

RESTRICTIVE COVENANT

OWNER: Austin Independent School District

OWNER ADDRESS: 1111 West Sixth Street in the City of Austin, Travis County, Texas

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: Being 9.291 acre tract of land being all of a called 9.31 acre tract of land conveyed to Austin Independent School District, recorded in Volume 2211, Page 71 of the Deed Records of Travis County, Texas, said 9.291 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this document (the "Property"), locally known as 2608 Richcreek Road in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

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

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

1. Medical office and hospital services (limited) uses on the Property shall be limited to a combined total of 20,000 square feet.
2. The following uses are not permitted uses on the Property:
Administrative and Business Offices, Art Gallery, Art Workshop, Bed and Breakfast (group 1), Bed and Breakfast (group 2), Business or Trade school, Business Support Services, Club or Lodge, College and University Facilities, Communications Services Facilities, Communications Services, Community Events, Community Garden, Community Recreation (private), Community Recreation (public), Congregate Living, Convalescent Services, Counseling Services, Cultural Services, Day Care Services (commercial), Day Care Services (limited), Day Care Services (general), Guidance Services, Hospital Services (general), Off-site Accessory Parking, Personal Services, Printing and Publishing,

Private Primary Educational Facilities, Private Secondary Educational Facilities, Professional Office, Residential Treatment, Restaurant (limited), Safety Services, Software Development, Special Use Historic, Urban Farm

- 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.
- 5. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the Owner of the Property, or a portion of the Property, subject to the modification, amendment, or termination at the time of such modification, amendment, or termination.

EXECUTED this the _____ day of _____, 2019.

Owner:

By: _____
Name, Title

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____ 2019,
by _____ (name), _____ (title) of _____, on
behalf of said _____.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

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



Exhibit "A"

FIELD NOTES

FOR

A 9.291 ACRE TRACT OF LAND BEING ALL OF A CALLED 9.31 ACRE TRACT OF LAND CONVEYED TO AUSTIN INDEPENDENT SCHOOL DISTRICT, RECORDED IN VOLUME 2211, PAGE 71 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING ALL OF A CALLED 5.14 ACRE TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN, RECORDED IN VOLUME 5274, PAGE 2355 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.14 ACRE TRACT BEING A PART OF SAID 9.31 ACRE TRACT, IN TRAVIS COUNTY TEXAS. SAID 9.291 ACRE TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NA 2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE;

BEGINNING at a ½" iron rod found at the northeast corner of said 9.31 acre tract, same being the northwest corner of Lot 15, Block R of Allandale Park, Section 5, a subdivision according to the plat recorded in Volume 15, Page 41 of the Plat Records of Travis County, Texas, also being a point in the south line of Lot 4B or Northcross Section 4, a subdivision according to the plat recorded in Volume 82, Page 365 of the Plat Records of Travis County, Texas for the northeast corner and **POINT OF BEGINNING** hereof;

THENCE S 27°18'28" W, departing the south line of said Lot 4B, with the east line of said 9.31 acre tract, same being the west line of said Lot 15, at a distance of 140.4 feet passing a calculated point for the southwest corner of said Lot 15, in the west right-of-way line of Pineleaf Place, a 50 foot right-of-way recorded in said Allandale Park, Section 5, continuing with the east line of said 9.31 acre tract, same being the west right-of-way line of said Pineleaf Place, a total distance of **596.69 feet** to a pinched pipe found at a southeast corner of said 9.31 acre tract, same being a point in the west line of said Pineleaf Place for a point of tangent curvature hereof;

THENCE along the arc of a curve to the right, with the southeast line of said 9.31 acre tract, said curve having a **radius of 19.65 feet**, a **central angle of 91°03'05"**, a **chord bearing and distance of S 72°50'01" W, 28.04 feet**, an **arc length of 31.23 feet** to a ½" iron rod with yellow cap marked "Pape-Dawson" set in the north right-of-way line of Richcreek Road, a 60 foot right-of-way recorded in said Allandale Park, Section 5, same being the southernmost southeast corner of said 9.31 acre tract for the southernmost southeast corner and point of tangency hereof;

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THENCE N 61°38'27" W, with the north right-of-way line of said Richcreek Road, same being the south line of said 9.31 acre tract, a distance of **610.69 feet** to a ½" iron rod with yellow cap marked "Pape-Dawson" set for a point of tangent curvature hereof;

THENCE: along the arc of a curve to the right, with the southwest line of said 9.31 acre tract, said curve having a **radius of 20.00 feet**, a **central angle of 90°05'16"**, a **chord bearing and distance of N 16°35'49" W, 28.31 feet**, an **arc length of 31.45 feet** to a ½" iron rod with yellow cap marked "Pape-Dawson" set in the east right-of-way line of Silvercreek Road, a 50 foot right-of-way recorded in said Allandale Park Section 5, same being the westernmost southwest corner of said 9.31 acre tract for the westernmost southwest corner and point of compound curvature hereof;

THENCE with the east right-of-way line of said Silvercreek Road, same being the west line of said 9.31 acre tract, along the arc of a curve to the right, said curve having a **radius of 2641.80 feet**, a **central angle of 09°07'22"**, a **chord bearing and distance of N 33°00'30" E, 420.19 feet**, an **arc length of 420.63 feet** to a ½" iron rod with yellow cap marked "Pape-Dawson" set at the south corner of a tract of land with a calculated acreage of 0.073 acres, said tract having an indeterminate ownership and/or recording information, same being an angle point in the east right-of-way line of said Richcreek Drive, same being an angle point in the west line of said 9.31 acre tract for a point of tangency hereof;

THENCE N 37°21'05" E, with the west line of said 9.31 acre tract, same being the east line of said 0.073 acre tract, a distance of **166.33 feet** to a ½" iron rod with yellow cap marked "Pape-Dawson" set in the southeast right-of-way line of Silverway Drive, a 60 foot right-of-way recorded in said Allandale Park, Section 5, at the north corner of said 0.073 acre tract, same being the south corner of a called 3,971 square foot tract of land conveyed to the City of Austin, recorded in Volume 2540, Page 205 of the Deed Records of Travis County, Texas, also being a northwest corner of said 9.31 acre tract for a northwest corner hereof;

THENCE N 74°53'20" E, with the southeast line of said 3,971 square foot tract of land, same being the northwest line of said 9.31 acre tract, a distance of **125.36 feet** to a ½" iron rod with yellow cap marked "Pape-Dawson" set in the south line of said Lot 4B for the northwest corner of said 9.31 acre tract, also being the east corner of said 3,971 square foot tract of land for the northwest corner hereof, from which a brass cap set in concrete found bears N 53°10'02" W, a distance of 76.38 feet for a point in the south line of said Lot 4B, same being the north corner of said 3,971 square foot tract of land, also being the east corner of Lot 12, Block Y of said Allandale Park Section 5;

9.291 Acre
Job No. 59103-18
Page 3 of 3

THENCE S 53°10'02" E, with the north line of said 9.31 acre tract, same being the south line of said Lot 4B, a distance of **493.74 feet** to the **POINT OF BEGINNING** and containing 9.291 acres in the City of Austin, Travis County, Texas. Said tract being described in accordance with a survey made on the ground, and a survey description and map prepared by Pape Dawson Engineers, Inc. under Job No. 59103-18.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: January 16, 2019

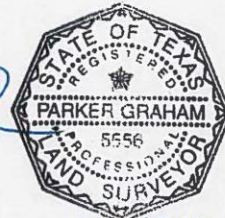
JOB No.: 59103-18

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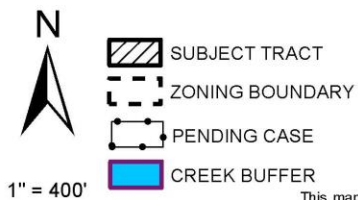
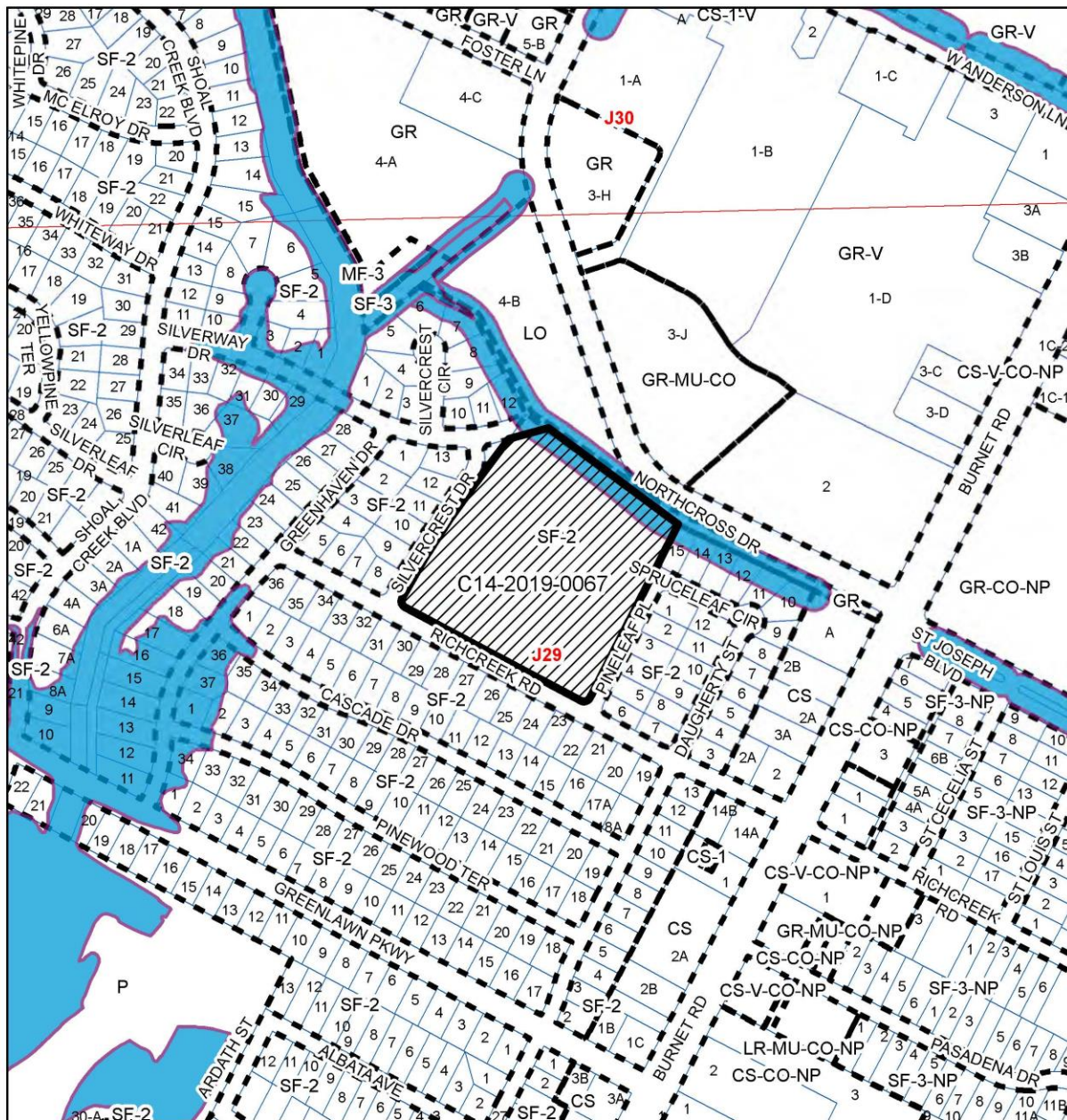
TBPE Firm Registration #470

TBPLS Firm Registration #100288-01

Parker Graham



05/24/2019



LUCY READ PRE-KINDERGARTEN SCHOOL REZONING

ZONING CASE#: C14-2019-0067
 LOCATION: 2608 RICHCREEK RD
 SUBJECT AREA: 9.31 ACRES
 GRID: J29
 MANAGER: KATE CLARK

Exhibit "B"



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.