line), being the southwesterly corner of Lot 17, Block "E", Davenport West P.U.D. Section 5, Phase 5, a subdivision of record in Document No. 200000169 of the Official Public Records of Travis County, Texas and continuing along the southerly line of said Lot 17, Block "E", same being the irregular easterly line of said 62.695 acre tract, for a total distance of 914.96 feet to a 1/2 inch iron rod found at the southeasterly corner of said Lot 17, Block "E", being the southwesterly corner of the southerly terminus of Westlake Drive (90' R.O.W.) for an angle point hereof;

THENCE, continuing along the irregular easterly line of said 62.965 acre tract, being the southerly terminus of Westlake Drive and the southerly line of Lot 2 and Lot 3, Block "D", Davenport West P.U.D. Section 5, Phase 5, a subdivision of record in Document No. 200000171 of said Official Public Records, the following four (4) courses and distances:

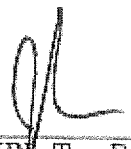
- 1) S69°16'32"E, a distance of 1.84 feet to a 1/2 inch iron rod found for an angle point;
- 2) S65°59'30"E, a distance of 87.55 feet to a 1/2 inch iron rod found for an angle point;
- 3) S64°33'19"E, a distance of 0.71 feet to a 1/2 inch iron rod found for an angle point;
- 4) S68°49'27"E, a distance of 694.12 feet to a 1/2 inch iron rod with cap set in the westerly line of Capital of Texas Highway, being the southeasterly corner of said Lot 3, Block "D", for the northeasterly corner hereof;

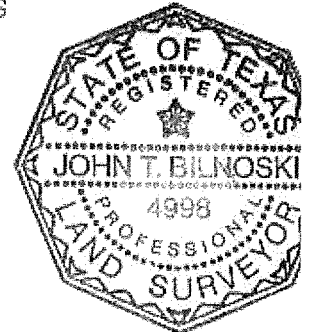
THENCE, along the westerly line of Capital of Texas Highway, being the irregular easterly line of said 62.965 acre tract, same being the easterly line hereof, the following two (2) courses and distances:

- 1) S34°08'02"W, a distance of 802.94 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S29°06'46"W, a distance of 458.10 feet to the POINT OF BEGINNING, containing an area of 31.844 acres (1,387,122 sq. ft.) of land, more or less, within these metes and bounds.

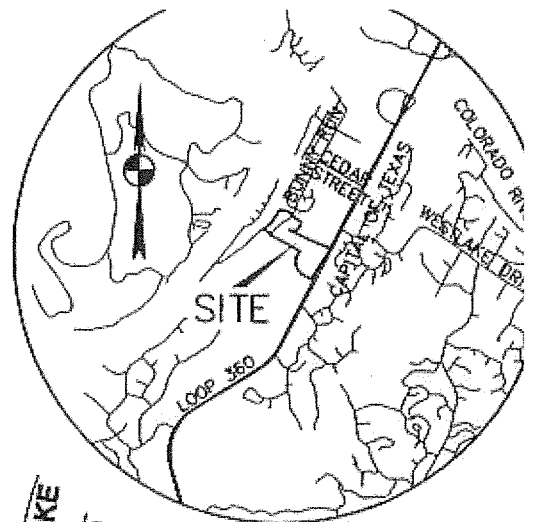
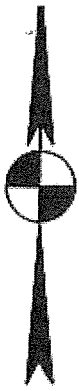
THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
AUSTIN, TEXAS 78746

 6/7/04
JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS



0 150 300 600
SCALE: 1" = 300'



VICINITY MAP
N.T.S.

BUNNY RUN (70' R.O.W.)
PORTION OF 62.965 ACRES
PROTESTANT EPISCOPAL CHURCH
COUNCIL OF THE DIOCESE OF TEXAS
VOL. 6177, PG. 1858

LOT 17, BLOCK "E",
DAVENPORT WEST P.L.
SEC. 5, PH. 5
DOC. NO. 200000169

PASSING AT 107.06'
AND 0.40' SOUTH

LOT 2, BLOCK "D",
DAVENPORT WEST P.L.
SEC. 5, PH. 5
DOC. NO. 20000017

N61°12'32"W 1012.87'

31.844 ACRES
(1,387,122 SQ. FT.)

PORTION OF 62.965 ACRES
PROTESTANT EPISCOPAL CHURCH
COUNCIL OF THE DIOCESE OF TEXAS
VOL. 6177, PG. 1858

ST. STEPHEN'S SCHOOL
VOL. 90, PGS. 204-205

LEGEND

- 1/2" IRON ROD FOUND
- 1/2 INCH IRON ROD WITH CAP SET
- P.O.B. POINT OF BEGINNING

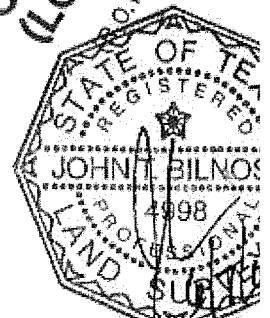
LINE TABLE

No.	Bearing	Distance
L1	N60°48'34"W	354.84'
L2	N47°16'27"E	3.01'
L3	N28°47'53"E	49.98'
L4	N65°26'28"E	254.05'
L5	N44°56'27"E	198.70'
L6	S69°16'32"E	1.84'
L7	S65°59'30"E	87.55'
L8	S64°33'19"E	0.71'
L9	S29°06'46"W	458.10'

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	108°02'36"	479.73	904.63	776.43	N06°50'24"W

CAPITAL OF TEXAS HIGHWAY
(LOOP 360)
(R.O.W. VARIES)



Bury+Partners

Engineering Solutions

Austin, Texas Tel 512/328-0011 Fax 512/328-0325
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SKETCH TO ACCOMPANY DESCRIPTION

OF A 31.844 ACRE TRACT OF LAND OUT OF THE BURKE TRAMMELL SURVEY NO. 3 AND THE ANTONIO RODRIGUEZ SURVEY NO. 4 BEING A PORTION OF THAT CERTAIN 62.965 ACRE TRACT OF LAND OF RECORD IN VOLUME 6177, PAGE 1858 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

GABLES
RESIDENTIAL TRU

WESTLAKE

DATE: 06/07/04 FILE: H:\659\15\65915EX1.dwg FN No.: FN04-191 (MM) DRAWN BY: MM PROJ. No: 659-15

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2005 Sep 16 03:22 PM

2005172776

BENAVIDESV \$44.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS