

**SECOND AMENDED RESTRICTIVE COVENANT
FOR ZONING CASE NO. C14-2009-0151(RCA2)**

Owner: Shoal Creek Walk, Ltd., a Texas limited company

Address: 601 North Lamar, Suite 301, Austin, Texas 78703

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, Shoal Creek Walk, Ltd., a Texas limited company, as owner of all that certain property described in Zoning File No. C14-2009-0151, consisting of approximately 2.6 acres of land (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Document No. 2010083202, (the "Restrictive Covenant") and amended in Document No. 2013085495 imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the Original Property at the time of such modification, amendment or termination.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited company is the current owner (the "Owner") of the Original Property on the date of this Second Amended Restrictive Covenant ("Second Amended RC") and desires to amend the Restrictive Covenant as to the Original Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

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

1. Paragraph No. 3 of the Restrictive Covenant is deleted in its entirety and the following provision is substituted in its place.

Green Roofs. Green roof development and associated features may be developed in a phased program for site development. The following are minimum standards:

A. If the project is constructed in a single phase:

The project will satisfy the provisions of the Restrictive Covenant, as amended, and include a rainwater holding and collection tank of at least 10,000 gallons with the necessary pump and piping to irrigate 10,000 square feet of green roof design and/or other acceptable on-grade planting area(s); and include the construction of an approved water quality pond that treats approximately 93 percent of the site.

B. If the project is constructed in two phases:

- (1) The project will include in the first phase: an approved water quality pond that treats approximately 93 percent of the site; and include approximately 20,000 square feet of re-vegetated, and open to the sky area. The re-vegetated area(s) cannot be combined to meet other City standards such as landscaping, etc.; and,
- (2) The project will include in the second phase: an approved water quality pond that treats approximately 93 percent of the site; and include a rainwater holding and collection tank of at least 10,000 gallons with the necessary pump and piping to irrigate 10,000 square feet of green roof design. The green roof shall be designed according to City approved requirements and standards.

2. Except as expressly provided for in this Second Amended RC, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as amended as set forth in the Restrictive Covenant, as amended shall continue in full force and effect on and after the effective date of this Second Amended RC.
3. The City Manager, or his designee, shall execute on behalf of the City, this Second Amended RC as authorized by the City Council of the City of Austin. The Second Amended RC shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED to be effective the _____ day of December, 2014.

OWNER:

SHOAL CREEK WALK, LTD.,
a Texas limited partnership

By: **SHOAL CREEK WALK GP, L.L.C.,**
a Texas limited liability company,
its general partner

By: _____
BRADLEY SCHLOSSER
Manager

CITY OF AUSTIN:

By: _____
SUE EDWARDS,
Assistant City Manager,
City of Austin

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the _____ day of December, 2014, by Bradley Schlosser, Manager, of Shoal Creek Walk GP, L.L.C., a Texas limited liability company, general partner of Shoal Creek Walk, Ltd., a Texas limited partnership, on behalf of the limited partnership.

Notary Public, State of Texas

THE STATE OF TEXAS

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§

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the _____ day of December, 2014, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

**TRACT 2
FIELD NOTES FOR
2.600 ACRES**

DESCRIBING 2.600 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS CONSISTING OF THAT CERTAIN 2.05 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000117493, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS ("OPRTCT"), AND THAT CERTAIN 0.55 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000119070, OPRTCT; SAID 2.600 ACRES BEING A PORTION OF LOTS 1-3, BLOCK 5, SUBDIVISION OF THE RAYMOND PLATEAU, OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN VOLUME V PG. 401, DEED RECORDS OF TRAVIS COUNTY, TEXAS ("DRTCT") AND BOOK 1 PAGE 30, PLAT RECORDS OF TRAVIS COUNTY, TEXAS ("PRTCT"); SAME BEING LOTS 1-6, 9 AND A PORTION OF LOT 7, RESUBDIVISION OF ORIGINAL LOTS ONE AND TWO IN BLOCK NO. 5 OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN BOOK 1 PAGE 19, PRTCT; SAID RESUBDIVISION LEAVING A REMNANT OF THE ORIGINAL LOT 2; SAID 2.600 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1" square bolt head found at the northeast corner of said 2.05 acre tract in the south r.o.w. line of West 6th Street (80' r.o.w.); said point being the northwest corner of that certain 1703 s.f. tract conveyed to the City of Austin by deed of record in Volume 7439 Page 408, DRTCT; and from said beginning point run the following nine (9) courses and distances:

THENCE along the common line of the said 2.05 acre tract and the said 1703 s.f. tract, by courses 1-3 as follows:

- 1) S 26°57'22" W - 52.30 feet to a 1/2" iron rod found at an angle point;
- 2) S 35°56'58" W - 76.23 feet to a round bolt head found at an angle point;
- 3) S 45°39'37" W - 62.46 feet to a 1/2" iron rod found at the most easterly southeast corner of said 2.05 acre tract and being in the north line of said 0.55 acre tract;

THENCE along the north line of said 0.55 acre tract and the south line of said 1703 s.f. tract by course 4 as follows:

- 4) S 64°45'52" E - 16.33 feet to a lead plug and tack found in concrete sidewalk at the northeast corner of said 0.55 acre tract and the southeast corner of said 1703 s.f. tract;

THENCE along the east line of said 0.55 acre tract by course 5 as follows:

- 5) S 59°35'08" W - 230.99 feet to a lead plug and tack found in concrete sidewalk in the north r.o.w. line of West 5th Street (80' r.o.w.) at the southeast corner of said 0.55 acre tract;

THENCE along the south lines of said 0.55 acre and 2.05 acre tracts and the north r.o.w. line of West 5th Street by courses 6 and 7 as follows:

- 6) N 77°26'35" W - at 60.22 feet pass a 1/2" iron rod found with Wallace Group cap and continuing in all 81.93 feet to a 1/2" iron rod set with Wallace Group cap at a point of curvature;

Description of a 2.600 acre tract (continued)

- 7) Along a curve to the right whose radius is 899.60 feet with an arc length of 110.49 feet and whose chord bears N 73°57'58" W - 110.42 feet to a 1/2" iron rod found with Accusurve cap at the intersection of the north r.o.w. line of West 5th Street with the east r.o.w. line of Bowie Street (80' r.o.w.);

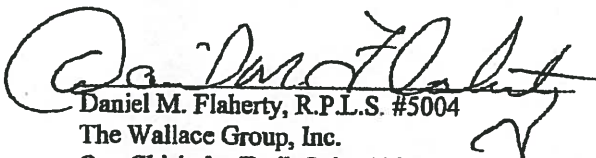
THENCE along the west line of said 2.05 acre tract and the east r.o.w. line of Bowie Street by course 8 as follows:

- 8) N 25°02'25" E - 410.76 feet to a headless PK nail found in concrete at the northwest corner of said 2.05 acre tract, same being the intersection of the east r.o.w. line of Bowie Street and the south r.o.w. line of West 6th Street;

THENCE along the north line of said 2.05 acre tract and the south r.o.w. line of West 6th Street by course 9 as follows:

- 9) S 64°58'55"E - 341.88 feet to the **POINT OF BEGINNING** of the herein described tract, encompassing within the metes recited 2.600 acres of land, more or less, as computed by The Wallace Group, Inc. in July, 2002.

Bearing Basis: Found monuments along east r.o.w. of Lamar Blvd. between West 5th and 6th Streets as shown on July 1998 Accursurve survey (N 24°57'00" E) which was based on monumented centerline of Lamar Blvd.



Daniel M. Flaherty, R.P.L.S. #5004
The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Phone: (512) 248-0065
Fax: (512) 246-0359
Work Order No. 11790



07-30-2002
Date

Description of a 2.600 acre tract (continued)

- 7) Along a curve to the right whose radius is 899.60 feet with an arc length of 110.49 feet and whose chord bears N 73°57'58" W - 110.42 feet to a 1/2" iron rod found with Accusurve cap at the intersection of the north r.o.w. line of West 5th Street with the east r.o.w. line of Bowie Street (80' r.o.w.);

THENCE along the west line of said 2.05 acre tract and the east r.o.w. line of Bowie Street by course 8 as follows:

- 8) N 25°02'25" E - 410.76 feet to a headless PK nail found in concrete at the northwest corner of said 2.05 acre tract, same being the intersection of the east r.o.w. line of Bowie Street and the south r.o.w. line of West 6th Street;

THENCE along the north line of said 2.05 acre tract and the south r.o.w. line of West 6th Street by course 9 as follows:

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AFTER RECORDING RETURN TO:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: J. Collins, Paralegal