

Zoning Case No. C14-2018-0056

RESTRICTIVE COVENANT

OWNER: SRE/MRE Oak Hill, Ltd., a Texas limited partnership

OWNER ADDRESS: 9811 Katy Freeway, Suite 925,
Houston, TX 77024

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

PROPERTY: 18.3163 acres (797,857 square feet) out of the Thomas Anderson Survey No. 99, Abstract No. 28, located in Austin, Travis County, Texas, the tract of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant; and

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

WHEREAS, the Austin Fire Department ("AFD") has recommended that no residential dwelling units be constructed on the Property within 528 feet of the west property line of Lot 1, The Patton Ranch 1, Phase A, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 81, Page 140-141, Plat Records of Travis County, Texas;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Land Use Review-Transportation Section of the Development Services Department (the "Department"), dated November 6, 2018. The NTA memorandum shall be kept on file at the Department.
2. Residential dwelling units are prohibited on the Property in the area that is within 528 feet of the west property line of Lot 1, The Patton Ranch 1, Phase A, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 81, Page 140-141, Plat Records of Travis County, Texas, (the "Setback"), as illustrated in **Exhibit "B."** The Setback shall be measured from the exterior wall or roof projection of any residential structure on the Property.

3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the Owner of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 12 day of DECEMBER, 2018.

Owner:

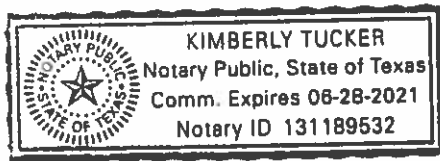
SRE/MRE Oak Hill, Ltd., a Texas limited partnership

By: SRE/MRE Oak Hills GP, LLC, a Texas limited liability company, its general partner

By: 
J. Mark Stevenson, Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 12 day of December 2018, by J. Mark Stevenson, as manager of SRE/MRE Oak Hills GP, LLC, a Texas limited liability company, as general partner of SRE/MRE Oak Hill, Ltd., a Texas limited partnership on behalf of said partnership.



Kimberly Tucker
Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 18.3163 ACRES (797,857 SQUARE FEET) OUT OF THE THOMAS ANDERSON SURVEY NO. 90, ABSTRACT NO. 28 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 18.308 ACRE TRACT CONVEYED TO GALT GRAYDON IN DOCUMENT NO. 2001091311 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 18.3163 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

BEGINNING, at a 3/4-inch iron pipe found at a corner in the west right-of-way line of Old Bee Caves Road (right-of-way varies), and being the southeast corner of said Graydon tract, for the southeast corner and **POINT OF BEGINNING** hereof;

THENCE, with the south line of said Graydon tract, in part with the west right-of-way line of said Old Bee Caves Road, in part with the north line of Lot 1, Block "A" of Center of the Hills, Section II, a subdivision recorded in Volume 95, Pages 341-342 of the Plat Records of Travis County, Texas (P.R.T.C.T.), and in part with the north line of Lot 1, Block "A" of Center of the Hills, a subdivision recorded in Volume 93, Pages 93-94 (P.R.T.C.T.), the following three (3) courses and distances:

- 1) **N79°21'22"W**, passing at a distance of 16.22 feet, a TxDot Type III aluminum cap found at a corner in the west right-of-way line of said Old Bee Caves Road, and being the northeast corner of Lot 1 of said Center of the Hills Section II, and continuing for a total distance of **339.24** feet to a 1/4-inch iron pipe found for an angle point hereof,
- 2) **N79°22'52"W**, a distance of **226.22** feet to a 1/4-inch iron pipe found for an angle point hereof, said point being at the common north corner of Lot 1 of said Center of the Hills Section II and Lot 1 of said Center of the Hills, and
- 3) **N77°35'51"W**, a distance of **35.47** feet to a calculated (inundated) point for the southwest corner hereof, said point being at the approximate centerline of Williamson Creek, and being in the north line of Lot 1 of said Center of the Hills, and being at the southeast corner of the remainder of a called 21.08 acre tract conveyed to Alice Min-Fei Z Yi in Document No. 2016051484 (O.P.R.T.C.T.), said tract being more particularly described in Volume 8491, Page 617 of the Deed Records of Travis County, Texas (D.R.T.C.T.);

THENCE, with the approximate centerline of said Williamson Creek, and with the common line of said Yi tract and said Graydon tract, the following three (3) courses and distances:

- 1) **N34°35'40"W**, a distance of **525.71** feet to a calculated (inundated) point for an angle point hereof,
- 2) **N43°04'13"W**, a distance of **255.90** feet to a calculated (inundated) point for an angle point hereof, and
- 3) **N35°27'03"W**, a distance of **86.02** feet to a calculated (inundated) point for the northwest corner hereof, said point being in the southeast line of a called 1.50 acre tract conveyed to Jacqueline May in Document No. 2013139393 (O.P.R.T.C.T.), said tract being more particularly described in Volume 1950, Page 341 (D.R.T.C.T.), and being the northeast corner of said Yi tract, and being the northwest corner of said Graydon tract;

Exhibit A

THENCE, with the common line of said May tract and said Graydon tract, the following two (2) courses and distances:

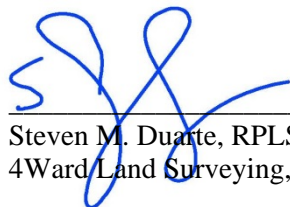
- 1) **N60°42'34"E**, a distance of **24.66** feet to a 1-inch iron rod found for an angle point hereof, and
- 2) **N57°28'20"E**, a distance of **424.56** feet to a 1/2-inch iron rod with "Ward-5811" cap set for an exterior ell-corner hereof, said point being in the south right-of-way line of Old Bee Caves Road, and being at the common north corner of said May tract and said Graydon tract;

THENCE, with the south and west right-of-way line of said Old Bee Caves Road and the north and east lines of said Graydon tract, the following five (5) courses and distances:

- 1) **S76°05'54"E**, a distance of **630.58** feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) **S67°56'42"E**, a distance of **94.19** feet to a 1/2-inch iron rod found for an angle point hereof,
- 3) **S52°23'11"E**, a distance of **91.92** feet to a 1/2-inch iron rod found for an angle point hereof,
- 4) **S19°10'42"E**, a distance of **108.33** feet to a calculated point (that falls inside a wastewater cleanout) for an angle point hereof, and
- 5) **S06°02'36"W**, a distance of **700.69** feet to the **POINT OF BEGINNING** and containing 18.3163 Acres (797,857 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000071862816. See attached sketch (reference drawing: 00592.dwg)



12/12/18

Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC



LOT 1, BLOCK "A"
CENTER OF
THE HILLS
VOL. 93, PG. 93-94
P.R.T.C.T.

(N75°15'15"W
35.48')
N77°35'51"W
35.47'

(N76°56'08"W
227.02')
(N79°19'40"W
227.42')
N79°22'52"W
226.22'

(N77°09'08"W
338.99')
(N79°32'40"W
339.36')
N79°21'22"W
339.24'

P.O.B.
GRID N: 10,057,946.94
GRID E: 3,073,972.75

[B]

(N33°06'27"W
86.04')

N35°27'03"W
86.02'

(N40°43'37"W
255.96')
N43°04'13"W
255.90'

RECORD CENTERLINE
OF CREEK PER
VOL. 8415, PG. 301
D.R.T.C.T.

RECORD CENTERLINE
OF CREEK PER
VOL. 8491, PG. 617
D.R.T.C.T.
(SEE NOTE #3)

5' ELECTRIC & TELEPHONE
EASEMENT
VOL. 3489, PG. 698
D.R.T.C.T.

(N63°03'10"E
24.67')
N60°42'34"E
24.66'

(N59°53'50"E
424.59')
N57°28'20"E
424.56'

[D]

S76°05'54"E
630.58'

(S73°40'24"E
630.62')

18.3163 ACRE(S)
797,857 SQUARE FEET

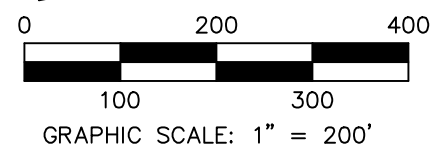
**CALLED 18.308 ACRES
GALT GRAYDON
DOC. NO. 2001091311
O.P.R.T.C.T.**

**[D] OLD BEE CAVES ROAD
(R.O.W. VARIES)**

S06°02'36"W
(S08°20'30"W
700.68')

700.69'

BOUNDARY CORNER
FALLS INSIDE A
WASTEWATER
CLEAN OUT



**THOMAS ANDERSON
SURVEY NO. 90
ABSTRACT NO. 28**

**18.3163 ACRES
City of Austin,
Travis County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	12/12/2018
Project:	00592
Scale:	1" = 200'
Reviewer:	SMD
Tech:	CC
Field Crew:	JCR/KDL
Survey Date:	MAR. 2017
Sheet:	1 OF 2

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S67°56'42"E	94.19'
L2	S52°23'11"E	91.92'
L3	S19°10'42"E	108.33'

LINE TABLE		
LINE #	DIRECTION	LENGTH
(L1)	S66°29'19"E	93.65'
(L2)	S50°00'48"E	91.89'
(L3)	S16°52'48"E	108.33'

LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
	1/2" IRON ROD WITH "WARD-5811" CAP SET
	1/2" IRON ROD FOUND (UNLESS NOTED)
	3/4" IRON PIPE FOUND (UNLESS NOTED)
	TXDOT TYPE III ALUMINUM CAPPED ROD FOUND
	CALCULATED POINT
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME, PAGE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DOC NO 2001091311
({...})	RECORD INFORMATION PER PLAT VOL. 95, PG. 341

[A]
 LOT 1, BLOCK "A"
 CENTER OF THE HILLS
 SECTION II
 VOL. 95, PG. 341-342, P.R.T.C.T.

[B]
 ALICE MIN-FEI Z YI
 DOC. NO. 2016051484, O.P.R.T.C.T.
 REMAINDER OF
 CALLED 21.08 ACRES
 TRACT DESCRIBED IN
 VOL. 8491, PG. 617, D.R.T.C.T.

[C]
 JACQUELINE MAY
 DOC. NO. 2013139393, O.P.R.T.C.T.
 CALLED 1.50 ACRES DESCRIBED IN
 VOL. 1950, PG. 341, D.R.T.C.T.

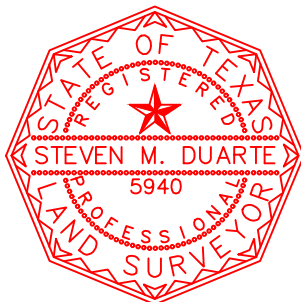
TCAD PARCEL #308771
 COA GRID #C19

NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000071862816.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

3) THE TRACTS DESCRIBED IN VOL. 8415, PG. 381 (D.R.T.C.T.) AND VOL. 8491, PG. 617 (D.R.T.C.T.) CALL OUT THE CENTERLINE OF WILLIAMSON CREEK AS THEIR COMMON LINE. THE RECORD CALLS OF THE TWO TRACTS DO NOT MATCH AS TO THE EXACT LOCATION OF THE CENTERLINE OF THE CREEK, BUT THE SURVEYOR FEELS THAT THERE IS NO DISCREPANCY AS TO WHAT THE COMMON BOUNDARY IS.



[Handwritten signature]

12/12/2018

18.3163 ACRES
City of Austin,
Travis County, Texas



PO Box 90876, Austin Texas 78709
 WWW.4WARDLS.COM (512) 537-2384
 TBPLS FIRM #10174300

Date:	12/12/2018
Project:	00592
Scale:	1" = 200'
Reviewer:	SMD
Tech:	CC
Field Crew:	JCR/KDL
Survey Date:	MAR. 2017
Sheet:	2 OF 2



EXHIBIT 'B'

(Restrictive Covenant)

Thomas Anderson Survey No. 90, Abstract No. 28

PO Box 90876
Austin, TX 78709
512 554 3371
jward@4wards.com
www.4wards.com

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 2.9538 ACRES (128,668 SQUARE FEET) OUT OF THE THOMAS ANDERSON SURVEY NO. 90, ABSTRACT NO. 28 IN TRAVIS COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 18.3163 ACRE TRACT CONVEYED TO SRE/MRE OAK HILL, LTD., A TEXAS LIMITED PARTNERSHIP, RECORDED IN DOCUMENT NO. 2018073696 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 2.9538 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 3/4-inch iron pipe found at a corner in the west right-of-way line of Old Bee Caves Road (right-of-way varies), and being the southeast corner of said SRE/MRE Oak Hill tract;

THENCE, with the west right-of-way line of said Old Bee Caves Road, and with the east line of said SRE/MRE tract, N06°02'36"E, a distance of 188.60 feet to a calculated point for the most southerly corner and **POINT OF BEGINNING** hereof;

THENCE, leaving the west right-of-way line of said Old Bee Caves Road, and the east line of said SRE/MRE tract, over and across said SRE/MRE tract, the following four (4) courses and distances hereof:

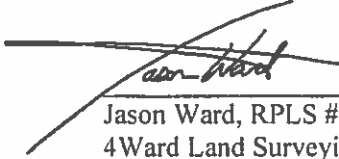
- 1) N23°59'28"W, a distance of 379.03 feet to a calculated point for an angle point hereof,
- 2) N25°07'35"W, a distance of 238.48 feet to a calculated point for an angle point hereof,
- 3) N24°22'05"W, a distance of 205.18 feet to a calculated point for an angle point hereof, and
- 4) N24°36'05"W, a distance of 3.71 feet to a calculated point for the northwest corner hereof, said point being in the north line of said SRE/MRE tract, and being in the south right-of-way line of said Old Bee Caves Road, from which a 1/2-inch iron rod with "Ward-5811" cap set in the south right-of-way line of said Old Bee Caves Road, and being the northwest corner of said SRE/MRE tract, and being the northeast corner of a called 1.50 acre tract, conveyed to Jacqueline May, recorded in Document No. 2013139393 (O.P.R.T.C.T.) bears, N76°05'54"W, a distance of 424.76 feet;

THENCE, with the south and west right-of-way line of said Old Bee Caves Road and the north and east lines of said SRE/MRE tract, the following five (5) courses and distances:

- 1) S76°05'54"E, a distance of 205.82 feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) S67°56'42"E, a distance of 94.19 feet to a 1/2-inch iron rod found for an angle point hereof,
- 3) S52°23'11"E, a distance of 91.92 feet to a 1/2-inch iron rod found for an angle point hereof,
- 4) S19°10'42"E, a distance of 108.33 feet to a calculated point (that falls inside a wastewater cleanout) for an angle point hereof, and
- 5) S06°02'36"W, a distance of 512.09 feet to the **POINT OF BEGINNING** and containing 2.9538 Acres (128,668 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000071862816. See attached sketch (reference drawing: 00592-(RM).dwg)

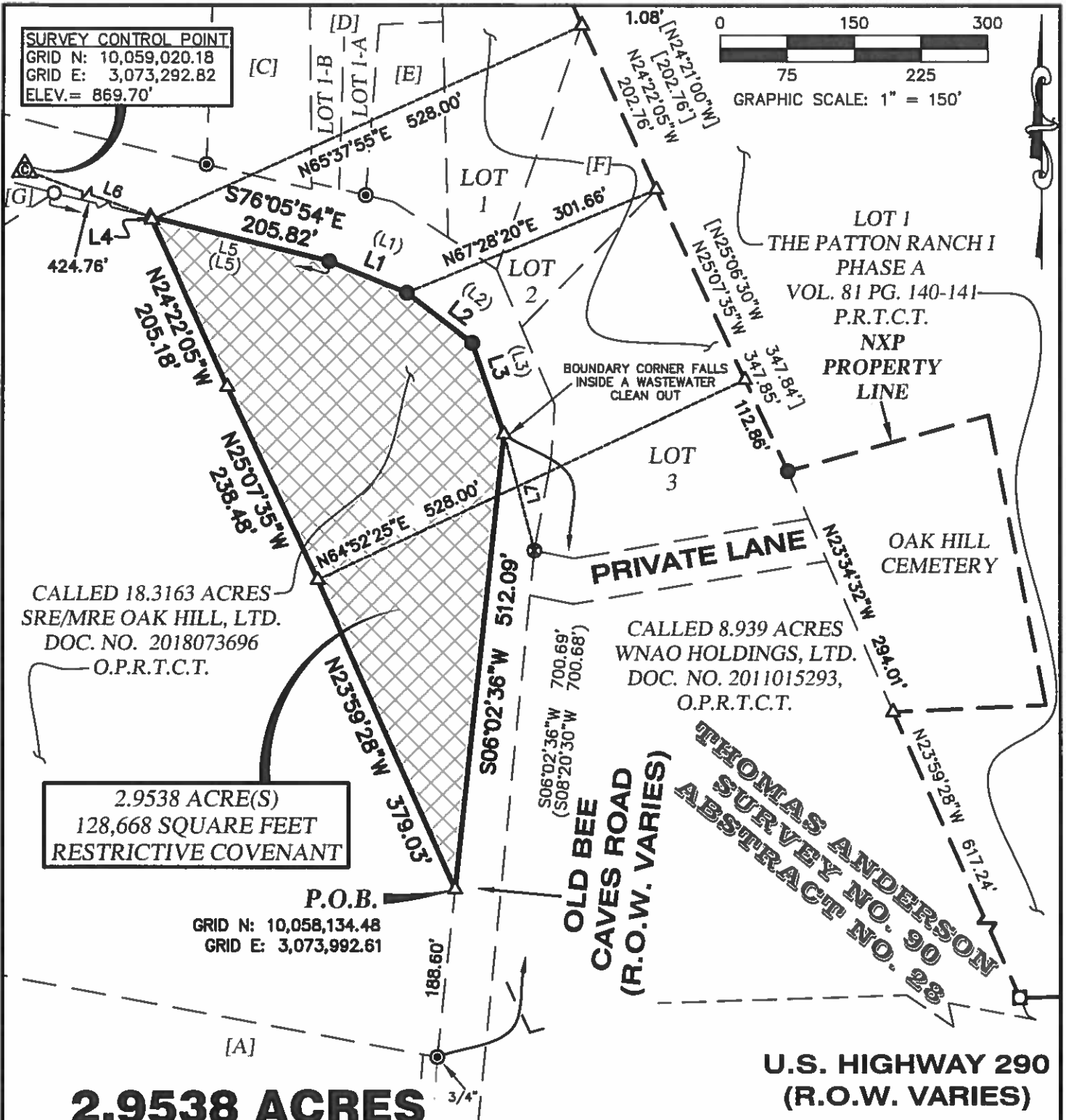
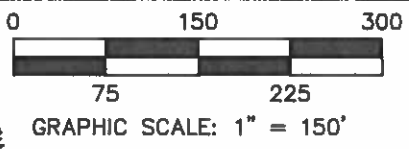

Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

12/4/18

TCAD Parcel No.: 308771
COA Grid No.: C-19



SURVEY CONTROL POINT
 GRID N: 10,059,020.18
 GRID E: 3,073,292.82
 ELEV. = 869.70'



CALLED 18.3163 ACRES
 SRE/MRE OAK HILL, LTD.
 DOC. NO. 2018073696
 O.P.R.T.C.T.

CALLED 8.939 ACRES
 WNAO HOLDINGS, LTD.
 DOC. NO. 2011015293,
 O.P.R.T.C.T.

**2.9538 ACRE(S)
 128,668 SQUARE FEET
 RESTRICTIVE COVENANT**

P.O.B.
 GRID N: 10,058,134.48
 GRID E: 3,073,992.61

**2.9538 ACRES
 RESTRICTIVE
 COVENANT
 City of Austin,
 Travis County,
 Texas**

TCAD PARCEL NO. 308771
 COA GRID NO. C-19



PO Box 90876, Austin Texas 78709
 WWW.4WARDLS.COM (512) 537-2384
 TBPLS FIRM #10174300

Date:	12/4/2018
Project:	00592
Scale:	1" = 150'
Reviewer:	JSW
Tech:	RM
Field Crew:	JCR/KDL
Survey Date:	MAR. 2017
Sheet:	1 OF 2

[A]
LOT 1, BLOCK "A"
CENTER OF THE HILLS
SECTION II
VOL. 95, PG. 341-342
P.R.T.C.T.

[B]
CALLED 10.897 ACRES
(TRACT I)
CCD-OLD BEE CAVES ROAD II, LP
DOC. NO. 2008015693
O.P.R.T.C.T.

[C]
LOT A
THE MURCHINSON
ADDITION
VOL. 61, PG. 61
P.R.T.C.T.

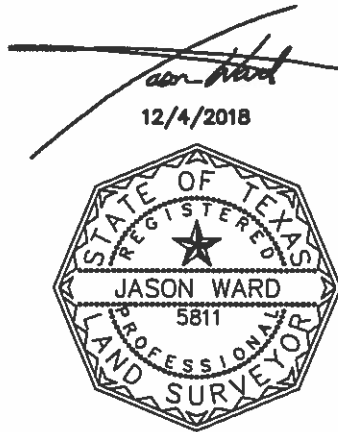
[D]
RESUB. LOT 1
MAGNESS - ROBINSON SUBD.
VOL. 54, PG. 57
P.R.T.C.T.

[E]
LOT 2
MAGNESS - ROBINSON
SUBDIVISION
VOL. 45, PG. 48
P.R.T.C.T.

[F]
JOHN R. POND
SUBDIVISION
VOL. 35, PG. 45
P.R.T.C.T.

[G]
JACQUELINE MAY
DOC. NO. 2013139393
O.P.R.T.C.T.
CALLED 1.50 ACRES DESCRIBED IN
VOL. 1950, PG. 341
D.R.T.C.T.

2.9538 ACRES RESTRICTIVE COVENANT City of Austin, Travis County, Texas



NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000071862816.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTIONS.

LEGEND

—	PROPOSED RESTRICTIVE COVENANT LINE
- - -	EXISTING PROPERTY LINES
○	1/2" IRON ROD WITH "WARD-5811" CAP SET
●	1/2" IRON ROD FOUND (UNLESS NOTED)
⊙	1" IRON PIPE FOUND (UNLESS NOTED)
□	TXDOT TYPE III ALUMINUM CAPPED ROD FOUND
⊗	COTTON SPINDLE FOUND
△	CALCULATED POINT
⊕	SURVEY CONTROL POINT
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
(.....)	RECORD INFORMATION PER DOC NO 2001091311
[.....]	RECORD INFORMATION PER PLAT VOL. 81, PG. 140-141

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S67°56'42"E	94.19'
L2	S52°23'11"E	91.92'
L3	S19°10'42"E	108.33'
L4	N24°36'05"W	3.71'
L5	S76°05'54"E	630.58'
L6	N69°35'33"W	382.25'
L7	S14°36'54"E	134.26'

RECORD LINE TABLE

LINE #	DIRECTION	LENGTH
(L1)	S66°29'19"E	93.65'
(L2)	S50°00'48"E	91.89'
(L3)	S16°52'48"E	108.33'
(L5)	S73°40'24"E	630.62'

TCAD PARCEL NO. 308771
COA GRID NO. C-19



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	12/4/2018
Project:	00592
Scale:	-
Reviewer:	JSW
Tech:	RM
Field Crew:	JCR/KDL
Survey Date:	MAR. 2017
Sheet:	2 OF 2

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