

RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C10-V-82-033(RCT) –
Caruth Administration Center (AISD Site)

DISTRICT: 9

ZONING: CS-MU-V-CO-NP

ADDRESS: 1111 W. 6th Street

SITE AREA: 2.75 acres/119,818 sq. ft.

PROPERTY OWNER:
Austin Independent School District
(AISD)

AGENT:
Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends granting a Termination of the Restrictive Covenant. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 14, 2018 Scheduled for Planning Commission

CITY COUNCIL ACTION:

August 30, 2018 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

The Austin Independent District (AISD) is in the process of selling its Caruth Administration Center located at 1111 West 6th Street. The subject property has a Restrictive Covenant dating from 1983, related to the partial vacation of Sayers Street. The property is currently under contract, and the prospective buyer's lender has asked that the term of the Restrictive Covenant be removed prior to purchase.

In 1982, a Right of Way vacation was filed for a partial vacation of Sayers Street, and was completed in 1983 (See Exhibit D, Ordinance 830922-J). The Ordinance states that the vacated Right of Way "is not now, and will not be, needed for municipal use and is now surplus as to the City of Austin." The vacated portion runs east-west across the southern portion of the subject property. The south building and part of the parking lot are constructed within this vacated Right of Way.

Concurrent with the Right of Way vacation, a Restrictive Covenant (See Exhibit E) was filed with one substantive condition, excerpted as follows:

"In the event that Sayers Street is vacated.... construction upon the Property shall be limited to... the "C" Commercial Second Height and Area Zoning classification under the Zoning Ordinance of the City of Austin, as the said ordinance currently exists. [The property owners] shall ... file an application with the City of Austin to change the zoning on the Property (area of partial vacation) to "C" Commercial Second Height and Area Zoning under the current Zoning Ordinance of the City of Austin, or equivalent zoning under any successor ordinance...."

The Right of Way vacation and Restrictive Covenant were filed and completed in the time frame of 1982 – 1983. A new zoning code was approved in 1984, and properties with "C" zoning were converted to the CS (General Commercial Services) category. The subject property, including the vacated portion of Sayers street were all given a CS base zoning. Therefore, the sole condition of the Restrictive Covenant was fulfilled at that point.

The Restrictive Covenant further states in paragraph 5 that it may be terminated by joint action of the Austin City Council and the owners of the property (AISD). The latter are requesting termination as part of this application (See Exhibit F).

The Old West Austin Neighborhood Association voted to not oppose the termination of the Restrictive Covenant (See Exhibit G).

CASE MANAGER COMMENTS:

The property is comprised of Lot 1 of the Elm Square Addition (See Exhibit C, Plat). The site is relatively flat and is not in the flood plain.

The property is currently occupied by the administrative offices of AISD, which are housed in three and four story buildings. The subject property is a large lot which has frontage on W 6th Street and W. 5th Street, and includes a parking lot to the southeast. The vacated portion of Right of Way runs east-west across the southern portion of the subject property. The south building and part of the parking lot are constructed within this vacated Right of Way.

Land uses surrounding the subject property include small offices, some of which are housed in single-family style buildings, small commercial shops, and a few warehouse facilities.

BASIS OF RECOMMENDATION:

Staff recommends granting the Termination of Restrictive Covenant.

The basis is that the sole condition of the Restrictive Covenant – that the vacated portion of Sayers Street be zoned “C” or the current equivalent – was fulfilled in 1984 when the entire subject property was zoned CS (General Commercial Services). Therefore, from the standpoint of staff, the Restrictive Covenant is no longer necessary and can be terminated.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-V-CO-NP	AISD administration facility
North	W 6 th Street, then CS-MU-CO-NP, CS-MU-V-CO-NP	W 6 th Street, then Commercial, Apartments
South	W 5 th Street, then LI-CO-NP	W 5 th Street, then Commercial, Warehouse
East	CS-H-NP, CS-MU-CO-NP, CS-MU-CO-NP	Office, Commercial
West	CS-MU-V-CO-NP, CS-MU-CO-NP	Commercial

NEIGHBORHOOD PLANNING AREA: Old West Austin

TIA: Not Required

WATERSHED: Lady Bird Lake

OVERLAYS: None

SCHOOLS: Matthews Elementary, O. Henry Middle School, Austin High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Save Barton Creek Assn
Austin Neighborhoods Council	Seltexas
Homeless Neighborhood Association	Shoal Creek Conservancy
Old West Austin Neighborhood Assn	Sierra Club Austin Regional Group
Preservation Austin	TNR BCP - Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0112 Old West Austin Neighborhood Plan Combining District	Neighborhood Plan	08-14-02 – Apvd NP	09-26-02 – Apvd NP
C14-2007-0237 Old West Austin Neighborhood Planning Area Vertical Mixed Use Zonings	Vertical Mixed Use zoning	03-11-08 – Apvd V	03-06-08 – Apvd V
C14H-2010-0006 Castle Hill Historic District (initially was Blanco Street Historic District)	Historic District	08-25-15 – Forward to Council without recommendation	10-08-15 – Apvd Historic District

RELATED CASES:

The subject property is part of the Old West Austin Neighborhood Plan Combining District (Ordinance 020926-26) which changed the zoning from CS to CS-MU-CO-NP. The Conditional Overlay makes the following uses conditional on the subject property:

Automotive rentals, Automotive sales, Commercial blood plasma center, Automotive repair services, Automotive washing (of any type), Construction sales and service Convenience

storage, Equipment sales, Laundry services, Residential treatment Equipment repair services, Guidance services, Maintenance and service facilities Service station


The subject property is part of the Old West Austin Neighborhood Planning Area Vertical Mixed Use Zonings (Ordinance 20080306-056), which changed the zoning from CS-MU-CO-NP to CS-MU-CO-V-NP.


The subject property was subdivided as Lot 1 of the Elm Square Addition (case number C8S-84-098), recorded in Volume 85, Page 74C of the Plat Records of Travis County, Texas.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Plat
- D. Ordinance 830922-J – Right-of-Way Vacation
- E. Restrictive Covenant – C10-V-82-033
- F. Letter from Austin Independent School District
- G. Letter from Old West Austin Neighborhood Association
- H. Response from Interested Party



 SUBJECT TRACT

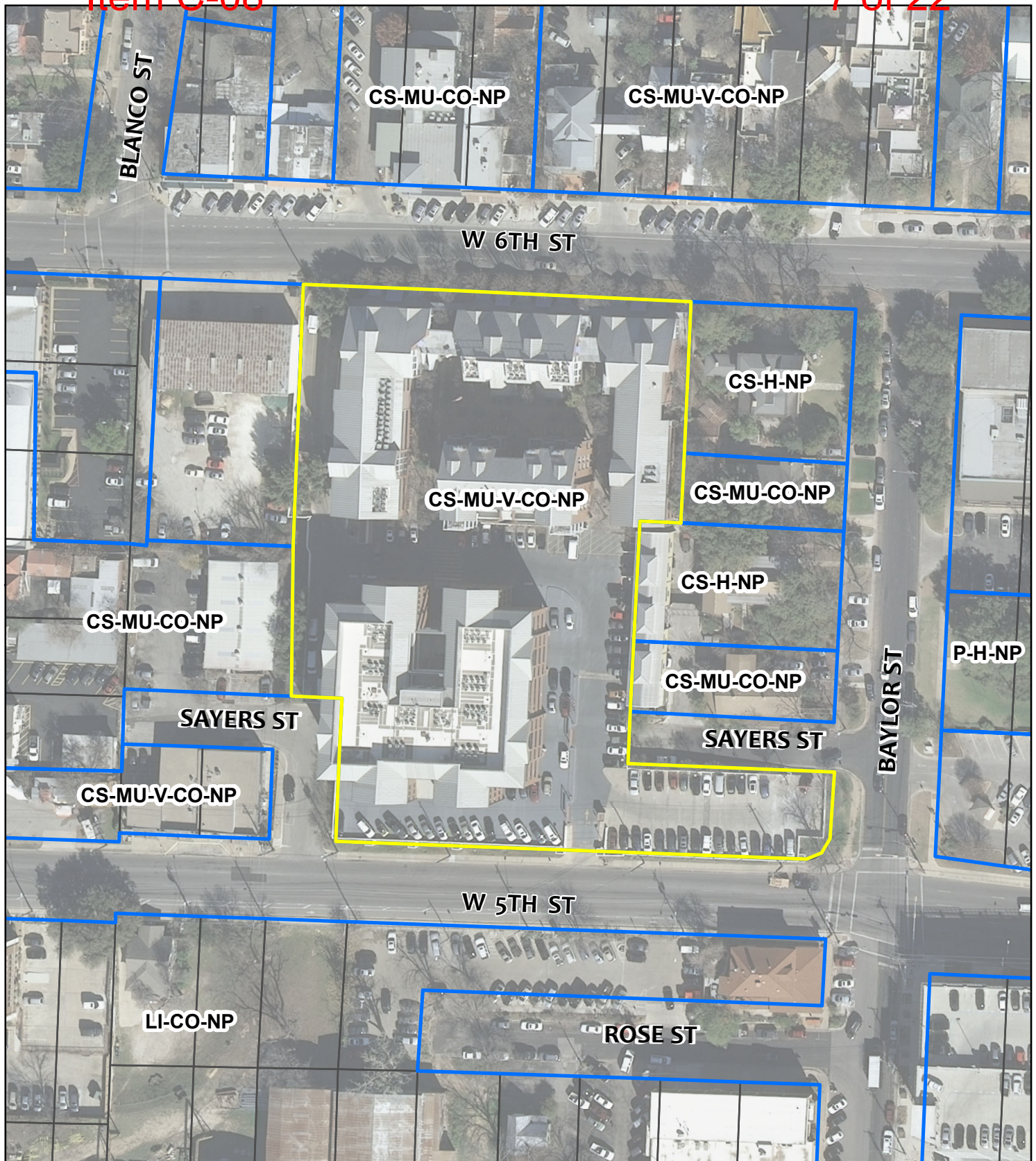
 ZONING BOUNDARY



CASE#: C10-V-82-033(RCT)

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





 Subject Property
 Zoning Boundary

1 inch = 100 feet

0 100 Feet

ZONING & VICINITY

Zoning Case: C10-V--82-033(RCT)
 Address: 1111 W. 6th Street
 Subject Area: 2.75 Acres
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B



LEGEND

- IRON ROD FOUND
- IRON ROD SET

STATE OF TEXAS:

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS:

THAT JOAN D'ARC, D.D., being the owner of a 2.7516 acre tract of land situated in the City of Austin, Travis County, Texas, being part of Lots 1, 2, 3 & 4, Block 10, Raymond Plateau, a subdivision out of Outlot 11, Division 12, and the North 65.67 feet of Lots 4, 5, 6 & 7 of the Joseph D. Savers Subdivision, out of Outlot 11, Division 12, as conveyed to us by deed recorded in Volume 7460, Page 628 of the Deed Records of said County and State; AND a portion of Lot 3, Block 10, Raymond Plateau, a subdivision out of Outlot 11, Division 12, as conveyed to us by deed recorded in Volume 7855, Page 85 and Page 85S of the Deed Records of said County and State; AND the North 65.67 feet of Lots 1, 2 & 3, Block 10, of the Joseph D. Savers Subdivision, out of Outlot 11, Division 12, as conveyed to us by deed recorded in Volume 8182, Page 155 of the Deed Records of said County and State; AND that of Joan D'Arc Court as shown on the Flury's Resubdivision plat, recorded in the public records of said County, Block 10, Raymond Plateau, a subdivision out of Outlot 11, Division 12, as conveyed to us by deed recorded in Volume 8156, Page 490 and Vacated and Abandoned (Ordinance No. 83-0620-U) as recorded in Volume 8259, Page 811 of the Deed Records of said County and State, DO hereby subdivide said 2.7516 acres of land to be known as "ELM STREET" in ADDITION and do hereby dedicate to the public the streets and easements shown herein, subject to any restrictions heretofore granted.

WITNESS MY HAND THIS the 1st day of May, 1934, A.D.

JOAN D'ARCY, LTD.

By: JOAN D'ARC ASSOCIATES, LTD.
General Partner

By: CARTER INVESTMENTS
General Partner

By: H. C. Carter
H. C. Carter
General Partner

STATE OF TEXAS:

COUNTY OF TRAVIS:

Before me, the undersigned authority, on this day personally appeared H.C. Carter, General Partner of Carter Investments, A Texas general partnership, General Partner of Joan D'Arc Associates, Ltd., a Texas limited partnership, General Partner of Joan D'Arc, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacities thereinafter stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15th day of May, 1984, A.D.

Susan Morse / Susan Morse
Notary Public in and for Travis County, Texas

My Commission expires 5/4/84

STATE OF TEXAS:

COUNTY OF TRAVIS:

1. Gregory E. West, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Chapter 13-3 of the Austin City Code; is true and correct; and was prepared from an actual survey of the property made under my supervision on the ground.

Gregory E. West
Texas Registration No. 4198

4-12-84

REMARKS 12-27-84

489-84-098

FLOOD PLAIN NOTE: No part of this subdivision lies within the 100 year flood plain of any stream or waterway, according to the Federal Insurance Administration Flood Hazard Boundary Map, Panel No. 481524 0075B, dated September 2, 1981.

APPROVED FOR ACCEPTANCE

James B. Duncan by *James B. Duncan* JANUARY 8, 1985
JAMES B. DUNCAN, DIRECTOR Date
OFFICE OF LAND DEVELOPMENT SERVICES

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION.
CITY OF AUSTIN, THIS the 8TH day of JANUARY, 1985, A.D.

Gilbert M. Martinez
Chairman

GILBERT M. MARTINEZ

Ed Wendler Jr.
Secretary ED WENDLER, JR.

STATE OF TEXAS:

COUNTY OF TRAVIS:

1. Doris Shropshire, Clerk of the County Court within and for the State and County aforesaid, do hereby certify that the foregoing instrument was filed in this certificate of authentication was filed for record in my office on this the 16th day of Jan, 1995, A.D., at 9:20 o'clock A.M., and duly recorded on the 16th day of Jan, 1995, A.D., at 9:25 o'clock A.M. in the Plat Records of Travis County, Texas, in Plat Book: 85, Page 74C.

WITNESS MY HAND AND SEAL OF OFFICE this the 16th day of Dec., 1935, A.D.

Doris Shropshire, Clerk County Court, Travis County, Texas

Deputy *K. Terrell*
K. TERRELL

FILED FOR RECORD at 9:20 o'clock A.M., on the 16th day of Jan.
1985 A.D.

Doris Shropshire, Clerk County Court, Travis County, Texas.

By: K. Terrell
Deputy K. TERRELL

SIDEWALK NOTES: 1) Sidewalks shall be installed on the subdivision side of all adjacent streets. Such sidewalks shall be completed prior to the acceptance of any Type I and II Driveway Approach and/or Certificate of Occupancy.

2) Sidewalks which have not been installed within two years from the date of acceptance for maintenance of the streets may, upon approval of the City Council, be constructed by the City Of Austin and assessment shall be made against the affected properties for all engineering administrations and construction costs.

FCR CARTER INVESTMENTS

GC Geogram Corporation
Land Surveyors - Engineers

JCE NO. 2941 - 52 - 010 - 100 DATE: 4-3-84

CITY OF AUSTIN, TEXAS

EXHIBIT D

ORDINANCE NO. 830922-J

AN ORDINANCE VACATING EXCESS RIGHT-OF-WAY ON SAYERS STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY, DRAINAGE AND CABLE TELEVISION; SUSPENDING THE RULES FORBIDDING FINAL PASSAGE ON ONE READING; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it has been requested by the adjacent property owner that a portion of the City's Sayers Street right-of-way which was dedicated to the public on a map or plat of Raymond Plateau Subdivision, a subdivision of a portion of Outlot 11, Division Z, in the City of Austin, Travis County, Texas of record in Book 1, Page 30 of the Plat Records of Travis County, Texas, be vacated; and,

WHEREAS, all utilities, affected public enterprises and City departments concerned have approved the vacation of the hereinafter described portion of said Sayers Street; and,

WHEREAS, the application fee has been paid; and,

WHEREAS, the owner of all land abutting and adjacent to the said public right-of-way to be vacated has dedicated to the public right-of-way fifty (50) feet in width from Sayers Street to Fifth Street, and, therefore, no charge will be assessed for this vacated right-of-way, consisting of 8,804 square feet, in consideration of the owner's allowance to the City of the reservation herein of public utility, drainage, and cable television blanket easements as herein provided; and,

WHEREAS, the City Council finds that such vacated right-of-way is not now, and will not be, needed for municipal use and is now surplus as to the City of Austin; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That the hereinafter described portion of said Sayers Street be, and the same is hereby vacated and perpetually closed for public use, subject to the provisions of Section 2; and that the City Manager, his Deputy or other authorized agent, be hereby authorized to execute and deliver to the record owner of the herein described property the City right-of-way therein as described, subject to the terms and conditions stated herein:

CITY OF AUSTIN, TEXAS

All that certain tract or parcel of land situated in the County of Travis, State of Texas, described in Exhibits "A" and "B" annexed hereto and by this reference incorporated herein and made a part hereof for all purposes.

SECTION 2. It is hereby provided that public utilities, drainage, and cable television easements from the owner to the City of Austin, its successors and assigns, are hereby accepted and shall be retained in, upon, and across the entirety of said vacated street area.

It is further provided that, as a separate consideration, a public street, thirty (30) feet in width, from Sayers Street to Fifth Street, for access by properties adjoining Sayers Street, shall be constructed and paved by the said owner at approved standards and criteria of the City of Austin and for City's acceptance.

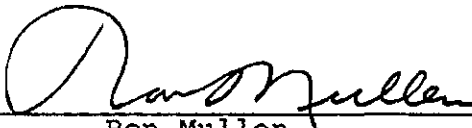
It is further provided, as separate consideration, that thirty (30) feet of curb and gutter shall be installed by the said owner on the remaining right-of-way adjoining Baylor Street.


SECTION 3. The rule requiring that ordinances be read on three (3) separate days is hereby suspended, and this Ordinance shall be come effective upon the expiration of ten (10) days following the date of its passage, as provided by the Charter of the City of Austin.


PASSED AND APPROVED

September 22, 1983

§
§
§
§


Ron Mullen
Mayor

APPROVED: 
Jonathan Davis
Acting City Attorney

ATTEST: 
James E. Aldridge
Acting City Clerk

JRR:sh

Street Area to be Vacated
Sayers Street

FIELD NOTES

FIELD NOTES OF 8804 SQUARE FEET OF LAND, BEING A PORTION OF SAYERS STREET, AND BEING A PORTION OF LOTS 3, 4, 5 & 6, BLOCK NO. 10, RAYMOND PLATEAU SUBDIVISION, A SUBDIVISION OF A PORTION OF OUTLOT NO. 11, DIVISION Z, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN PLAT BOOK 1, PAGE 30, TRAVIS COUNTY PLAT RECORDS, WHICH 8804 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the south line of Sayers Street and in the north line of Lot 3, Joseph D. Sayers Subdivision, a subdivision of a portion of Outlot 11, Division Z, in the City of Austin, Travis County, Texas, as shown on a map or plat of record in Plat Book 1, Page 29, Travis County Plat Records, for the southeast corner of the herein described tract, and from which beginning point, a steel pin found at the intersection of the south line of Sayers Street and the west line of Baylor Street, and being at the northeast corner of Lot 1 of said Sayers Subdivision, bears S 65° 21' E 149.92 feet;

(1) THENCE with the south line of Sayers Street and the north line of said Lot 3, and with the north line of Lots 4, 5, 6 & 7, of said Sayers Subdivision, N 65° 21' W 220.08 feet to a point, for the southwest corner of the herein described tract, and from which point a steel pin found at the northwest corner of said Lot 7 and the northeast corner of Lot 8, of said Sayers Subdivision, bears N 65° 21' W 50.00 feet;

(2) THENCE N 24° 36' E 40.00 feet to a point in the north line of Sayers Street, said point being in the south line of that tract of land lying west of Joan D. Arc Court, as shown on a map or plat of G. Flury's Resubdivision of Lot 1 and a portion of Lots 2, 3 & 4, Block No. 10, Raymond Plateau Subdivision, a subdivision of a portion of Outlot No. 11, Division Z, City of Austin, Travis County, Texas, of record in Plat Book 1, Page 30, Travis County Plat Records, said G. Flury's Resubdivision being an unrecorded subdivision approved for acceptance by the City Council of Austin, July 23, 1931, and approved by the Planning Commission of the City of Austin on July 24, 1931, for the northwest corner of the herein described tract;

(3) THENCE with the south line of the said tract lying west of Joan D'Arc Court, and with the south line of previously vacated Joan D'Arc Court and with the south line of that tract lying east of Joan D'Arc Court, as shown on said map or plat of G. Flury's Resubdivision, and being also with the south line of that 7200 square foot tract, a portion of said Lot 3, Raymond Plateau Subdivision, as described in two deeds to Joan D'Arc, Ltd. in Volume 7855, Page 851, and Volume 7855, Page 855, Travis County Deed Records, S 65° 21' E 220.11 feet to a point at the southeast corner of the said 7200 square foot tract, for the northeast corner of the herein described tract;

(4) THENCE S 24° 39' W 40.00 feet to the place of the beginning, containing 8804 square feet of land.

Field Notes Prepared in the office August 16, 1983 from a partial survey on the ground August 8, 1983.

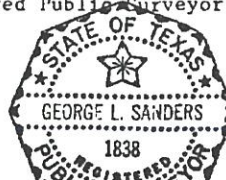
METCALFE ENGINEERING COMPANY, INC.

By:

George L. Sanders
Registered Public Surveyor #1838

Plan 2623-A
MEC FB 632, P 20
Section Map #101
3FN83/#83-05-087-A

EXHIBIT "A"



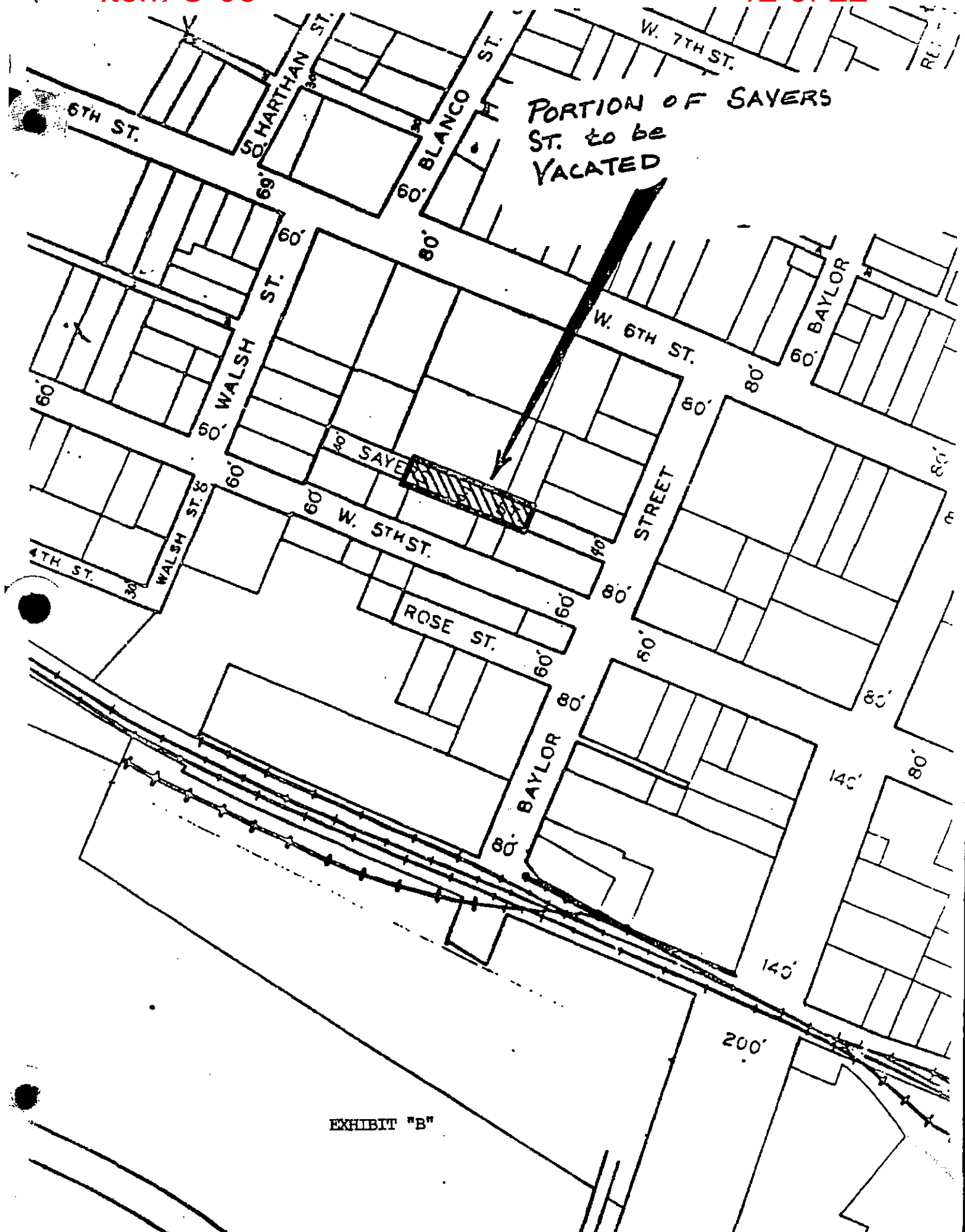


EXHIBIT E

Street Vacation
C10-v-82-033

RESTRICTIVE COVENANTS

15.00

STATE OF TEXAS §
COUNTY OF TRAVIS § 2-8325-6506 * 15.00

3-18-5139

WHEREAS, Joan D'Arc, Ltd., a Texas limited partnership, is the owner of those two (2) certain tracts of real property described on Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by reference (which said tracts are referred to herein collectively as the "Property"); and

WHEREAS, the City of Austin and Joan D'Arc, Ltd. have agreed that the Property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Joan D'Arc, Ltd. for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to the Property, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on Joan D'Arc, Ltd., its successors and assigns, as follows, to-wit:

1. A street vacation request has been filed with the City of Austin in connection with Sayers Street, a public right of way lying adjacent to the northern boundary of the Property. Joan D'Arc, Ltd. acknowledges and agrees that Sayers Street will not be vacated unless and until a site plan of the Property has been reviewed and approved by the City Council of the City of Austin. In the event that Sayers Street is vacated by the City Council of the City of Austin in accordance with such terms and conditions as are mutually acceptable to Joan D'Arc, Ltd. and the City Council of the City of Austin, then, immediately upon the effective date of such street vacation, construction upon the Property shall be limited to the extent that no buildings or other structures shall be erected thereon which could not be

DEED: RECORDS
Travis County, Texas

8074 705

constructed under the "C" Commercial, Second Height and Area Zoning classification under the Zoning Ordinance of the City of Austin, as the said ordinance currently exists. Joan D'Arc, Ltd., or its successors or assigns, shall, upon the vacation of Sayers Street in accordance with mutually satisfactory conditions to Joan D'Arc, Ltd. and the City of Austin, file an application with the City of Austin to change the zoning on the Property to "C" Commercial, Second Height and Area under the current Zoning Ordinance of the City of Austin, or equivalent zoning under any successor ordinance, and will prosecute such zoning change application with reasonable diligence.

2. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

3. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

4. The failure at any time to enforce any agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the Property at the time of such modification, amendment or termination.

EXECUTED this 12 day of April, 1983.

JOAN D'ARC, LTD.

By: JOAN D'ARC ASSOCIATES, LTD.,
General Partner

By: CARTER INVESTMENTS,
General Partner

By: H. C. Carter
H. C. Carter,
General Partner

3-18-5/41

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 12th day of April, 1983, by H. C. Carter, General Partner of Carter Investments, a Texas general partnership, General Partner of Joan D'Arc Associates, Ltd., a Texas limited partnership, General Partner of Joan D'Arc, Ltd., a Texas limited partnership, on behalf of said partnership.

Rebecca A. Hale
Notary Public in and for
The State of Texas

REBECCA A. HALE
My Commission Expires
April 15, 1984

NOTARY SEAL

(Name - Typed or Printed)

My Commission Expires:

4-15-84

PCA10/134

The North portions of Lots Nos. One (1), Two (2), and Three (3), of the Joseph D. Sayers Subdivision of Lots Nos. Five (5), Six (6), Seven (7) and Eight (8), in Block No. Ten (10), Raymond Plateau, a subdivision of Outlot No. Eleven (11), in Division "2", in the City of Austin, Travis County, Texas, according to the map or plat of said Sayers Subdivision of record in Volume 1, Page 29, Plat Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the northeast corner of Lot No. 1, of the Joseph D. Sayers Subdivision of Lots Nos. 5, 6, 7, and 8, Block No. 10, Raymond's Plateau, a subdivision of Outlot No. 11, in Division "2", in the City of Austin, Travis County, Texas, according to the map or plat of said Sayers Subdivision as recorded in Plat Book 1, Page 29, Travis County Plat Records;

3-18-5142

3 THENCE with the north lines of Lots Nos. 1, 2 and 4, N 65° 21' W (180) feet to an iron stake for the northwest corner of Lot No. 3, and the northeast corner of Lot No. 4, Sayers Subdivision;

THENCE with the west line of Lot No. 3 and the east line of Lot No. 4, S 24° 39' W, at 66.67 feet passing an iron stake in the north line of that portion of Lots 1-5 as described in a deed from Hudson Maud, et ux to the City of Austin, as recorded in Book 97, Page 239, Travis County Deed Records, and being also described in a deed from Austin Dam and Suburban Railroad Company to the City of Austin designated as "Second Tract" a strip 60 feet by 300 feet across Outlot No. 11, Division "2", City of Austin, as recorded in Book 294, pages 568-570, Travis County Deed Records, in all 68.28 feet to an iron stake in the north line of West Fifth Street as established by the Engineering Department of the City of Austin;

THENCE with the north line of West Fifth Street, 30 feet distant from and parallel to the monumented center line of West Fifth Street as established by the Engineering Department of the City of Austin, S 65° 47' E crossing Lots 3, 2, and 1, 180 feet to an iron stake in the east line of Lot No. 1, Sayers Subdivision as recorded in Plat Book 1, page 29, Travis County Plat Records from which iron stake a concrete monument set at the intersection of the center line of West Fifth Street with the monumented center line of Baylor Street as established by the Engineering Department of the City of Austin, bears S 24° 39' W 30 feet and S 65° 47' E 41.14 feet;

EXHIBIT A

8074 708

THENCE with the east line of Lot No. 1, Sayers Subdivision, N 24° 39' E 0.29 of one foot to an iron stake which is the northeast corner of that portion of Lots 1-5 as described in a deed from Hudson Maud to the City of Austin as recorded in Book 97, Page 239, Travis County Deed Records, said iron stake being also at the southeast corner of that portion of Lots 1-4, as described in a deed from Joseph Fischer, et ux to J. W. Stewart, Jr. as recorded in Book 328, Pages 319-321, Travis County Deed Records, from which iron stake the southeast corner of Lot 1, Sayers Subdivision as recorded in Plat Book 1, Page 29, Travis County Plat Records, bears S 24° 39' W 109.33 feet;

3-18-51/43

THENCE with the east line of Lot No. 1, Sayers Subdivision, N 24° 39' E 66.67 feet to the place of beginning; and being the same property sold and conveyed by Mrs. I. F. McGill, a widow, to W. M. Clyburn and wife, Ida M. Clyburn, by deed dated March 12, 1948, of record in Volume 905, Page 328, of the Deed Records of Travis County, Texas, to which deed and the record thereof reference is here made for all pertinent purposes.

EXHIBIT A

8074 709

EXHIBIT "B"

TRACT 2:

2-80-0048
3-18-5144

FIELD NOTES OF A SURVEY OF 16,006 SQUARE FEET OF LAND, BEING THE NORTH 66.67 FEET OF LOTS 4, 5, 6 & 7 OF THE JOSEPH D. SAYERS SUBDIVISION OF A PORTION OF OUTLOT 11, DIVISION "Z" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON A MAP OR PLAT OF RECORD IN PLAT BOOK 1, PAGE 29, TRAVIS COUNTY PLAT RECORDS; AND BEING COMPRISED OF THE FOLLOWING TRACTS: THE NORTH 66.67 FEET OF THE EAST 50 FEET OF LOT 4 OF SAYERS SUBDIVISION AND DESCRIBED AS THE EAST 50 FEET OF LOT 4 SAYERS SUBDIVISION IN A DEED FROM BONNIE DALE STEWART TO F. M. COVERT, JR., ET AL, IN VOLUME 1702, PAGE 208, TRAVIS COUNTY DEED RECORDS, AND THE NORTH 66.67 FEET OF LOTS 5, 6 & 7 AND THE WEST 10 FEET OF THE NORTH 66.67 FEET OF LOT 4 SAYERS SUBDIVISION AS DESCRIBED IN A DEED FROM DAN M. COVERT TO F. M. COVERT, JR. IN VOLUME 1674, PAGE 476, TRAVIS COUNTY DEED RECORDS, AS SURVEYED FOR DAN M. COVERT BY METCALFE ENGINEERING COMPANY, INC., 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Beginning at a 1/2 inch iron stake found in the south line of Sayers Street, at the northeast corner of Lot 8 and the northwest corner of Lot 7 of Joseph D. Sayers Subdivision of a portion of Outlot 11, Division "Z" in the City of Austin, Travis County, Texas, as shown on a map or plat in Plat Book 1, Page 29, Travis County Plat Records;

(1) THENCE with the south line of Sayers Street, being the north line of Lots 7, 6, 5 & 4 of Sayers Subdivision, S 65° 21' E 240.12 feet to a 1/2 inch iron pipe found at the northeast corner of Lot 4 and the northwest corner of Lot 3 of Sayers Subdivision;

(2) THENCE with the east line of Lot 4, being the west line of Lot 3, S 24° 39' W 66.67 feet to a 1/2 inch iron pipe set in the north line of West 5th Street;

(3) THENCE with the north line of West 5th Street N 65° 21' W 240.06 feet to a 1 inch iron pipe set in the west line of Lot 7, being in the east line of Lot 8 of Sayers Subdivision;

(4) THENCE with the west line of Lot 7, being the east line of Lot 8, N 24° 36' E 66.67 feet to the place of the beginning, containing 16,006 square feet of land.

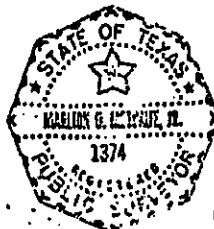
Surveyed October 1, 1980.

METCALFE ENGINEERING COMPANY, INC.

By *Marlton O. Metcalfe*

Marlton O. Metcalfe, Jr.
Registered Public Surveyor #1374

Plan 8906
FB 546, p. 34



ORIGINAL DIM.

8074 710

7458 338

3-18-5145

FILED

MAY 2 8 52 AM '83

Doris J. Hargrave
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on this
state 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, as stamp herein by me, on

MAY 2 1983



Doris Hargrave
COUNTY CLERK
TRAVIS COUNTY, TEXAS

8074 . 711

EXHIBIT F

Austin Independent School District

Paul Turner
Executive Director of Facilities



May 14, 2018

Greg Guernsey, Director of Planning and Zoning Department
Rodney Gonzales, Director of Development Services Department
Alex Gale, Acting Director, Office of Real Estate Services
505 Barton Spring Road
Austin, Texas 78704

RE: 1111 West 6th Street Application Submittal Authorization Letter

Dear Sirs:

The Austin Independent District (AISD) is the owner of 1111 West 6th Street. As the owner of said property, the District authorize Schlosser Development /SDC Austin Development Services (Vitanza/Brad Schlosser/Rick Duggan), Alice Glasco (Alice Glasco Consulting) and Joseph Longaro, Civil Engineer with LJA Engineering to serve as applicant and agent, respectively, in the submittal of any development applications with the City of Austin for said property, including termination of restrictive covenants.

Please feel free to contact Paul Turner, Executive Director of Facilities for AISD at 512-414-3050 if you have any questions or need additional information.

Sincerely,



Paul Turner, Executive Director of Facilities

Cc: Brad Schlosser, Principal, SDC Austin
David Vitanza, Principal, SDC Austin
Joseph Longaro, LJA Engineering
Alice Glasco, AG Consulting

EXHIBIT G

Old West Austin Neighborhood Association
P.O. Box 2724
Austin, TX 78768

June 18, 2018

To: Mayor Adler, Mayor Pro-Tem Tovo, and Council Members

RE: 1111 West 6th Street - AISD Site

On Tuesday, June 5th, 2018, David Vitanza and Rick Duggan with Schlosser Development, Paul Turner with AISD, and Ms. Glasco, a consultant, attended the Old West Austin Neighborhood Association (OWANA) general membership meeting to give a presentation about redevelopment of the site and their request to terminate a 1983 restrictive covenant associated with the partial vacation of Sayers Street and to remove four (4) conditions listed in the Quitclaim Deed for Joan D'Arc Court.

After discussion, the OWANA membership voted not to oppose the request by Schlosser Development and AISD to ask the city to:

1. Terminate a Restrictive Covenant associated with the partial vacation of Sayers Street, which is recorded in Travis County Deed records, Volume 8074, Page 705
2. Remove four (4) conditions that are listed in the Quitclaim Deed for Joan D'Arc Court, which is recorded in Travis County Deed records, Volume 8156, Page 490

This no objection is conditioned on AISD and Schlosser's commitment to OWANA that no zoning changes will be made from current CS-V zoning, that ground level retail would be implemented facing 6th street, and that the sidewalk along 5th Street would be improved and the pedestrian connection to 6th Street would be improved.

Sincerely,



Shawn Shillington
President of OWANA

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C10-V-82-033(RCT)

Contact: Scott Grantham, 512-974-3574

**Public Hearing: Aug 14, 2018, Planning Commission
Aug 30, 2018, City Council**

James P. Murphy

Your Name (please print)

1120 W 6th & 1118 W 6th

Your address(es) affected by this application

[Signature]

Signature

July 31, 2018

Date

Daytime Telephone: 512-791-6059

Comments:

In favor all
the way -

☒ I am in favor
☐ I object

EXHIBIT H

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Scott Grantham

P. O. Box 1088

Austin, TX 78767-8810