



12

## Zoning Case No. C14-2018-0124

**RESTRICTIVE COVENANT**

OWNER: Milky Way Holdings GP, LLC, a Texas limited liability company

OWNER ADDRESS: 9111 Jollyville Road, Suite 111  
Austin, Texas 78759

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: 32.429 acres of land (approximately 1,412,611 sq. ft.) in the R.L. Preece Survey No. 2, Abstract No. 2269, Travis County, Texas, said 32.429 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant.

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. 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 March 13, 2019. The NTA memorandum shall be kept on file at the Department.
2. Exterior walls of dwelling units on the Property shall be constructed with one of the following materials:
  - A. Materials approved by the Fire Marshal for not less than 1-hour fire resistance-rated construction on the exterior side.
  - B. Non-combustible materials approved by the Fire Marshal.
  - C. Ignition-resistant or factory treated materials on the exterior side of a building or structure on the Property.

3. Wildfire fuels in the area up to 30' from any structure on the Property:
  - A. Trees must maintain a minimum of 18 feet between crowns and be pruned to a height of 10' from the ground or 1/3 the height of the tree crown, whichever is less.
  - B. Lawns, native grasses and other vegetation should be limited in height.
4. Wildfire fuels in the area up to 100' from any structure on the Property:
  - A. Trees must maintain a minimum 12 feet between crowns (or 30' between the crown of a group of trees) and be pruned to a height of 10' from the ground or 1/3 the height of the tree crown, whichever is less.
  - B. Lawns, native grasses, and other vegetation should be limited in height.
5. A water supply source available for use on the Property shall meet the requirements of the 2015 IFC with amendments as adopted by the City of Austin.
6. 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.
7. 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.
8. 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.
10. 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 31<sup>ST</sup> day of OCTOBER, 2019.

Owner:

Milky Way Holdings GP, LLC, a Texas limited liability company

By: Milestone Community Builders, LLC, a Texas limited liability company, its manager

By:   
Garrett S. Martin, President

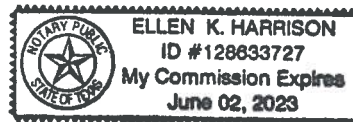
THE STATE OF TEXAS     §  
                                      §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on this the 31<sup>ST</sup> day of OCTOBER 2019, by Garrett S. Martin, as President of Milestone Community Builders, LLC, a Texas limited liability company, manager of Milky Way Holdings, GP, LLC, a Texas limited liability company, on behalf of said company.

  
Notary Public, State of Texas

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin





Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

32.429 ACRES  
R.L. PREECE SURVEY NO. 2  
TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 32.429 ACRES (APPROXIMATELY 1,412,611 SQ. FT.) IN THE R.L. PREECE SURVEY NO. 2, ABSTRACT NO. 2269, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 79.9 ACRE TRACT CONVEYED TO BERTA BRADLEY BY EXECUTOR'S DEED DATED DECEMBER 31, 1990 AND RECORDED IN VOLUME 11345, PAGE 325, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS (RPRTCT); FURTHER BEING A PORTION OF THAT 40 ACRE TRACT DESCRIBED IN A DEED OF RECORD IN VOLUME 5094, PAGE 2176, DEED RECORDS, TRAVIS COUNTY, TEXAS (DRTCT), AND A PORTION OF A 119.32 ACRE TRACT DESCRIBED IN A DEED TO LANDRUM HICKMAN OF RECORD IN VOLUME 1869, PAGE 319, DRTCT; SAID 32.429 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** for reference at a cotton spindle found for the south corner of said 119.32 acre tract, being the called south corner of said 40 acre tract, same being the south corner of said 79.9 acre tract, also being in the west line of a 467.5 acre tract described in a deed to City of Austin Nature Conservancy, recorded in Volume 11848, Page 1718, RPRTCT, and also being an angle point in the east line of a 91.585 acre tract, described in a deed to RP Preserve, Ltd. in Document No. 1999062334, of the Official Public Records of Travis County, Texas, from which a Mag nail in rock found bears North 25°57'17" East, a distance of 2.60 feet,

**THENCE** with the common line of said 119.32 acre tract, the 40 acre tract, the 79.9 acre tract, and the 91.585 acre tract, the following two (2) courses and distances:

1. North 04 58'46" West, at a distance of 1337.94 feet passing 0.13 feet right of a 1/2" rebar found for the called southeast corner of Lot 13, Block B, The Preserve at River Place Section 2, a subdivision of record in Document No. 200000178, OPRTCT, and continuing with the common line of the 119.32 acre tract, the 40 acre tract, the 79.9 acre tract and said Lot 13, for a total distance of 1662.93 feet to a calculated southerly west corner and **POINT OF BEGINNING** herein; and
2. North 04 58' 46" West, at a distance of 211.54 feet passing 0.11 feet left of a 1/2" rebar with "TJ Dodd 1882" cap found for the called northeast corner of Lot 13, same being the southeast corner of Milky Way Drive (50' right-of-way width), and continuing with the common line of the 119.32 acre tract, the 40 acre tract, the 79.9 acre tract and the east terminus of Milky Way Drive, at a distance of 268.35 feet passing 0.11 feet left of a 1/2" rebar found for the called northeast corner of Milky Way Drive, same being the southeast corner of Lot 12, Block B, The Preserve at River Place Section 2, and continuing with the common line of the 119.32 acre

tract, the 40 acre tract, the 79.9 acre tract and said Lot 12, for a total distance of 480.00 feet to a calculated point, from which a concrete monument found for an angle point in the common west line of the 119.32 acre tract, the 79.9 acre tract, and the 40 acre tract, for a corner of Lot 3, Block A, Austin Christian Fellowship Phase Two Subdivision, a subdivision of record in Document No. 200700102, OPRTCT, same being in the south line of a 3.75 acre tract described in a deed to Eugene Marcus Banes, III and Emily Puckett Barnes, recorded in Volume 3909, Page 1174, DRTCT, bears North 04°58'46" West, a distance of 526.94 feet;

**THENCE** crossing the 119.32 acre tract, the 40 acre tract, and the 79.9 acre tract, the following four (4) courses and distances:

1. North 85°01'14" East, a distance of 50.00 feet to a calculated point;
2. North 04°58'46" West, a distance of 497.80 feet to a calculated point;
3. North 55°29'35" East, a distance of 15.70 feet to a calculated point; and
4. North 20°03'33" West, a distance of 181.74 feet to a calculated point in north line of the 40 acre tract, same being the south line of a 40 acre tract described in Volume 2475, Page 123, DRTCT; and from which point the calculated northwest corner of said 40 acre tract described in Volume 5094, Page 2176, DRTCT, for the southwest corner of said 40 acre tract described in Volume 2475, Page 123, DRTCT, bears North 61° 46' 22" West, 75.14 feet;

**THENCE** South 61°46'22" East, continuing across the 79.9 acre tract and the 119.32 acre tract, with the north line of the 40 acre tract described in Volume 5094, Page 2176, DRTCT, being the south line of the 40 acre tract described in Volume 2475, Page 123, DRTCT, passing a concrete monument found at a distance of 1522.07 feet and continuing, for a total distance of 1522.80 feet to a calculated point in the east line of the 79.9 acre tract, being the east line of the 119.32 acre tract, for the northeast corner of the 40 acre tract described in Volume 5094, Page 2176, DRTCT, same being the southeast corner of the 40 acre tract described in Volume 2475, Page 123, DRTCT, also being in the west line of said 467.5 acre tract, from which a 1/2" rebar with "Chaparral" cap set for the northeast corner of the 79.9 acre tract, being the northeast corner of the 40 acre tract described in Volume 2475, Page 123, DRTCT, same being a corner of said Lot 3, also being an angle point in the west line of the 467.5 acre tract, bears North 27° 59' 03" East, 923.50 feet;

**THENCE** South 27°59'03" West, with the common line of the 79.9 acre tract, the 119.32 acre tract, the 40 acre tract described in Volume 5094, Page 2176, DRTCT, and the west line of the 467.5 acre tract, at a distance of 1087.06 feet passing 0.40 feet right of a 1/2" iron pipe found, and continuing for a total distance of 1888.43 feet to the calculated south corner herein; and from which point, said cotton spindle found for the south corner of said bears South 27° 59' 03" West, at a distance of 340.55 feet passing 1.32 feet left of a 1/2" iron pipe found and continuing for a total distance of 483.37 feet;

**THENCE** leaving the west line of said 467.5 acre tract and again crossing said 79.9 acre tract, the 119.32 acre tract, and the 40 acre tract described in Volume 5094, Page 2176, DRTCT, the following two (2) courses and distances:

1. North 04°58'46" West, a distance of 1257.38 feet to a calculated point; and
2. South 85°01'14" West, a distance of 263.00 feet to the **POINT OF BEGINNING** and containing 32.429 acres of land.

Surveyed on the ground on April 28, 2015. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone (4203), US Survey Feet, based on GPS solutions from The National Geodetic Survey (NGS) on-line positioning user service (OPUS) for Chaparral control point "P765". Attachments: Survey Drawing No. 759-011-ZO3.

*Bryan D. Newsome*

07 August.  
2019

Date

Bryan D. Newsome  
Registered Professional Land Surveyor  
State of Texas No. 5657  
TBPLS Firm No. 10124500





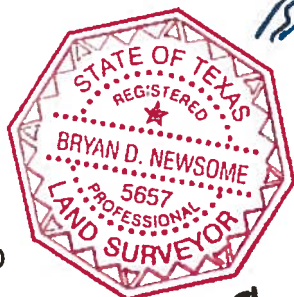
SKETCH TO ACCOMPANY A DESCRIPTION OF 34.508 ACRES  
(APPROXIMATELY 1,503,176 SQ. FT.) IN THE R.L. PREECE SURVEY NO. 2, ABSTRACT NO. 2269, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 79.9 ACRE TRACT CONVEYED TO BERTA BRADLEY BY EXECUTOR'S DEED DATED DECEMBER 31, 1990 AND RECORDED IN VOLUME 11345, PAGE 325, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS (RPRTCT); FURTHER BEING A PORTION OF THAT 40 ACRE TRACT DESCRIBED IN A DEED OF RECORD IN VOLUME 5094, PAGE 2176, DEED RECORDS, TRAVIS COUNTY, TEXAS (DRTCT), AND A PORTION OF A 119.32 ACRE TRACT DESCRIBED IN A DEED TO LANDRUM HICKMAN OF RECORD IN VOLUME 1869, PAGE 319, DRTCT.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°58'46"W	1662.93'
L2	N04°58'46"W	480.00'
L3	N04°58'46"W	526.94'
L4	N85°01'14"E	50.00'
L5	N04°58'46"W	464.64'
L6	N55°29'35"E	15.70'
L7	N20°03'33"W	181.74'
L8	N61°46'22"W	75.14'
L9	S61°46'22"E	1522.80'
L10	S27°59'03"W	1888.43'
L11	N04°58'46"W	1257.38'
L12	S85°01'14"W	263.00'

#### LEGEND

- <sup>CH</sup> 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- 1/2" REBAR FOUND (OR AS NOTED)
- CONCRETE MONUMENT FOUND
- ▲ 60D NAIL FOUND (OR AS NOTED)
- ⊙ 1/2" IRON PIPE FOUND
- \* COTTON SPINDLE FOUND
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

DATE OF SURVEY: 4/28/15  
PLOT DATE: 8/07/19  
DRAWING NO.: 759-011-Z03  
PROJECT NO.: 759-011  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: BDN  
SHEET 1 OF 5



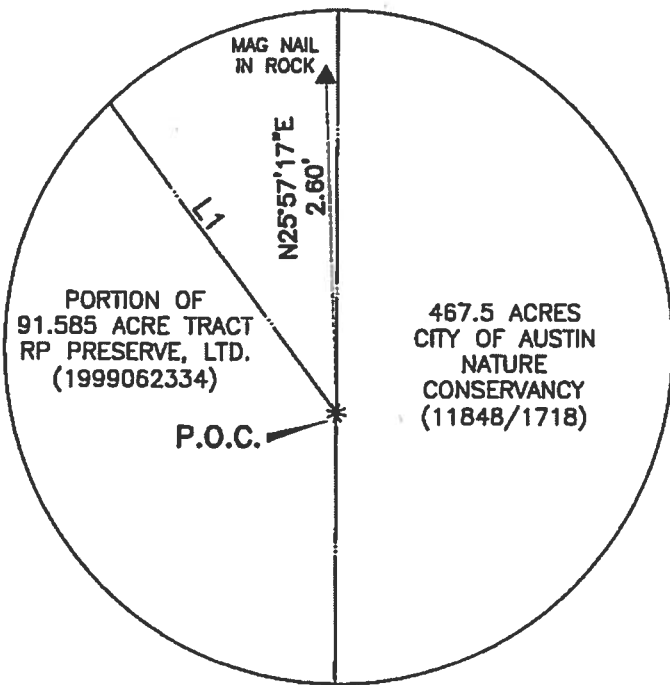
*Bryan D. Newsome*  
07 August  
2019

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

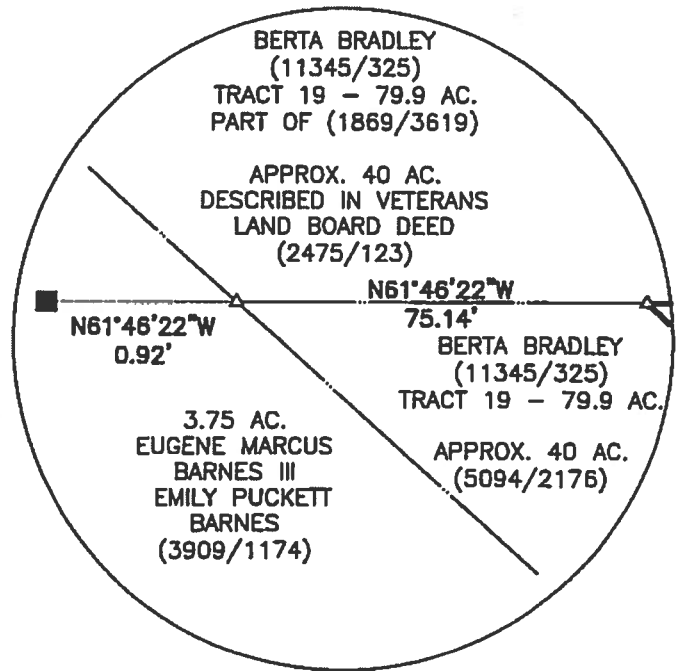
ATTACHMENTS: METES AND BOUNDS DESCRIPTION 759-011-Z03

*Chaparral*

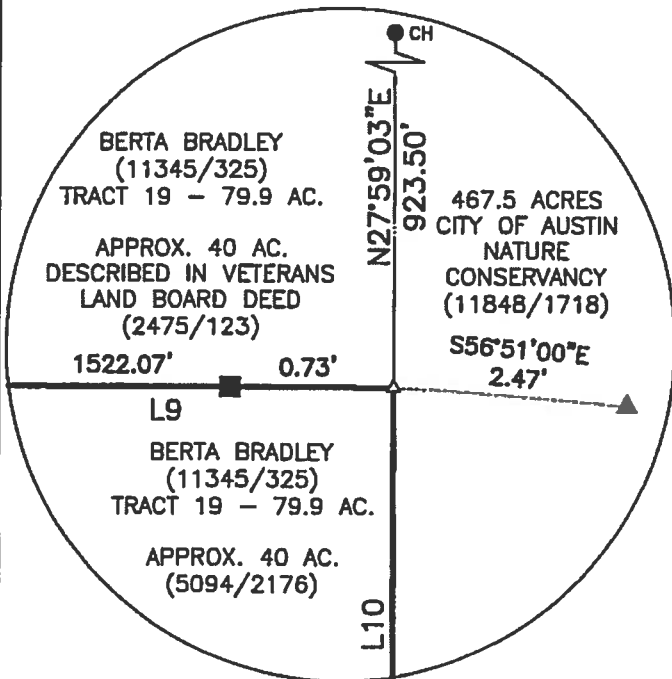
DETAIL "A"  
NOT TO SCALE



DETAIL "B"  
NOT TO SCALE



DETAIL "C"  
NOT TO SCALE





PAGE 5  
PAGE 3

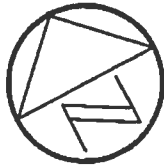
BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

**34.508 ACRES**  
APPROX. 1,503,176 SQ. FT.

LOT 13  
BLOCK B  
THE PRESERVE  
AT RIVER PLACE  
SECTION 2  
(200000178)



1" = 200'

PORTION OF  
91.585 ACRE TRACT  
RP PRESERVE, LTD.  
(1999062334)

SOUTH CORNER OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)  
CALLED SOUTH CORNER OF 40 AC.  
(5094/2176)

P.O.C.

L10  
0.40' S27°59'03"W 237'  
(S28°25'W 2245.70')

467.5 ACRES  
CITY OF AUSTIN  
NATURE  
CONSERVANCY  
(11848/1718)

917.16'

340.55'

1.32'

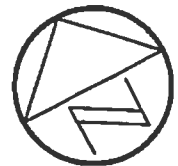
142.82'

SEE  
DETAIL  
"A"

# R.L. PREECE SURVEY NO. 2

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
DESCRIBED IN VETERANS  
LAND BOARD DEED  
(2475/123)



1" = 200'

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

LOT 3  
BLOCK A  
AUSTIN CHRISTIAN  
FELLOWSHIP  
PHASE TWO SUBDIVISION  
(200700102)

3.75 AC.  
EUGENE MARCUS  
BARNES, III  
EMILY PUCKETT  
BARNES (3909/1174)

BOUNDARY LINE AND  
ACCESS AGREEMENT  
(13189/248)

LOT 3  
BLOCK A  
AUSTIN CHRISTIAN  
FELLOWSHIP PHASE  
TWO SUBDIVISION  
(200700102)

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

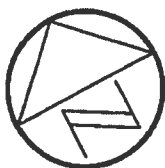
PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

**34.508 ACRES**  
APPROX. 1,503,176 SQ. FT.

LOT 10 LOT 11 LOT 12  
BLOCK B  
THE PRESERVE AT RIVER  
PLACE, SECTION 2  
(200000178)

MILKY WAY DRIVE  
(50' R.O.W. WIDTH)

PAGE 4  
PAGE 5



1" = 200'

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
DESCRIBED IN VETERANS  
LAND BOARD DEED  
(2475/123)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

SEE DETAIL "C"

CH

N27°59'03"E  
923.50'  
(N29°25'E  
922.70')

PAGE 4  
PAGE 5

L9

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

**34.508 ACRES**  
APPROX. 1,503,176 SQ. FT.

467.5 ACRES  
CITY OF AUSTIN  
NATURE  
CONSERVANCY  
(11848/1718)

1087.06'

L10

S27°59'03"W 2371.79'  
(S29°25'W 2245.70')

0.40'

PAGE 5  
PAGE 3

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

P.O.B.

L12

L11

RVE  
ACE

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

**Recorders Memorandum**-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



**2019181599**

**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Dana DeBeauvoir*

Dana DeBeauvoir, County Clerk  
Travis County, Texas

Nov 19, 2019 08:32 AM

Fee: \$70.00

RENTERIAKI

**RESTRICTIVE COVENANT**

THE STATE OF TEXAS     §  
                                       §  
 COUNTY OF TRAVIS     §

KNOW ALL MEN BY THESE PRESENTS

THIS RESTRICTIVE COVENANT (the "Restrictive Covenant") is made by **FIRST RIVER PLACE RESERVE, LTD.**, a Texas limited partnership ("FRPR") and is as follows

**RECITALS**

WHEREAS, FRPR is the owner of that certain tract of property consisting of approximately 2 1203 acres of land located at the intersection of Riverplace Blvd and Bonaventure Drive and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"),

WHEREAS, FRPR desires to impress certain restrictive covenants upon the Property, and

WHEREAS, such restrictions shall inure to the benefit of and bind FRPR and the owner of the Property, and their successors and assigns, and this Restrictive Covenant shall run with the land, encumbering the Property and each and every part thereof

NOW, THEREFORE, for and in consideration of the above promises and covenants set forth herein, FRPR states as follows

1 In no circumstance or event shall vehicular access be permitted from River Place Boulevard, a public thoroughfare, over, across, or to the Property. Unless consented to in advance and in writing by the River Place Residential Community Association, Inc., (i) no curb cut or driveway shall be constructed along River Place Boulevard adjacent to the Property; and (ii) no portion of the Property may be used to access River Place Blvd. In addition no sign, fence or any other improvements shall be erected upon the Property without the advanced written consent, which shall not be unreasonably withheld, of the River Place Residential Community Association, Inc. Notwithstanding any provision set forth herein to the contrary, access from River Place Boulevard necessary or required to service the Property shall only be permitted if the Property is developed in its entirety for single-family residential use, and the then owner of the Property complies with all applicable state, county, city, or governmental requirements regarding the location and construction of such access

2 Assignment FRPR may assign, in whole or in part, any of its privileges, exemptions, rights and duties under this Restrictive Covenant to River Place Residential Community Association, Inc.

3 Enforcement or Restriction If any person, persons, corporation or entity of any other character shall violate or attempt to violate the restriction set forth in Paragraph 1 hereof, it shall be lawful for FRPR, its successors or assigns, to prosecute proceedings at law or in equity against said person, entity or anyone violating or attempting to violate such restriction. Any action taken to enforce the restriction set forth in Paragraph 1 hereof shall be at the sole cost and expense of the party initiating such action.

4 Attorney's Fees In the event of any controversy, claim, or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover from the non-prevailing party reasonable expenses, attorney's fees, and costs.

5 Waiver Failure to enforce the covenants and restrictions contained herein shall not constitute a waiver of the right of enforcement.

6 Miscellaneous The provisions contained herein shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision or portion thereof Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular All captions and titles used in the foregoing agreement and covenant are intended solely for convenience of reference and shall not enlarge, limit or otherwise affect that which is set forth in any of the paragraphs hereof

Amendment This instrument may be modified, amended or terminated only by joint action of FRPR, its successors or assigns and the then owner of the Property

Executed to be effective this the 5th day of June, 2000

ACCEPTED

FRPR:

**REALTEX VENTURES, INC.**  
A Texas corporation

**FIRST RIVER PLACE RESERVE, LTD.,**  
a Texas limited partnership

BY

James D. Mills  
James D. Mills  
President

By

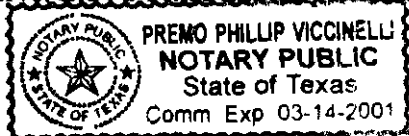
TEXAS HIGHLANDS, INC , a Texas corporation  
its General Partner

By

John W. Gravenor  
John W Gravenor, Authorized Agent

THE STATE OF TEXAS     §  
                                     §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on June 9, 2000 by John W Gravenor, Authorized Agent of Texas Highlands, Inc , a Texas corporation, General Partner of First River Place Reserve, Ltd, a Texas limited partnership, on behalf of said corporation and partnership



(seal)

[Signature]  
Notary Public Signature

After Recording, Return to

Robert D Burton  
Armbrust Brown & Davis, L L P  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
#83315/DATE \@ "MMddyy"/33902 0100

## EXHIBIT "A"

BEING 2 1203 ACRES OF LAND OUT OF AND A PART OF THE R L PREECE SURVEY NO 2 IN TRAVIS COUNTY, TEXAS, SAID 2 1203 ACRES OF LAND BEING ALSO OUT OF AND A PART OF THAT CERTAIN 1441.33 ACRE TRACT CONVEYED UNTO FIRST RIVER PLACE PRESERVE, LTD BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 11379, PAGE 0379 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND THAT CERTAIN 10 FOOT STRIP CONVEYED UNTO FIRST RIVERPLACE RESERVE LIMITED BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 12077, PAGE 0009 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2 1203 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" diameter iron pin found at the point-of-tangency on the south right-of-way line of Bonaventure Drive of the return curve at the intersection of said south right-of-way line of Bonaventure Drive and the east right-of-way line of River Place Blvd, according to the subdivision plat of River Place Section One as recorded in Volume 84, Page 103A of the Plat Records of Travis County, Texas,

THENCE with the north line hereof and the south right-of-way line of said Bonaventure Drive, S 52°-38'-49" E 141.03 feet to a 1/2" diameter iron pin set at the southeast corner of Bonaventure Drive right-of-way on the west line of that certain 0.021 of an acre tract conveyed unto Travis County, Texas by Street Deed recorded in Volume 10672, Page 0811 of the Real Property Records of Travis County, Texas, said iron pin being also on the west line of said 10 foot strip conveyed unto First Riverplace Reserve Limited by Special Warranty Deed recorded in Volume 12077, Page 0009 of the Real Property Records of Travis County, Texas;

THENCE with the west and south line of said 0.021 of an acre tract, the following two (2) calls,

- 1 With the west line of said 10 foot strip, S 29°-34'-00" W 5.04 feet to a 1/2" diameter iron pin found at the southwest corner of said 0.021 of an acre tract,
- 2 Crossing said 10 foot strip, S 52°-40'-19" E 10.10 feet to a 1/2" diameter iron pin set for the northeast corner hereof at the southeast corner of said 0.021 of an acre tract on the east line of said 10 foot strip of land and the west line of that certain 5.00 acre tract conveyed unto Realtex Ventures, Inc. by Deed recorded in Volume 13009, Page 2610 of the Real Property Records of Travis County, Texas, said iron pin set being also on the west line of that certain original 39.605 acre tract conveyed unto Robert V. Thurmond, Jr. by Deed recorded in Volume 2722, Page 486 of the Deed Records of Travis County, Texas;

THENCE with the east line hereof, the east line of said 10 foot strip and the west line of said 5.00 acre tract, along and near an existing wire fence, S 29°-43'-27" W 667.90 feet to a 1/2" diameter iron pin found at the southwest corner of said 5.00 acre tract on the west line of said 39.605 acre Thurmond tract,

THENCE continuing with the east line hereof, the east line of said 10 foot strip and the west line of said 39.605 acre Thurmond tract, along and near said fence, S 29°-44'-25" W 158.77 feet to a 1/2" diameter iron pin found at the southeast corner hereof,

THENCE with the south line hereof, crossing said 10 foot strip, N 60°-21'-52" W 10.19 feet to a 1/2" diameter iron pin found on the curving east right-of-way line of said River Place Blvd for the southwest corner hereof,

THENCE with the west line hereof and the east right-of-way line of said River Place Blvd, the following six (6) calls

- 1 With a curving line to the left with a radius of 400 feet, a chord that bears N 21°-20'-22" E 128.02 feet to a 1/2" diameter iron pin found at a point-of-tangency,
- 2 N 12°-19'-04" E 409.43 feet to a 1/2" diameter iron pin set at a right angle offset,
- 3 S 77°-43'-38" E 5.00 feet to a 1/2" diameter iron pin set at a right angle offset and point-of-curvature to the right,
- 4 With a curving line of the right with a radius of 665 feet, a chord that bears N 24°-48'-47" E 288.78 feet to a 1/2" diameter iron pin set at a point of tangency,
- 5 N 37°-21'-11" E 33.87 feet to a 1/2" diameter iron pin set at a the point-of-curvature of said return curve at the intersection of said Bonaventure Drive,
- 6 With a curving line to the right with radius of 15 feet, a chord that bears N 82°-21'-11" E 21.21 feet to the Point-of-Beginning

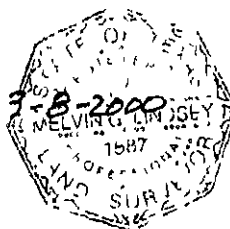
As surveyed by

POINT-LINE SERVICES, INC.

*Melvin G. Lindsey*  
Melvin G. Lindsey, RPLS #1587

GF No 99100265  
Job No 21741099

Point Line 2000 Plotnotes





**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

06-20-2000 12 30 PM 2000095338  
DAVILAM \$15 00  
DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

**Recorders Memorandum**-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.


Unofficial Document



## MEMORANDUM

**TO:** Sherri Sirwaitis, Case Manager  
Planning & Zoning Department

**CC:** Jeffrey Howard, McLean & Howard, LLP

**FROM:**  Natalia Rodriguez  
Scott A. James, P.E., PTOE  
Development Services Department

**DATE:** ~~March 13, 2019~~ Revised July 22, 2019

**SUBJECT:** Neighborhood Traffic Analysis for River Place  
Zoning Case # C14-2018-0124

The Transportation Review Section of the Land Use Review Division has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 42.064-acre tract is located in northwest Austin at the end of Milky Way Drive. The site is currently zoned Development Reserve (DR) and is vacant. Zoning to the immediate north, east and south is development reserve (DR), and to the west, zoning is single family residence large lot (SF-1). The zoning request is for ~~Single Family Residence Conditional Overlay (SF-1-CO)~~ **Townhouse & Condominium Residence Conditional Overlay (SF-6-CO)** to allow for the construction of up to ~~forty-five (45)~~ **one hundred and thirty four (134)** single family residences.

In support of this rezoning request, the applicant provided summary traffic counts taken on Wednesday, September 2, 2015.<sup>1</sup> The traffic volume on Milky Way Drive was shown as 407 vehicles per day. The NTA will be conducted under the assumption that no more than 45 dwelling units will be constructed on the site.

### Roadways

The tract has access to Milky Way Drive which is classified as a Local Road and the sole access to the site. The roadway currently has curb and gutter and 30 feet of pavement within 50 feet of right-of-way. Sidewalks are present for the majority of developed property and sidewalks are required for the proposed development.

<sup>1</sup> Traffic counts were taken for a prior rezoning application (C14-2015-0083) and as the land uses have not changed, review staff determined new traffic counts were not required.

### **Trip Generation and Traffic Analysis**

Based on Transportation Review staff evaluation the proposed 42.064 acre development with the requested zoning of ~~SF-1~~ SF - 6, could accommodate up to 304 523 dwelling units at maximum build out, excluding all setbacks and impervious cover limits. However, the applicant has agreed to a conditional overlay limiting the development to 45 134 dwelling units.

<b>Table 1</b>		
<b>Zoning</b>	<b>Intensity</b>	<b>Trip Generation</b>
<del>SF-1</del> SF - 6	42.064 acres, Approx. 183 523 d.u.	1,813 4,764
<del>SF-1-CO</del> SF - 6 - CO	45 d.u. 134 d.u	499 1,361
<b>TOTAL</b>		<b>1,361*</b>

\*This is the total trip generation estimate for the proposed land uses and intensities, not the maximum allowable by the requested zoning category.

Table 2 presents the expected distribution of the trips to the surrounding roadways.

<b>Table 2</b>	
<b>Street</b>	<b>Traffic Distribution</b>
Milky Way Drive	100%
<b>TOTAL</b>	<b>100%</b>

Table 3 presents the determined existing traffic volume, the estimated site traffic volume, and the total estimated daily traffic volume after development.

<b>Table 3.</b>				
<b>Street</b>	<b>Existing Traffic (vpd)</b>	<b>Site Traffic</b>	<b>Estimated Total Traffic</b>	<b>Percentage Increase</b>
Milky Way Drive	407	499 1,361	906 1,768	123 334%

The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by a project combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic study area.

According to Section 25 - 6 - 116 of the Land Development Code, local streets are operating at a desirable level if it does not exceed the following levels:

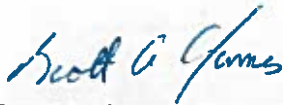
<b>Pavement Width</b>	<b>Vehicles Per Day</b>
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

### **Conclusions and Recommendations**

1. The estimated total number of daily trips generated by a maximum of ~~forty-five (45)~~ **one hundred and thirty-four (134)** single family residential units, in combination with the existing traffic of Milky Way Drive, does not exceed the thresholds set forth in the LDC 25 – 6 – 116.
2. To encourage pedestrian and bicycle connectivity to the surrounding uses in the area, it is recommended that a minimum 15 ft. pedestrian and bicycle public access easement and sidewalk be dedicated and constructed connecting Milky Way Drive to the north property line.
3. To comply with the Land Development Code block length standards, it is recommended that vehicular stub out connections be made to the north and south property lines. The connection location is to be reviewed during subdivision review process.
4. The intensity and uses for this rezoning application are limited to no more than ~~45~~ **134** single family dwelling units.
5. The findings of this memorandum remain valid until ~~March 13, 2024~~ **July 22, 2024**, at which time a revised neighborhood traffic analysis or staff memorandum may be required.

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If you have any questions or require additional information, please contact me (512) 974 – 2208.



Scott A. James, P.E., PTOE  
Development Services Department/Land Use Review - Transportation

**PETITION**

Date: March 22, 2019

File Number: C14-2018-0124

Address of Rezoning Request: ABS 2269 SUR 2 PREECE R L ACR 40.000 (1-D-1)

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-1 CO with a required 30,000 sq.ft. minimum lot size, and a limit of 25 homes.

We understand that the current land zoning of DR is something that will need to be changed, and we welcome the development of the property if it is done consistently with the existing zoning parameters that shaped Milky Way Drive originally. Milky Way and this area known as The Preserve were originally created from a 103 acre piece of land, that was zoned as SF-1 CO, 30,000 sq.ft. minimum lot size, and a maximum of 49 homes. That effectively resulted in a overall density of 1 home per 2 acres of total land and an average lot size of 1 acre for each home.

We simply ask that the Milestone development follow the same zoning established by Milky Way.

The proposed zoning change by Milestone seeks to establish 45 homes on 42 acres. The zoning request states 14.2 acres of non-buildable open/drainage and 3.8 acres of roads and access, which leaves 23.9 acres for new home lots.

The 24 homes on Milky Way Drive creates a wonderful location that shares the benefits of larger 1+ acre lots, custom homes, in a safe and quiet location free of excess traffic. Children are able to play ball in the cul-de-sac and ride bikes down the street. Neighborhoods and streets are generally not designed so that a street leads from low density to high density, as that places most of the burden from traffic and access to the higher density areas on the lower density ownership.

The project's traffic adds directly to a growing, and painful problem with all of River Place entrance and egress via the 2222 and River Place Boulevard intersection – which has the longest wait times during peak times. Being that River Place is surrounded by natural woods, and there is only 1 main entrance and 1 back exit, we are especially sensitive to any increases in density and extra homes that could impact the community safety and ability to escape during disasters such as a wildfire.

The River Place Home Owners Association formally identifies the same concerns, in addition to concerns about a lack of support for increased density that will overburden existing shortages in infrastructure for schools and police.

There are also environmental concerns about this sensitive land area, and how the higher density of Milestone's development will stress natural resources, run-off, and impact on natural animal habitat. Federally protected species on the endangered list, such as the Golden Cheeked Warbler, exist and thrive on and near this land. Milestone will be disrupting this natural habitat. Further, the building area is in the Edwards Aquifer Recharge Zone and West Bull Creek Watershed of the Colorado River Basin. Building on these slopes will certainly impact the area with run-off water.






## MEMORANDUM

**TO:** Sherri Sirwaitis, Case Manager  
Planning & Zoning Department

**CC:** Jeffrey Howard, McLean & Howard, LLP

**FROM:**  Natalia Rodriguez  
Scott A. James, P.E., PTOE  
Development Services Department

**DATE:** March 13, 2019

**SUBJECT:** Neighborhood Traffic Analysis for River Place  
Zoning Case # C14-2018-0124

---

The Transportation Review Section of the Land Use Review Division has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 42.064-acre tract is located in northwest Austin at the end of Milky Way Drive. The site is currently zoned Development Reserve (DR) and is vacant. Zoning to the immediate north, east and south is development reserve (DR), and to the west, zoning is single family residence large lot (SF-1). The zoning request is for Single Family Residence Conditional Overlay (SF – 1 – CO) to allow for the construction of up to forty-five (45) single family residences.

In support of this rezoning request, the applicant provided summary traffic counts taken on Wednesday, September 2, 2015.<sup>1</sup> The traffic volume on Milky Way Drive was shown as 407 vehicles per day. The NTA will be conducted under the assumption that no more than 45 dwelling units will be constructed on the site.

### Roadways

The tract has access to Milky Way Drive which is classified as a Local Road and the sole access to the site. The roadway currently has curb and gutter and 30 feet of pavement within 50 feet of right-of-way. Sidewalks are present for the majority of developed property and sidewalks are required for the proposed development.

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<sup>1</sup> Traffic counts were taken for a prior rezoning application (C14 – 2015 – 0083) and as the land uses have not changed, review staff determined new traffic counts were not required.

### **Trip Generation and Traffic Analysis**

Based on Transportation Review staff evaluation the proposed 42.064 acre development with the requested zoning of SF – 1, could accommodate up to 304 dwelling units at maximum build out, excluding all setbacks and impervious cover limits. However, the applicant has agreed to a conditional overlay limiting the development to 45 dwelling units.

<b>Table 1</b>		
<b>Zoning</b>	<b>Intensity</b>	<b>Trip Generation</b>
SF – 1	42.064 acres, Approx. 183 d.u.	1,813
SF – 1 – CO	45 d.u.	499
<b>TOTAL</b>		<b>499</b>

Table 2 presents the expected distribution of the trips to the surrounding roadways.

<b>Table 2</b>	
<b>Street</b>	<b>Traffic Distribution</b>
Milky Way Drive	100%
<b>TOTAL</b>	<b>100%</b>

Table 3 presents the determined existing traffic volume, the estimated site traffic volume, and the total estimated daily traffic volume after development.

<b>Table 3.</b>				
<b>Street</b>	<b>Existing Traffic (vpd)</b>	<b>Site Traffic</b>	<b>Estimated Total Traffic</b>	<b>Percentage Increase</b>
Milky Way Drive	407	499	906	123%

The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by a project combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic study area.

According to Section 25 – 6 – 116 of the Land Development Code, local streets are operating at a desirable level if it does not exceed the following levels:

<b>Pavement Width</b>	<b>Vehicles Per Day</b>
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000



## Conclusions and Recommendations

1. The estimated total number of daily trips generated by a maximum of forty-five (45) single family residential units, in combination with the existing traffic of Milky Way Drive, does not exceed the thresholds set forth in the LDC 25 – 6 – 116.
2. To encourage pedestrian and bicycle connectivity to the surrounding uses in the area, it is recommended that a minimum 15 ft. pedestrian and bicycle public access easement be dedicated connecting Milky Way Drive to the north property line.
3. To comply with the Land Development Code block length standards, it is recommended that vehicular stub out connections be made to the north and south property lines. The connection location is to be reviewed during subdivision review process.
4. The intensity and uses for this rezoning application are limited to no more than 45 single family dwelling units.
5. The findings of this memorandum remain valid until March 13, 2024, at which time a revised neighborhood traffic analysis or staff memorandum may be required.

---

If you have any questions or require additional information, please contact me (512) 974 – 2208.



Scott A. James, P.E., PTOE  
Development Services Department/Land Use Review - Transportation



RESTRICTIVE COVENANT CORRECTION AFFIDAVIT

STATE OF TEXAS  
COUNTY OF TRAVIS

Recitals:

This Restrictive Covenant Correction Affidavit ("the Affidavit") is to be recorded pursuant to Section 5.028 of the Texas Property Code to correct a clerical error in the date of the Neighborhood Traffic Analysis ("NTA") memorandum referenced in Condition 1 of the original instrument attached as **Exhibit "1"** to the Affidavit ("the Restrictive Covenant"). The date of the NTA memo should correctly read "revised on July 22, 2019".

Other than the stated correction of the NTA memo date, this Affidavit is intended to restate in all respects the Restrictive Covenant, and the effective date of this Affidavit relates back to the effective date of the Restrictive Covenant.

The Affiant, by signing this Affidavit, represents that the Affiant has personal knowledge of the facts relevant to the correction of the original recorded Restrictive Covenant, and that date of the NTA memo was incorrect. The Affiant certifies that notice has been provided to the parties to the original instrument pursuant to Section 5.028 (d)(2) of the Texas Property Code.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, Owners have caused this instrument to be executed on  
May 14 2020.

**AFFILIANT:**

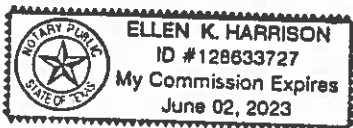
Milky Way Holdings GP, LLC, a Texas limited liability company

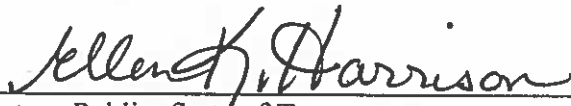
By: Milestone Community Builders, LLC, a Texas limited liability company, its manager

By:   
Garrett S. Martin, President

THE STATE OF TEXAS     §  
   §  
COUNTY OF TRAVIS     §

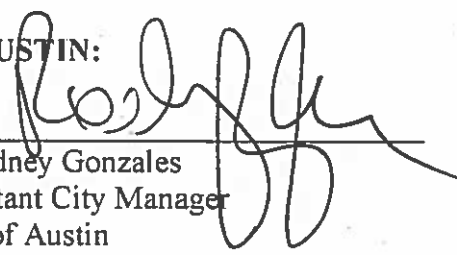
This instrument was acknowledged before me on this the 14<sup>th</sup> day of May 2020, by Garrett S. Martin, as President of Milestone Community Builders, LLC, a Texas limited liability company, manager of Milky Way Holdings, GP, LLC, a Texas limited liability company, on behalf of said company.



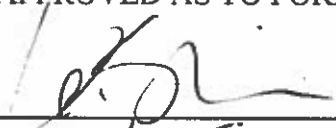
  
Notary Public, State of Texas

CITY OF AUSTIN:

By:

  
J. Rodney Gonzales  
Assistant City Manager  
City of Austin

APPROVED AS TO FORM:

  
Name: Lee Simmons  
Assistant City Attorney  
City of Austin


THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 11<sup>th</sup> day of August, 2020, by J. Rodney Gonzales, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



  
Notary Public, State of Texas

# EXHIBIT 1



12

Zoning Case No. C14-2018-0124

**RESTRICTIVE COVENANT**

OWNER: Milky Way Holdings GP, LLC, a Texas limited liability company

OWNER ADDRESS: 9111 Jollyville Road, Suite 111  
Austin, Texas 78759

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: 32.429 acres of land (approximately 1,412,611 sq. ft.) in the R.L. Preece Survey No. 2, Abstract No. 2269, Travis County, Texas, said 32.429 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

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. 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 March 13, 2019. The NTA memorandum shall be kept on file at the Department.
2. Exterior walls of dwelling units on the Property shall be constructed with one of the following materials:
  - A. Materials approved by the Fire Marshal for not less than 1-hour fire resistance-rated construction on the exterior side.
  - B. Non-combustible materials approved by the Fire Marshal.
  - C. Ignition-resistant or factory treated materials on the exterior side of a building or structure on the Property.

3. Wildfire fuels in the area up to 30' from any structure on the Property:
  - A. Trees must maintain a minimum of 18 feet between crowns and be pruned to a height of 10' from the ground or 1/3 the height of the tree crown, whichever is less.
  - B. Lawns, native grasses and other vegetation should be limited in height.
4. Wildfire fuels in the area up to 100' from any structure on the Property:
  - A. Trees must maintain a minimum 12 feet between crowns (or 30' between the crown of a group of trees) and be pruned to a height of 10' from the ground or 1/3 the height of the tree crown, whichever is less.
  - B. Lawns, native grasses, and other vegetation should be limited in height.
5. A water supply source available for use on the Property shall meet the requirements of the 2015 IFC with amendments as adopted by the City of Austin.
6. 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.
7. 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.
8. 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.
10. 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.

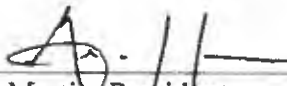


EXECUTED this the 31<sup>ST</sup> day of OCTOBER, 2019.

Owner:

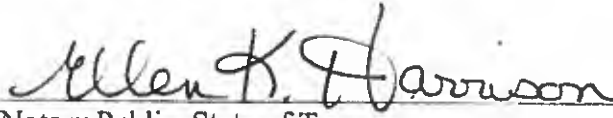
Milky Way Holdings GP, LLC, a Texas limited liability company

By: Milestone Community Builders, LLC, a Texas limited liability company, its manager

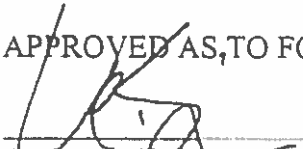
By:   
Garrett S. Martin, President

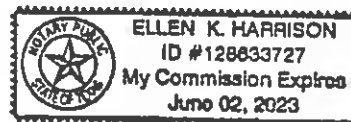
THE STATE OF TEXAS     §  
                                     §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on this the 31<sup>ST</sup> day of OCTOBER 2019, by Garrett S. Martin, as President of Milestone Community Builders, LLC, a Texas limited liability company, manager of Milky Way Holdings, GP, LLC, a Texas limited liability company, on behalf of said company.

  
Notary Public, State of Texas

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin





Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

32.429 ACRES  
R.L. PREECE SURVEY NO. 2  
TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 32.429 ACRES (APPROXIMATELY 1,412,611 SQ. FT.) IN THE R.L. PREECE SURVEY NO. 2, ABSTRACT NO. 2269, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 79.9 ACRE TRACT CONVEYED TO BERTA BRADLEY BY EXECUTOR'S DEED DATED DECEMBER 31, 1990 AND RECORDED IN VOLUME 11345, PAGE 325, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS (RPRTCT); FURTHER BEING A PORTION OF THAT 40 ACRE TRACT DESCRIBED IN A DEED OF RECORD IN VOLUME 5094, PAGE 2176, DEED RECORDS, TRAVIS COUNTY, TEXAS (DRTCT), AND A PORTION OF A 119.32 ACRE TRACT DESCRIBED IN A DEED TO LANDRUM HICKMAN OF RECORD IN VOLUME 1869, PAGE 319, DRTCT; SAID 32.429 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** for reference at a cotton spindle found for the south corner of said 119.32 acre tract, being the called south corner of said 40 acre tract, same being the south corner of said 79.9 acre tract, also being in the west line of a 467.5 acre tract described in a deed to City of Austin Nature Conservancy, recorded in Volume 11848, Page 1718, RPRTCT, and also being an angle point in the east line of a 91.585 acre tract, described in a deed to RP Preserve, Ltd. in Document No. 1999062334, of the Official Public Records of Travis County, Texas, from which a Mag nail in rock found bears North 25°57'17" East, a distance of 2.60 feet,

**THENCE** with the common line of said 119.32 acre tract, the 40 acre tract, the 79.9 acre tract, and the 91.585 acre tract, the following two (2) courses and distances:

1. North 04 58'46" West, at a distance of 1337.94 feet passing 0.13 feet right of a 1/2" rebar found for the called southeast corner of Lot 13, Block B, The Preserve at River Place Section 2, a subdivision of record in Document No. 200000178, OPRTCT, and continuing with the common line of the 119.32 acre tract, the 40 acre tract, the 79.9 acre tract and said Lot 13, for a total distance of 1662.93 feet to a calculated southerly west corner and **POINT OF BEGINNING** herein; and
2. North 04 58' 46" West, at a distance of 211.54 feet passing 0.11 feet left of a 1/2" rebar with "TJ Dodd 1882" cap found for the called northeast corner of Lot 13, same being the southeast corner of Milky Way Drive (50' right-of-way width), and continuing with the common line of the 119.32 acre tract, the 40 acre tract, the 79.9 acre tract and the east terminus of Milky Way Drive, at a distance of 268.35 feet passing 0.11 feet left of a 1/2" rebar found for the called northeast corner of Milky Way Drive, same being the southeast corner of Lot 12, Block B, The Preserve at River Place Section 2, and continuing with the common line of the 119.32 acre

tract, the 40 acre tract, the 79.9 acre tract and said Lot 12, for a total distance of 480.00 feet to a calculated point, from which a concrete monument found for an angle point in the common west line of the 119.32 acre tract, the 79.9 acre tract, and the 40 acre tract, for a corner of Lot 3, Block A, Austin Christian Fellowship Phase Two Subdivision, a subdivision of record in Document No. 200700102, OPRTCT, same being in the south line of a 3.75 acre tract described in a deed to Eugene Marcus Banes, III and Emily Puckett Barnes, recorded in Volume 3909, Page 1174, DRTCT, bears North 04°58'46" West, a distance of 526.94 feet;

**THENCE** crossing the 119.32 acre tract, the 40 acre tract, and the 79.9 acre tract, the following four (4) courses and distances:

1. North 85°01'14" East, a distance of 50.00 feet to a calculated point;
2. North 04°58'46" West, a distance of 497.80 feet to a calculated point;
3. North 55°29'35" East, a distance of 15.70 feet to a calculated point; and
4. North 20°03'33" West, a distance of 181.74 feet to a calculated point in north line of the 40 acre tract, same being the south line of a 40 acre tract described in Volume 2475, Page 123, DRTCT; and from which point the calculated northwest corner of said 40 acre tract described in Volume 5094, Page 2176, DRTCT, for the southwest corner of said 40 acre tract described in Volume 2475, Page 123, DRTCT, bears North 61° 46' 22" West, 75.14 feet;

**THENCE** South 61°46'22" East, continuing across the 79.9 acre tract and the 119.32 acre tract, with the north line of the 40 acre tract described in Volume 5094, Page 2176, DRTCT, being the south line of the 40 acre tract described in Volume 2475, Page 123, DRTCT, passing a concrete monument found at a distance of 1522.07 feet and continuing, for a total distance of 1522.80 feet to a calculated point in the east line of the 79.9 acre tract, being the east line of the 119.32 acre tract, for the northeast corner of the 40 acre tract described in Volume 5094, Page 2176, DRTCT, same being the southeast corner of the 40 acre tract described in Volume 2475, Page 123, DRTCT, also being in the west line of said 467.5 acre tract, from which a 1/2" rebar with "Chaparral" cap set for the northeast corner of the 79.9 acre tract, being the northeast corner of the 40 acre tract described in Volume 2475, Page 123, DRTCT, same being a corner of said Lot 3, also being an angle point in the west line of the 467.5 acre tract, bears North 27° 59' 03" East, 923.50 feet;

**THENCE** South 27°59'03" West, with the common line of the 79.9 acre tract, the 119.32 acre tract, the 40 acre tract described in Volume 5094, Page 2176, DRTCT, and the west line of the 467.5 acre tract, at a distance of 1087.06 feet passing 0.40 feet right of a 1/2" iron pipe found, and continuing for a total distance of 1888.43 feet to the calculated south corner herein; and from which point, said cotton spindle found for the south corner of said bears South 27° 59' 03" West, at a distance of 340.55 feet passing 1.32 feet left of a 1/2" iron pipe found and continuing for a total distance of 483.37 feet;

THENCE leaving the west line of said 467.5 acre tract and again crossing said 79.9 acre tract, the 119.32 acre tract, and the 40 acre tract described in Volume 5094, Page 2176, DRTCT, the following two (2) courses and distances:

1. North 04°58'46" West, a distance of 1257.38 feet to a calculated point; and
2. South 85°01'14" West, a distance of 263.00 feet to the POINT OF BEGINNING and containing 32.429 acres of land.

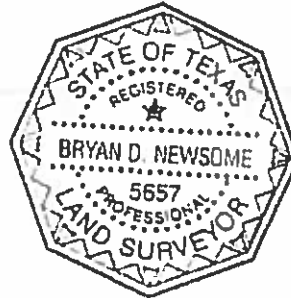
Surveyed on the ground on April 28, 2015. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone (4203), US Survey Feet, based on GPS solutions from The National Geodetic Survey (NGS) on-line positioning user service (OPUS) for Chaparral control point "P765". Attachments: Survey Drawing No. 759-011-ZO3.

*Bryan D. Newsome*

07 August  
2019

Date

Bryan D. Newsome  
Registered Professional Land Surveyor  
State of Texas No. 5657  
TBPLS Firm No. 10124500



SKETCH TO ACCOMPANY A DESCRIPTION OF 34.508 ACRES  
(APPROXIMATELY 1,503,176 SQ. FT.) IN THE R.L. PREECE SURVEY NO. 2, ABSTRACT NO. 2269, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 79.9 ACRE TRACT CONVEYED TO BERTA BRADLEY BY EXECUTOR'S DEED DATED DECEMBER 31, 1990 AND RECORDED IN VOLUME 11345, PAGE 325, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS (RPRTCT); FURTHER BEING A PORTION OF THAT 40 ACRE TRACT DESCRIBED IN A DEED OF RECORD IN VOLUME 5094, PAGE 2176, DEED RECORDS, TRAVIS COUNTY, TEXAS (DRTCT), AND A PORTION OF A 119.32 ACRE TRACT DESCRIBED IN A DEED TO LANDRUM HICKMAN OF RECORD IN VOLUME 1869, PAGE 319, DRTCT.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°58'46"W	1662.93'
L2	N04°58'46"W	480.00'
L3	N04°58'46"W	526.94'
L4	N85°01'14"E	50.00'
L5	N04°58'46"W	464.64'
L6	N55°29'35"E	15.70'
L7	N20°03'33"W	181.74'
L8	N61°46'22"W	75.14'
L9	S61°46'22"E	1522.80'
L10	S27°59'03"W	1888.43'
L11	N04°58'46"W	1257.38'
L12	S85°01'14"W	263.00'

#### LEGEND

- <sup>CH</sup> 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- 1/2" REBAR FOUND (OR AS NOTED)
- CONCRETE MONUMENT FOUND
- ▲ 60D NAIL FOUND (OR AS NOTED)
- ⊙ 1/2" IRON PIPE FOUND
- \* COTTON SPINDLE FOUND
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

DATE OF SURVEY: 4/28/15  
PLOT DATE: 8/07/19  
DRAWING NO.: 759-011-Z03  
PROJECT NO.: 759-011  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: BDN  
SHEET 1 OF 5



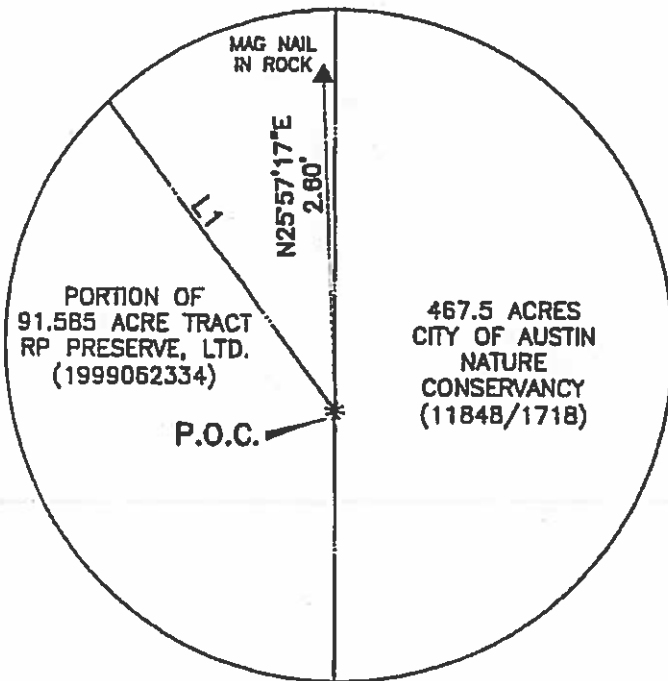
*Bryan Newsome*  
07 August  
2019

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

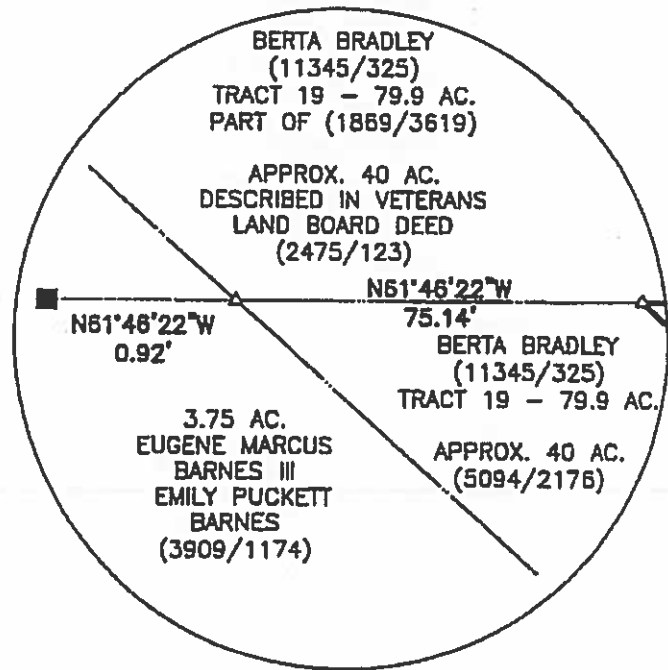
ATTACHMENTS: METES AND BOUNDS DESCRIPTION 759-011-Z03

*Chaparral*

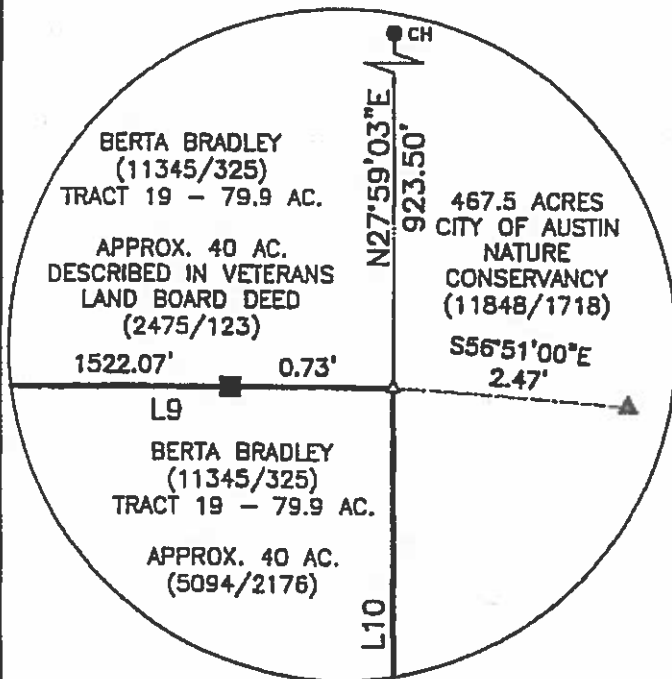
DETAIL "A"  
NOT TO SCALE



DETAIL "B"  
NOT TO SCALE



DETAIL "C"  
NOT TO SCALE



PAGE 5  
PAGE 3

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

**34.508 ACRES**  
APPROX. 1,503,176 SQ. FT.

L10

S27°59'03"W 237'  
(S28°25'W 2245.70')

0.40'

917.16'

467.5 ACRES  
CITY OF AUSTIN  
NATURE  
CONSERVANCY  
(11848/1718)

340.55'

1.32'

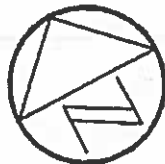
142.82'

SEE  
DETAIL  
"A"

P.O.C.

SOUTH CORNER OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)  
CALLED SOUTH CORNER OF 40 AC.  
(5094/2176)

PORTION OF  
91.585 ACRE TRACT  
RP PRESERVE, LTD.  
(1999062334)



1" = 200'

LOT 13  
BLOCK B  
THE PRESERVE  
AT RIVER PLACE  
SECTION 2  
(200000178)

P.O.B.

0.13'

L11

L11

L1

1337.94'

211.54'  
(536.47')

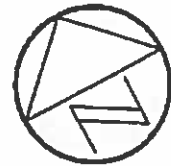
L12



# R.L. PREECE SURVEY NO. 2

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
DESCRIBED IN VETERANS  
LAND BOARD DEED  
(2475/123)



1" = 200'

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

LOT 3  
BLOCK A  
AUSTIN CHRISTIAN  
FELLOWSHIP  
PHASE TWO SUBDIVISION  
(200700102)

3.75 AC.  
EUGENE MARCUS  
BARNES, III  
EMILY PUCKETT  
BARNES (3909/1174)

BOUNDARY LINE AND  
ACCESS AGREEMENT  
(13189/248)

LOT 3  
BLOCK A  
AUSTIN CHRISTIAN  
FELLOWSHIP PHASE  
TWO SUBDIVISION  
(200700102)

LOT 10

LOT 11

LOT 12

BLOCK B

THE PRESERVE AT RIVER  
PLACE, SECTION 2  
(200000178)

MILKY WAY DRIVE  
(50' R.O.W. WIDTH)

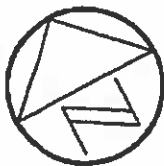
BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

34.508 ACRES  
APPROX. 1,503,176 SQ. FT.

PAGE 4  
PAGE 5



1" = 200'

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
DESCRIBED IN VETERANS  
LAND BOARD DEED  
(2475/123)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

SEE DETAIL "C"

CH

N27°59'03"E

923.50'

(N29°25'E

922.70')

L9

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

34.508 ACRES  
APPROX. 1,503,176 SQ. FT.

467.5 ACRES  
CITY OF AUSTIN  
NATURE  
CONSERVANCY  
(11848/1718)

1087.06'

L10

S27°59'03"W 2371.79'

(S29°25'W 2245.70')

0.40'

BERTA BRADLEY  
(11345/325)  
TRACT 19 - 79.9 AC.

APPROX. 40 AC.  
(5094/2176)

PORTION OF 119.32 AC.  
LANDRUM HICKMAN  
(1869/319)

L12

P.O.B.

L11

1  
RVE  
ACE

PAGE 5  
PAGE 3

Chaparral

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Travis County, Texas

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