



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Dana DeBeauvoir, County Clerk  
Travis County, Texas

Sep 18, 2020 11:15 AM Fee: \$ 114.00

**2020172310**

\*Electronically Recorded\*

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intentionally added for  
electronic file stamp.

**DECLARATION OF RESTRICTIVE COVENANTS**

STATE OF TEXAS

COUNTY OF TRAVIS

THIS DECLARATION OF RESTRICTIVE COVENANT (this declaration) is made on the 17<sup>th</sup> day of September 2020, by Kimberly Beal and Stephanie Scherzer, owners of the property located at 914 Shady Lane, Austin, Texas.

**WITNESSETH:**

**WHEREAS**, Declarant is the fee simple owner of that certain real property, consisting of three (3) separate tracts of land that are approximately 4.138 acres located in Austin, Travis County, Texas, as further described and/or depicted in Exhibits “A thru E” attached hereto and incorporated herein by reference (the “Property”);

**WHEREAS**, Declarant intends to develop a higher density single family and neighborhood mixed use project (the “Project”) on the Property and is seeking a zoning change from the City of Austin (the “City”) on Tract 1 and Tract 2A to townhouse and condominium residence-conditional overlay neighborhood plan (SF-6-NP) combining district; and on Tract 2B to neighborhood commercial mixed use conditional overlay neighborhood plan (LR-MU-CO-NP) combining district. (City of Austin Case Number NPA-2019-0016.01 and C-14-2019-0098);

**WHEREAS**, Declarant has requested support from the Govalle/Johnston Terrace Neighborhood Plan Contact Team for the zoning changes

**WHEREAS**, Declarant has agreed in connection with approval of the rezoning of the Property to establish certain restrictive covenants on the Property (Exhibit “D” attached hereto) for the mutual benefit of the Declarant, the Govalle/Johnston Terrace Neighborhood Plan Contact Team and the City of Austin,

**WHEREAS**, the Govalle/Johnston Terrace Neighborhood Plan Contact Team is a group dedicated to the preservation of the quality of life for residents of their neighborhood in which the Property is located,

**WHEREAS**, all references to the “Code” shall mean the City of Austin Land Development Code as of the date hereof; and

**NOW, THEREFORE**, for and in consideration of the zoning change as described above and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, and in accordance with the doctrines of restrictive covenants and implied equitable servitude, Declarant intending to bind itself, its assigns and successors, does hereby declare, impose and subject the Property to the following restrictions:

## **I. Restrictions on Property Being Rezoned**

### **1.1 Tract 1 (SF-6-NP).**

- (a) The Project shall be developed in compliance with SF-3 density and site development standards as provided by city Code.
- (b) The owner will not construct any roadway or vehicular bridge as part of the Project over the creek located between Tract 1 and Tract 2 of the Property.
- (c) An opaque fence with a minimum height of eight feet (8') shall be constructed above the finished grade of any parking lots located on the Property to block out vehicular traffic lights, reduce noise, and provide visual screening. The fence shall be constructed along the northern property line of the Property.
- (d) A minimum ten-foot creek buffer (10') is required. The creek buffer zone shall be fully vegetated in compliance with the City of Austin Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 and SCREENING STANDARDS 2.9.1. The vegetative buffer and landscaping shall include a diverse mix of native trees, shrubs, and groundcover. The buffer shall be maintained by the property owner and maintenance shall include the annual removal of invasive species and replacement of any vegetation or landscaping that has declined due to drought, flooding, or misuse. The creek buffer zone shall always be kept free of litter and debris unless these conditions occur within a utility easement or other easement that supersedes this requirement.
- (e) A vegetative buffer that meets city Code screening requirements is required along the creek side (northern side of the property, southern side of the creek) along the fence unless conditions with a utility easement or other easements supersede these requirements.

### **1.2 Tract 2A (SF-6-NP).**

- (a) An opaque fence with a minimum height of eight feet (8') shall be constructed above the finished grade of any parking lots located on the Property to block out vehicular traffic lights, reduce noise, and provide visual screening. The fence shall be constructed along the northern property line of the Property.
- (b) A minimum ten-foot (10') creek buffer is required. The creek buffer shall be fully vegetated in compliance with the City of Austin Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 and SCREENING STANDARDS 2.9.1. The vegetative buffer and landscaping shall include a diverse mix of native trees, shrubs, and groundcover. The buffer shall be maintained by the property owner and maintenance shall include the annual removal of invasive species and replacement of any vegetation or landscaping that has declined due to drought, flooding, or misuse. The creek buffer zone shall always be kept free of litter and debris unless these conditions occur within a utility easement or other easement that supersedes this requirement.

(c) A vegetative buffer that meets city Code screening requirements is required along the creek side (northern side of the property, southern side of the creek) along the fence unless conditions with a utility easement or other easements supersede these requirements.

### 1.3 Tract 2B (LR-MU-CO-NP),

(a) An opaque fence with a minimum height of eight feet (8') shall be constructed above the finished grade of any parking lots located on the Property to block out vehicular traffic lights, reduce noise, and provide visual screening. The fence shall be constructed along the northern property line of the Property.

(b) A minimum ten-foot (10') creek buffer is required. The creek buffer shall be fully vegetated in compliance with the City of Austin Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 and SCREENING STANDARDS 2.9.1. The vegetative buffer and landscaping shall include a diverse mix of native trees, shrubs, and groundcover. The buffer shall be maintained by the property owner and maintenance shall include the annual removal of invasive species and replacement of any vegetation or landscaping that has declined due to drought, flooding, or misuse. The creek buffer zone shall always be kept free of litter and debris unless these conditions occur within a utility easement or other easement that supersedes this requirement.

(c) All required parking for the Project should be on site as required by city Code and may include parking reductions as allowed by the Code.

(d) A vegetative buffer that meets city Code screening requirements is required along the creek side (northern side of the property, southern side of the creek) along the fence unless conditions with a utility easement or other easements supersede these requirements.

(e) The following uses are prohibited uses on Tract 2B:

- Gas or Service station
- 24-hour businesses as defined by city Code
- Consumer convenience uses
- "Big Box" retail stores as defined by city Code

## II. General Provisions

2.1 **Enforcement of Declaration.** If Declarant shall violate this Declaration, it shall be lawful for the Govalle/Johnston Terrace Neighborhood Contact Team ("Neighborhood Plan Contact Team") as its sole and exclusive remedy to enforce this Declaration through a claim for injunctive relief against Declarant. Notwithstanding the foregoing, the

Neighborhood Plan Contact Team may not enforce its remedies until after it has delivered written notice to the Declarant, informing the Declarant of the alleged violations of this Declaration. Within thirty (30) days after receiving such notice of violation, the Declarant shall send a written response to the Neighborhood Plan Contact Team informing them of what actions, if any, Declarant will take to remedy the alleged violation(s). If the Declarant notifies the Neighborhood Plan Contact Team that Declarant intends to cure the alleged violation(s), then the Declarant shall have a reasonable period of time, not to exceed ninety (90) days from the date of notice (or if such violation(s) cannot be cured within ninety (90) days despite the Declarant's commercially reasonable efforts, then as long as reasonably necessary) in which to cure the alleged violation(s), during which period, if the Declarant timely commences the cure and is using commercially reasonable efforts to cure the violation(s), then the Neighborhood Plan Contact Team shall not enforce any remedy. If the Declarant fails to send written notice of intent to cure within the above prescribed 30-day period or fails to cure the default within the 90-day or extended period, as applicable, then the Neighborhood Plan Contact Team may enforce its remedies as provided herein. The prevailing party in any litigation hereunder shall be entitled to reasonable attorney's fees incurred in the enforcement or defense of this Declaration. Except for Declarant and the Neighborhood Plan Contact Team and their respective successors and assigns, this Declaration shall not be enforceable against any other person or entity. Notwithstanding anything in this Section 2.1 to the contrary, Declarant shall have the right to retain, at Declarant's sole cost and expense, an independent, third-party accounting or auditing firm to examine and audit the books and records of Declarant to determine Declarant's compliance with this Declaration. By execution below, the Neighborhood Plan Contact Team agrees that the determination of any such independent, third party accounting or auditing firm shall be conclusive evidence of Declarant's compliance with this Declaration.

- 2.2** Notices. All notices, and other communications required or permitted to be given hereunder shall be in writing and shall be delivered in person or mailed by certified or registered mail or by express mail, postage prepaid or by overnight delivery by a national delivery company. All mail or communications shall be addressed to the respective parties as follows:

If to Declarant:

Kimberly Beal/Stephanie Scherzer  
914 Shady Lane  
Austin, Texas 78702

If to NPCT:

Govalle/Johnston Terrace Neighborhood Plan  
Contact Team  
c/o Daniel Llanes, Chair  
4907 Red Bluff Rd.  
Austin, Texas 78702

Such addresses shall be changed from time to time by notice in writing given by such party to the other party and shall be effective as of the date of receipt if delivered by personal delivery or five (5) days after deposit of such notice in the United States mail, sent certified or registered mail.

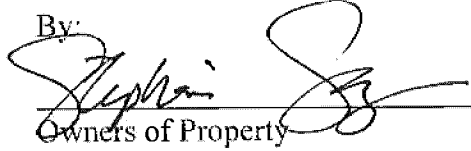
- 2.3 Binding Effect.** It is intended that the provisions of this Declaration shall run with the land and be binding upon Declarant, and its successors and assigns.
- 2.4 Modification.** This Declaration may be modified, amended, or terminated only by joint action of both the Neighborhood Plan Contact Team and the Declarant.
- 2.5 Partial Invalidity.** If any part of this Declaration is declared invalid by judgment or court order, the same shall in no way affect any of the other provisions of this Declaration, and such remaining portions of this Declaration shall remain in full effect.
- 2.6 Governing Law.** This Declaration has been prepared, is being executed, and delivered and is intended to be performed in the State of Texas and the substantive law of such state shall govern the validity, construction, interpretation, and enforcement of this Declaration. Venue of any case or controversy arising under or pursuant to this Declaration shall be in Travis County, Texas.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed as of the date and year first above written.

**DECLARANT**

**Kimberly Beal and Stephanie Scherzer**

By:

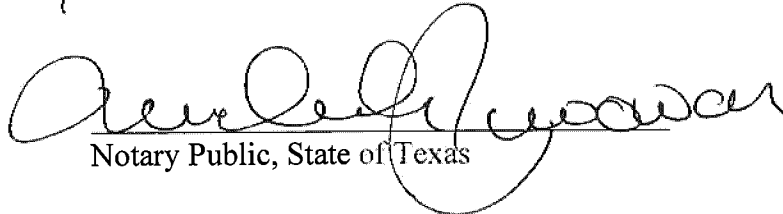
  
Owners of Property

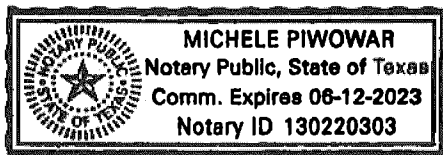
STATE OF TEXAS

COUNTY OF TRAVIS



This instrument was acknowledged before me on this 17 day of September 2020 by Stephanie Scherzer/Kimberly Beal as Owner(s) of the Property

  
Notary Public, State of Texas



**AGREED TO AND ACCEPTED:**

**GOVALLE/JOHNSTON TERRACE  
NEIGHBORHOOD PLAN CONTACT TEAM**

By:

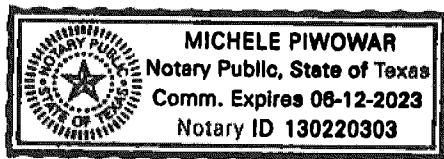
*Daniel Llanes*  
Chair

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this 17 day of September 2020 by  
*Daniel Llanes* Chair of the Govalle/Johnston Terrace Neighborhood  
Plan Contact Team

*Michele Piwowar*  
Notary Public, State of Texas





**EXHIBIT A**

**PROPERTY TRACT 1**

EXHIBIT 4 "

TRACT 1

**FIELD NOTES  
TO ACCOMPANY EXHIBIT**

**1.722 ACRES OR 75,030 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE J.C. TANNEHILL LEAGUE NO. 29, BEING A PORTION OF THAT CERTAIN (SEVEN ACRE) TRACT AS CONVEYED TO W.A. ROSENTRITT, ET UX, BY DEED AS RECORDED IN VOL. 474, PGS. 630-631, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO KIMBERLY BEAL AND STEPHANIE SCHERZER, BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOC. NO. 2002150037, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DESCRIBED AS "TRACTS 2 AND 3 IN DEED ... AS RECORDED IN VOL. 11388, PG. 829, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT ANY AND ALL PORTIONS OF SAID TRACTS LYING NORTH OF THE CENTERLINE OF BOGGY CREEK", SAID 1.722 ACRES OR 75,030 SQUARE FEET OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a bolt found in the east line of Lot 8, Gullet Gardens No. 3, a subdivision in Travis County, Texas, according to the map or plat as recorded in Vol. 4, Pg. 328, Plat Records, Travis County, Texas, for the Northwest corner of that certain (6.44 Acre) tract of land as conveyed to Frank P. Schlameus, et ux, by deed as recorded in Vol. 938, Pg. 457, Deed Records, Travis County, Texas, same being the Northwest corner of that certain tract conveyed to Austin Independent School District by deed as recorded in Vol. 1360, Pg. 223, Deed Records, Travis County, Texas, same being the apparent Southwest corner of the said (Seven Acre) tract, for the Southwest corner of the said Beal/Scherzer tract and Southwest corner and **POINT OF BEGINNING** of the herein described tract, from which a 1/2" Iron pipe found for the Southeast corner of said Lot 8, same being the Northeast corner of Milburn Lane, a 50 foot wide right-of-way, bears S 29°23'47" W 1.84 feet ;

**THENCE:** N 29°40'37" E 185.28 feet, along the east line of said Lot 8, and the west line of the said Beal/Scherzer tract, to a calculated point in the south line of Mansell Avenue, a 50 foot wide right-of-way, as shown on the plat of Resubdivision of Lot 1, Block 2, Gullet Gardens No. 2, according to the map or plat as recorded in Vol. 46, Pg. 99, Plat Records, Travis County, Texas, for the Northwest corner of the herein described tract;

**THENCE:** S 45°53'56" E 26.48 feet, along the south line of Mansell Avenue, to a calculated point in the approximate centerline of Boggy Creek, for the Southwest corner of Lot 1-A, of said Resubdivision of Lot 1, Block 2, Gullet Gardens No. 2, for an angle point of the herein described tract;

**THENCE:** along the approximate centerline of Boggy Creek and the north line of the herein described tract, the following seven (7) courses:

- 1) S 39°28'56" E 28.63 feet, to a calculated point;
- 2) S 63°57'56" E 58.95 feet, to a calculated point;
- 3) S 47°32'56" E 74.25 feet, to a calculated point;
- 4) S 65°26'56" E 72.53 feet, to a calculated point;
- 5) S 60°30'56" E 71.70 feet, to a calculated point;
- 6) S 48°06'56" E 73.30 feet, to a calculated point;

EXHIBIT "A"

TRACT 1

- 7) S 59°00'56" E 69.80 feet, to a calculated point in the south line of Lot 14, Gullett Gardens, according to the map or plat as recorded in Vol. 4, Pg. 72, Plat Records, Travis County, Texas, for the Northeast corner of the herein described tract;

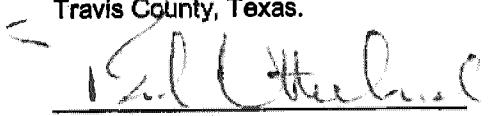
**THENCE:** over and across the said (Seven Acre) tract, S 29°19'42" W 142.58 feet to a calculated point in the north line of the said (6.44 Acre) tract, same being the north line of the said Austin Independent School District tract, and being in the south line of the said (Seven Acre) tract, and south line of the said Beal/Scherzer tract, for the Southeast corner of the herein described tract;

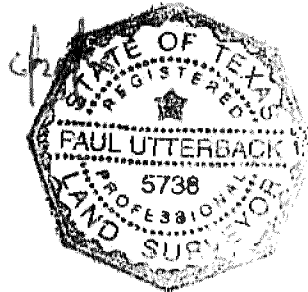
**THENCE:** N 60°40'18" W 469.88 feet along the north line of the said (6.44 Acre) tract, and said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to the **POINT OF BEGINNING** of the herein described tract, containing 1.722 Acres or 75,030 square feet of land, more or less.

**ABOVE DESCRIPTION PREPARED FROM RECORDS:**

Based on Title Survey of (4.135 Acres) as prepared by Michael J. Roeder RPLS, on 7-31-02, Reference: Kimberly Beal and Stephanie Scherzer/First American Title Company GF#F32014-010-CDB.

Bearings cited hereon are based on Deed as recorded in Vol. 474, Pg. 630, Deed Records, Travis County, Texas.

  
 Paul Utterback  
 Registered Professional Land Surveyor No. 5738  
 June 26, 2019  
References: TCAD MAP/GEO ID 0202160101



**EXHIBIT B**

**PROPERTY TRACT 2A**

EXHIBIT " B "

TRACT 2A

**FIELD NOTES  
TO ACCOMPANY EXHIBIT**

**1.145 ACRES OR 49,877 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE J.C. TANNEHILL LEAGUE NO. 29, BEING A PORTION OF THAT CERTAIN (SEVEN ACRE) TRACT AS CONVEYED TO W.A. ROSENTRITT, ET UX, BY DEED AS RECORDED IN VOL. 474, PGS. 630-631, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO KIMBERLY BEAL AND STEPHANIE SCHERZER, BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOC. NO. 2002150037, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DESCRIBED AS "TRACTS 2 AND 3 IN DEED ... AS RECORDED IN VOL. 11388, PG. 829, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT ANY AND ALL PORTIONS OF SAID TRACTS LYING NORTH OF THE CENTERLINE OF BOGGY CREEK", SAID 1.145 ACRES OR 49,877 SQUARE FEET OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a bolt found in the existing west right-of-way line of Shady Lane, a variable width right-of-way, for the Northeast corner of that certain tract of land conveyed to the City of Austin for street purposes in Vol. 1847, Pg. 15, Deed Records, Travis County, Texas, same being for the Southwest corner of that certain (750 Square foot) tract of land described as "Exhibit B" as conveyed to the City of Austin for street purposes by deed as recorded in Vol. 6937, Pg. 1377, Deed Records, Travis County, Texas, being in the north line of that certain (6.44 Acre) tract of land as conveyed to Frank P. Schlameus, et ux, by deed as recorded in Vol. 938, Pg. 457, Deed Records, Travis County, Texas, same being the north line of that certain tract conveyed to Austin Independent School District by deed as recorded in Vol. 1360, Pg. 223, Deed Records, Travis County, Texas, same being in the south line of the said (Seven Acre) tract, for the Southeast corner of the said Beal/Scherzer tract, from which a bolt found for the apparent Northwest corner of the said (6.44 Acre) tract and said Austin Independent School District tract, same being the Southwest corner of said (Seven Acre) tract bears S 60°40'18" E 899.38 feet;

**THENCE:** N 60°40'18" W 182.95 feet, along the north line of the said (6.44 Acre) tract, and north line of said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to a calculated point for the Southeast corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE:** N 60°40'18" W 248.46 feet along the north line of the said (6.44 Acre) tract, and said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to a calculated point for the Southwest corner of the herein described tract;

**THENCE:** over and across the said (Seven Acre) tract, N 30°05'53" E 142.60 feet to a calculated point in the north line of the said (6.44 Acre) tract, same being the north line of said (Seven Acre) tract, and north line of the said Beal/Scherzer tract, same being in the south line of Lot 14, Gullett Gardens, according to the map or plat as recorded in Vol. 4, Pg. 72, Plat Records, Travis County, Texas, for the Northwest corner of the herein described tract;

**THENCE:** along the north line of the said (Seven Acre) tract, same being in the south line of Gullett Gardens, the following seven (7) courses:

EXHIBIT "B"

TRACT 2A

- 1) S 82°03'56" E 43.80 feet, to a calculated point;
- 2) N 50°52'04" E 12.00 feet, to a calculated point;
- 3) S 76°53'56" E 54.60 feet, to a calculated point;
- 4) S 76°55'56" E 52.28 feet, to a calculated point;
- 5) N 80°42'04" E 61.08 feet, to a calculated point;
- 6) N 86°26'04" E 50.10 feet, to a calculated point;
- 7) N 76°15'04" E 17.35 feet, to a calculated point for a Southeasterly corner of Lot 15, Gullet Gardens, for the Northeast corner of the herein described tract;

**THENCE:** over and across the said (Seven Acre) tract, S 30°05'53" W 276.83 feet to the **POINT OF BEGINNING** of the herein described tract, containing 1.145 Acres or 49,877 square feet of land, more or less.

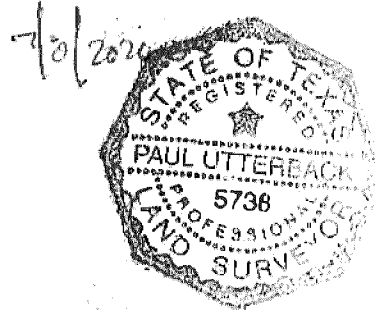
**ABOVE DESCRIPTION PREPARED FROM RECORDS:**

Based on Title Survey of (4.135 Acres) as prepared by Michael J. Roeder RPLS, on 7-31-02, Reference: Kimberly Beal and Stephanie Scherzer/First American Title Company GF#F32014-010-CDB.

Bearings cited hereon are based on Deed as recorded in Vol. 474, Pg. 630, Deed Records, Travis County, Texas.



Paul Utterback  
Registered Professional Land Surveyor No. 5738  
July 7, 2020  
References: TCAD MAP/GEO ID 0202160101



**EXHIBIT C**

**PROPERTY TRACT 2B**

EXHIBIT "C"

TRACT 2B

**FIELD NOTES  
TO ACCOMPANY EXHIBIT**

**1.271 ACRES OR 55,346 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE J.C. TANNEHILL LEAGUE NO. 29, BEING A PORTION OF THAT CERTAIN (SEVEN ACRE) TRACT AS CONVEYED TO W.A. ROSENTRITT, ET UX, BY DEED AS RECORDED IN VOL. 474, PGS. 630-631, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO KIMBERLY BEAL AND STEPHANIE SCHERZER, BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOC. NO. 2002150037, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DESCRIBED AS "TRACTS 2 AND 3 IN DEED ... AS RECORDED IN VOL. 11388, PG. 829, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT ANY AND ALL PORTIONS OF SAID TRACTS LYING NORTH OF THE CENTERLINE OF BOGGY CREEK", SAID 1.271 ACRES OR 55,346 SQUARE FEET OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a bolt found in the existing west right-of-way line of Shady Lane, a variable width right-of-way, for the Northeast corner of that certain tract of land conveyed to the City of Austin for street purposes in Vol. 1847, Pg. 15, Deed Records, Travis County, Texas, same being for the Southwest corner of that certain (750 Square foot) tract of land described as "Exhibit B" as conveyed to the City of Austin for street purposes by deed as recorded in Vol. 6937, Pg. 1377, Deed Records, Travis County, Texas, being in the north line of that certain (6.44 Acre) tract of land as conveyed to Frank P. Schlameus, et ux, by deed as recorded in Vol. 938, Pg. 457, Deed Records, Travis County, Texas, same being the north line of that certain tract conveyed to Austin Independent School District by deed as recorded in Vol. 1360, Pg. 223, Deed Records, Travis County, Texas, same being in the south line of the said (Seven Acre) tract, for the Southeast corner of the said Beal/Scherzer tract, for the Southeast corner and **POINT OF BEGINNING** of the herein described tract, from which a bolt found for the apparent Northwest corner of the said (6.44 Acre) tract and said Austin Independent School District tract, same being the Southwest corner of said (Seven Acre) tract bears S 60°40'18" E 899.38 feet;

**THENCE:** N 60°40'18" W 182.95 feet, along the north line of the said (6.44 Acre) tract, and north line of said Austin Independent School District tract, same being in the south line of the said (Seven Acre) tract, and the said Beal/Scherzer tract to a calculated point for the Southwest corner of the herein described tract;

**THENCE:** over and across the said (Seven Acre) tract, N 30°05'53" E at 276.83 feet passing a calculated point in the north line of the said (Seven Acre) tract, for the Southeasterly corner of line of Lot 15, Gullett Gardens, according to the map or plat as recorded in Vol. 4, Pg. 72, Plat Records, Travis County, Texas, and continuing along the same course along the southeast line of said Lot 15 for a total distance of 288.81 feet to a calculated point for the Southwest corner of Lot 1, Shady Lane Addition, a subdivision in Travis County, Texas, according to the map or plat as recorded in Vol. 81, Pg. 129, Plat Records, Travis County, Texas, for the Northwest corner of herein described tract;

**THENCE:** S 75°09'16" E 41.33 feet, along the south line of said Lot 1, Shady Lane Addition, and the north line of said (Seven Acre) tract, to a calculated point for the Northwest corner of the said



EXHIBIT "C"

TRACT 2B

"Tract 2", described as (0.69 Acres) as recorded in Vol. 11388, Pg. 829, Real Property Records, Travis County, Texas, for an angle point of the herein described tract;

**THENCE:** continuing along the south line of said Lot 1, Shady Lane Addition, and the north line of said "Tract 2", the following two (2) courses:

- 1) S 79°37'42" E 90.70 feet, to a calculated point;
- 2) S 79°47'40" E 29.45 feet, to a calculated point in the west right-of-way of Shady Lane, for the Southwest corner of that certain (4,833 Square foot) tract of land conveyed to the City of Austin for street purposes in Vol. 6937, Pg. 1206 and Vol. 7113, Pg. 250, Deed Records, Travis County, Texas, same being the Northwest corner of that certain (4,239 Square Foot) tract of land described as "Exhibit A" as conveyed to the City of Austin for street purposes by deed as recorded in Vol. 6937, Pg. 1377, Deed Records, Travis County, Texas, same being the Southeast corner of Lot 1, Shady Lane Addition, for the most Northerly Northeast corner of the herein described tract.;

**THENCE:** along the west line of the said City of Austin (4,239 Square foot) tract, and the west right-of-way line of Shady Lane, the following three (3) courses:

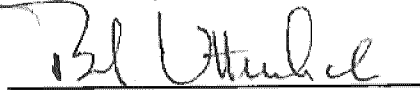
- 1) S 30°09'44" W 57.69 feet, to a calculated point;
- 2) S 00°09'44" W 60.00 feet, to a bolt found for an angle point of the said (4,239 Square foot) tract, for an angle point of the herein described tract;
- 3) S 30°08'32" W 102.56 feet to a calculated point for the Southwest corner of the said (4,239 Square foot) tract, same being the Northwest corner of the said City of Austin (750 Square foot) tract of land described as "Exhibit B", for an angle point of the herein described tract;

**THENCE:** S 30°00'00" W 125.61 feet along the west right-of-way line of Shady Lane and the west line of said (750 Square foot) tract, to the **POINT OF BEGINNING** of the herein described tract, containing 1.271 Acres or 55,346 square feet of land, more or less.

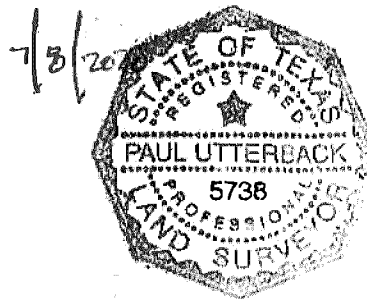
**ABOVE DESCRIPTION PREPARED FROM RECORDS:**

Based on Title Survey of (4.135 Acres) as prepared by Michael J. Roeder RPLS, on 7-31-02, Reference: Kimberly Beal and Stephanie Scherzer/First American Title Company GF#F32014-010-CDB.

Bearings cited hereon are based on Deed as recorded in Vol. 474, Pg. 630, Deed Records, Travis County, Texas.

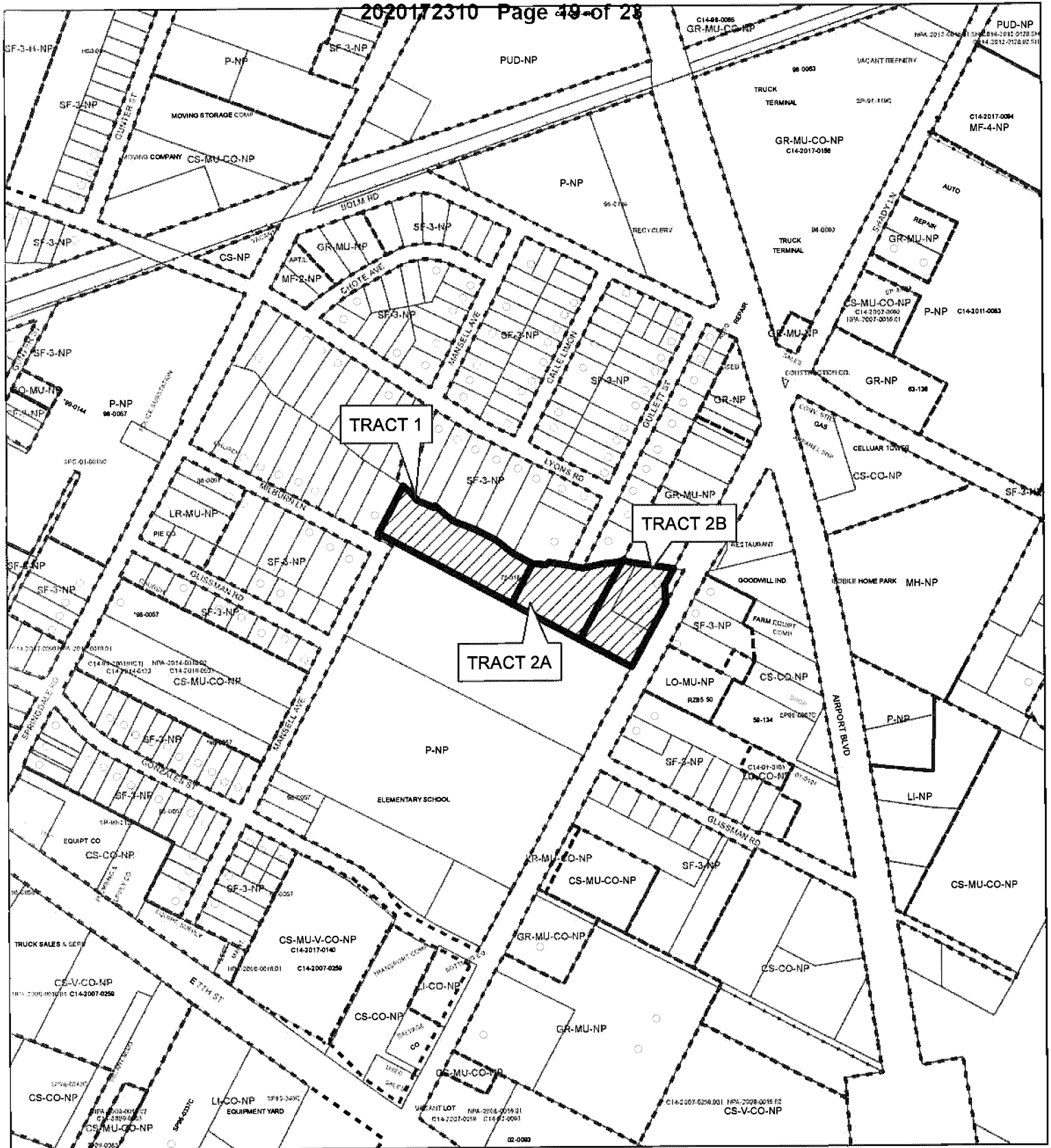


Paul Utterback  
Registered Professional Land Surveyor No. 5738  
May 7, 2020, Revised: July 7, 2020  
References: TCAD MAP/GEO ID 0202160101



**EXHIBIT D**




**CITY OF AUSTIN ZONING MAP  
AND  
NEIGHBORHOOD CONTACT TEAM MAP**



## ZONING

ZONING CASE#: C14-2019-0098

Exhibit D

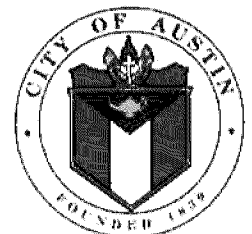
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 400'

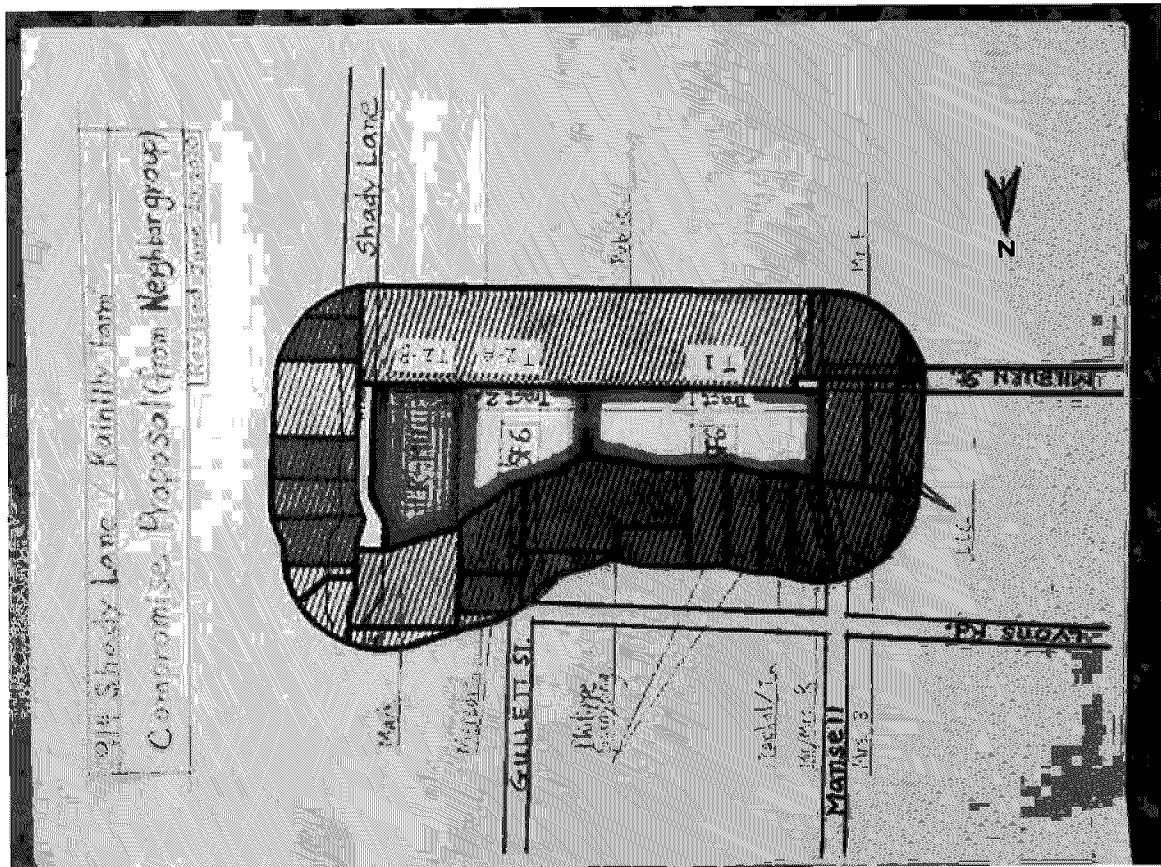
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



Created: 7/9/2020

Tract 1 (SF-6-NP)  
Tract 2A (SF-6-NP)  
Tract 2B (LR-MU-NP)



**EXHIBIT E**

**PROPERTY SURVEY**

**EXHIBIT "E"**

ATS Job # 19060747s

Reference: ScherzerAddress: 914 Shady Lane, Austin, Texas

Tract 1: 1.719 Acres or 74,895 Square Feet of land, more or less;

Tract 2A: 1.145 Acres or 49,877 Square Feet of land, more or less; AND

Tract 2B: 1.271 Acres or 55,346 Square Feet of land, out of the J.C. Tannehill League No. 29 in Travis County, Texas, (each of which) being a portion of that certain (seven acre) tract as conveyed to W.A. Rosentritt, et ux, by deed as recorded in Vol. 474, Pgs. 630-631, Deed Records, Travis County, Texas, same being a portion of those certain tracts of land conveyed to Kimberly Beal and Stephanie Scherzer, by General Warranty Deed with Vendor's Lien as recorded in Doc. No. 2002150037, Official Public Records, Travis County, Texas, described as "Tracts 2 and 3 in Deed ... as recorded in Vol. 11388, Pg. 829, Real Property Records, Travis County, Texas, save and except any and all portions of said tracts lying North of the centerline of Boggy Creek."

**LEGEND**

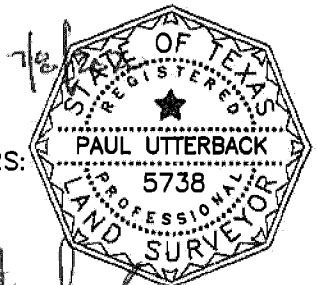
○	1/2" (I.D.) IRON PIPE FOUND*
⊙	BOLT FOUND*
Δ	CALCULATED POINT
( )	RECORD INFORMATION
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY TEXAS
R.O.W.	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING

\* ALL MONUMENTS NOTED AS FOUND AND ALL BEARINGS AND DISTANCES SHOWN HEREON ARE ACCORDING TO PRIOR SURVEY BY MICHAEL J. ROEDER DATED 7-31-2002.

**Notes:**

- 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
- 2) Subject to easements and easement rights including (but not limited to those) in documents as recorded in Vol. 1875, Pg. 76, Vol. 1169, Pg. 215, Vol. 2135, Pgs. 277 & 280, Vol. 6937, Pg. 1374, Deed Records, Vol. 9359, Pg. 456, Vol. 10762, Pg. 10, Vol. 10936, Pg. 423, Vol. 11004, Pg. 1500, Vol. 11388, Pg. 829, Vol. 13032, Pg. 55, & Vol. 13142, Pg. 1274, Real Property Records, Travis County, Texas, according to Survey prepared by Michael J. Roeder dated 7-31-2002.

PREPARED FROM  
RECORDS AND  
SURVEY BY OTHERS:



Paul Utterback, RPLS No. 5738

Client: Scherzer, Stephanie

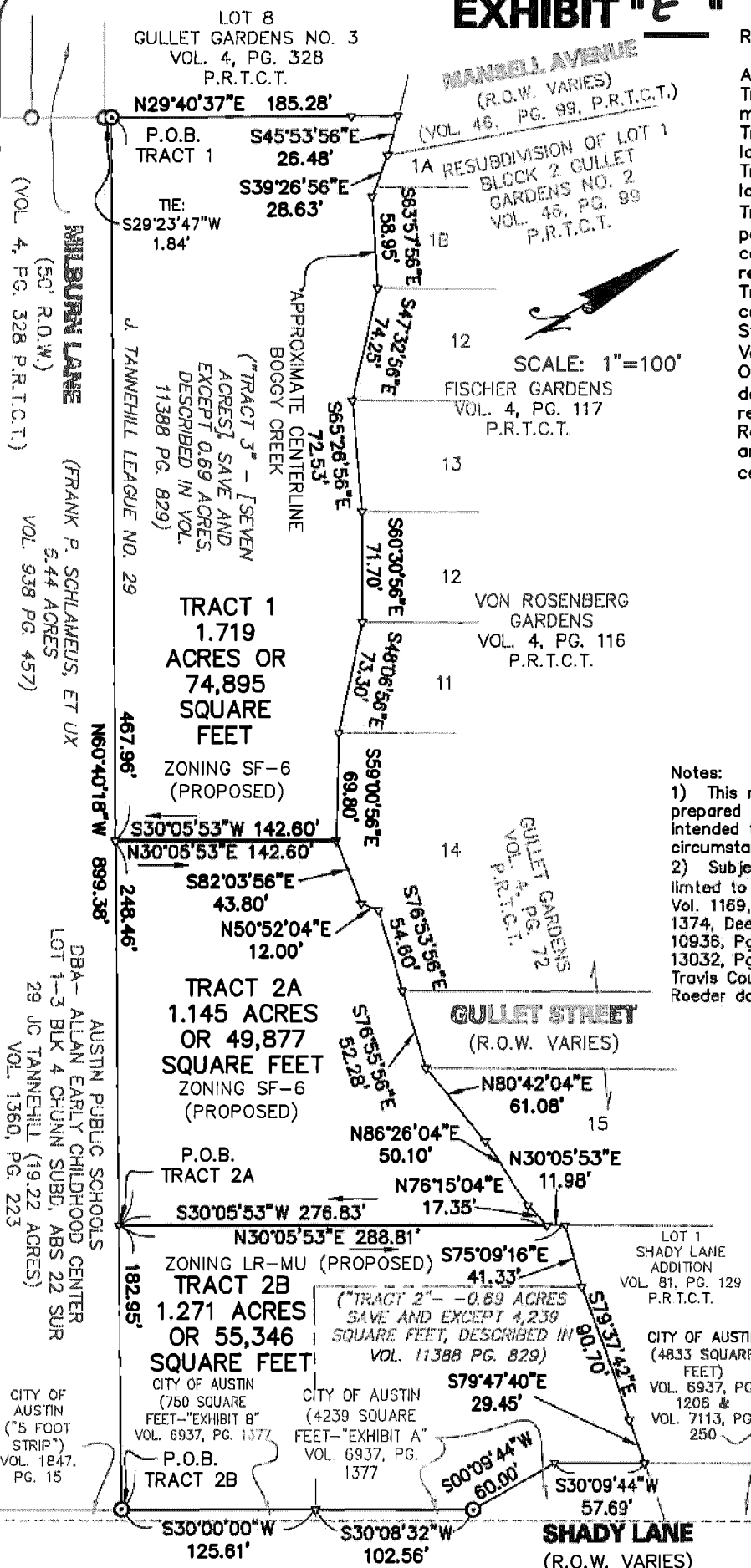
Tech: MBolton

Date Drawn: 6/26/2019 Revised: 5/7/2020 &amp; 7/7/2020

**ATS** Engineers  
Inspectors  
& Surveyors

www.ats-engineers.com

TBPLS FIRM REG. #10126000

4810 West Hwy 290  
AUSTIN, TEXAS 78736(512) 328-0905  
FAX: (512) 328-0906

**AFTER RECORDING RETURN TO:**

**KAREN M. KENNARD  
GREENBERG TRAURIG, LLP  
300 WEST 6<sup>TH</sup> STREET, SUITE 2050  
AUSTIN, TEXAS 78701**