

02  
**ZONING**



rev 11/21/2016

**ZONING**

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# **ZONING**

## **GENERAL OVERVIEW**

### **GENERAL INFORMATION**

This packet outlines the procedures and submittal requirements necessary to obtain a change of zoning within the City of Austin jurisdiction (full-purpose and limited-purpose City limits). The regulatory requirements and procedures for approval are defined in Chapter 25-2 of the Code of the City of Austin. Chapter 25 was adopted by City Council in order to protect the health, safety and welfare of the Austin community.

Additional information about the zoning process and code requirements can be obtained prior to submitting a zoning application by contacting the Development Assistance Center (DAC) on the 1<sup>st</sup> floor of the One Texas Center, 505 Barton Springs Road, phone 974-6370, or by visiting the City of Austin's Development Process and One-Stop Shop website at <http://www.austintexas.gov/department/development-services>.

### **WHAT IS ZONING?**

Zoning is the division of land within a jurisdiction into separate districts within which uses are permitted, prohibited or permitted with conditions. Zoning establishes site regulations, such as building heights, bulk (density/floor-to-area ratio), setbacks, building coverage, impervious cover, etc. Zoning is a power granted to municipalities by the State in order to promote public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

### **ORDER OF PROCESS**

Zoning is usually the first step in the City of Austin's development process. A Neighborhood Plan Amendment may also be required if the property is located within an adopted Neighborhood Plan area and a change to the adopted plan and/or the property's future land use map (FLUM) designation is necessary. A Neighborhood Plan Amendment may be processed concurrently with a request for a zoning change. Prior to the construction or occupation of a new or expanded land use/business on a site, other steps including subdivision, site plan, or building permit and inspection, may be required. Contact the Development Assistance Center for additional information.

### **TIMEFRAME FOR PROCESSING A ZONING APPLICATION**

Applications may be submitted on any working day at the Intake Center, 4<sup>th</sup> floor, One Texas Center, 505 Barton Springs Road, and may be found at <http://www.austintexas.gov/page/land-use-applications#zoning>. Please call 974-7208, 974-2681, or 974-2350 to schedule an appointment. A written report from staff will be available to the applicant and the public several days before the item is scheduled for review by the Land Use Commission. Zoning requests are typically heard by the assigned Land Use Commission on the fourth or fifth Tuesday of the month following the date of submittal (approximately 6 to 7 weeks), and by the City Council on the fourth Thursday following the Commission's recommendation.

### **CASE MANAGER**

Each zoning application is assigned to a review team. The Case Manager will serve as liaison between you and the City of Austin and function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc. should be directed to the Case Manager. If you need to see your Case Manager, it is suggested an appointment be made to ensure the Case Manager is available.

### **NEIGHBORHOOD, COMMUNITY AND ENVIRONMENTAL ASSOCIATIONS**

Information concerning neighborhood associations, community groups and environmental interest groups in the area of the zoning request is available at the Development Assistance Center.

### **URBAN RENEWAL ZONE**

The site may be located within one of five Urban Renewal Plan districts created in the 1960s to allow clearance and redevelopment of certain parts of East and Central Austin. The Urban Renewal Plan areas are subject to specific land use and development standards that are unique to each area and applicable to all public (including the State of Texas and the University of Texas) and private entities. Contact the Development Assistance Center for information regarding the Urban Renewal Plan districts.

### **HOW TO OBTAIN INFORMATION**

Clerical staff and planners are available by appointment or on a first-come, first-served basis each weekday between 9 a.m. and 12 p.m. at the Development Assistance Center, 1<sup>st</sup> floor, One Texas Center, 505 Barton Springs Road (512-974-6370).

### **HICS AND FINANCIAL DISCLOSURE INFORMATION**

If you or your agent/representative were a City employee or City official within the past 24 months, you may be subject to the City's Ethics and Financial Disclosure requirements (see City Code Chapter 2-7). Copies of Chapter 2-7 are available from the City Clerk's Office.

# ZONING

## **SUBMITTAL INFORMATION AND REQUIREMENTS**

When filing a zoning change, the applicant or the applicant's agent shall submit the following information in person to the Intake Center of the Planning and Zoning Department, 4th floor, One Texas Center, 505 Barton Springs Road.

- A. **APPLICATION FORM** - Type or print all information. One copy of the completed application form shall be submitted in which the following items shall be addressed:
1. **Owner** - Please indicate name of current owner. The current owner or authorized agent must apply for the zoning change.
  2. **Project Name** - Fill in, if applicable.
  3. **Street Address(es)** - Indicate the address or range of addresses for all streets abutting the property. For assistance, contact Addressing Services of the Communications and Technology Management Department, 10<sup>th</sup> floor, One Texas Center, 505 Barton Springs Road.
  4. **Land Area to be Rezoned** - The area of the tract(s) for which a zoning change is being requested shall be shown in square feet or acres. If more than one type of zoning is being requested, identify each tract and indicate size and type of zoning being requested.
  5. **Existing Zoning** - Indicate existing zoning and use. If more than one tract is involved, identify tract by number and corresponding acreage or square footage. Zoning map books are available in the Development Assistance Center and at Document and Map Sales in order to verify zoning. If the maps do not reflect what you think is the correct zoning, a zoning verification request may be made to Document and Map Sales, located on the 1<sup>st</sup> floor of One Texas Center, 505 Barton Springs Road.
  6. **Proposed Zoning** - Indicate the proposed zoning. If there are questions as to what zoning is needed, contact the Development Assistance Center.
  7. **Development Assessment** - If you have completed a Development Assessment, indicate file number and the Intake Center will verify and apply the refund to your zoning application.
  8. **Active Neighborhood Plan Amendment, Zoning, Restrictive Covenant, Subdivision and Site Plan Requests** - If there are any pending requests on the property covered by this application, please indicate the case number(s).
  9. **Property Description** - The property description shall accurately describe only that area for which a zoning change is being requested. This description shall be by either lot and block of a recorded subdivision, including plat book and page or document number, or by certified field notes describing only the land area needed for the proposed use(s). If field notes are supplied, two copies are needed using the following format:
    - a) Prepared on 8½ x 11 paper
    - b) Typed in a standard business typeface (legible)
    - c) Begin with a caption that describes the total tract
    - d) Surveyor's calls included
    - e) End with the words "to the point of beginning"
    - f) Sealed by a registered public surveyor
  10. **Deed Reference** - The volume and page numbers or document number of the deed conveying the property to the present owner and the total size of the property conveyed shall be shown. This information is on your deed or is available from the Travis County Clerk's Office at 5501 Airport Boulevard.
  11. **Combining/Overlay Districts** - Indicate if your zoning request falls within a Combining/Overlay District. If you are unsure of this information, please check with the Development Assistance Center prior to filing your application..
  12. **Traffic Impact Analysis (TIA)** - This information can be obtained from your TIA determination (see Item D below).



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13. **Watershed** - A map is available in the Intake Center area. An Intake Clerk will assist you in obtaining this information if necessary.
14. **Water, Wastewater & Electric Providers** - In most cases, these utilities are provided by the City of Austin.
15. **Type of Ownership** - If the ownership is other than sole or community property, attach a list of the partners/beneficiaries/principals and their positions.
16. **Owner's Signature** - The owner must sign the application or attach a written authorization for the agent. If there is more than one owner, attach additional owner information to application. Be sure that all signatures are legible and address information is correct.
17. **Agent Information** - If designated, this will be the primary contact. If the agent changes, the Case Manager should be notified.

**B. TAX PLATS** - Tax plats are used to obtain property owner names and addresses for notification. Tax plats must be submitted with all zoning applications and shall meet the following requirements

One blue-line copy of each of the current tax plats, showing all properties within 500 feet of the tract for which zoning approval is being requested. Include all plats referred to in the 500 feet surrounding the tract. Outline the subject tract in red. (DO NOT SPLICE THE MAPS TOGETHER).

Tax plats can be obtained from:

- 5 Hays County: Hays County Clerk's Office; 137 N. Guadalupe Street; San Marcos, phone: (512) 393-7330
- ☐ Travis County: Travis Central Appraisal District at Walnut Creek Business Park, 8314 Cross Park Drive, Austin (U.S. 290 & Cross Park Drive), phone (512) 834-9138. Tax plats for Travis County may be printed from TCAD online, [www.traviscad.org](http://www.traviscad.org).
- ☐ Williamson County: Williamson County Clerk, Justice Center Building, 405 Martin Luther King Street, Georgetown, phone: (512) 943-1515.

For projects located outside of Travis County, applicants must submit a list of names and addresses of all property owners located within a 500-foot radius of the subject tract

**C. TAX CERTIFICATE** - A Tax Certificate must be submitted with all zoning applications. Please note that tax certificates must be ordered in advance of the request and will require a nominal charge by the County. The tax certificate should indicate that no taxes are owed on the property. Tax certificates may be obtained from:

- ☐ Hays County: Hays County Tax Assessor Office; 102 N. LBJ Drive, San Marcos.
- ☐ Travis County: Courthouse Annex, 5501 Airport Boulevard.
- ☐ Williamson County: Williamson County Tax Assessor / Collector Office, 904 South Main Street, Georgetown

**D. TRAFFIC IMPACT ANALYSIS** - A determination as to whether a TIA is required must be made prior to submittal of the zoning application. This determination is made by the Planning and Zoning Department. Fill in the indicated portions of the attached TIA determination form and visit with a Planner in the Development Assistance Center or with a Transportation Planner in the Land Use Review Division to have the determination completed. If a TIA is required, the Planner will indicate the number of copies to be submitted with the application.

**E. APPLICATION FEE** - In addition to the base zoning fee, please note that a sign fee is charged. This fee is figured on the basis of one sign for each 200 feet of street frontage. No more than three signs shall be required for any case.

**F. SUBMITTAL CHECKLIST** - A Submittal Checklist for the information which the applicant is required to provide is included on page 4 of this packet.

**G. ACKNOWLEDGMENT FORM CONCERNING SUBDIVISION PLAT NOTES / DEED RESTRICTIONS** - The applicant should carefully check these records before signing the enclosed Acknowledgment Form. Plat notes are shown on the face of the subdivision plat. Plats are available at the Map and Document Sales or the County Clerk's Office, Courthouse Annex, located at 5501 Airport Boulevard. Deed restrictions are recorded at the County Clerk's Office, Courthouse Annex.

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## SUBMITTAL CHECKLIST

- © Application Form
- © TIA Determination Form
- © Submittal Verification Form
- © Site Check Permission Form
- © Additional Submittal Requirements for Planned Unit Development (PUD)
- © Postponement policy
- © Acknowledgment Form
- © Full size tax maps (1"=100') showing properties within 500' of zoning request.
- © Tax certificate (Not a tax receipt).
- © If required, provide the number of copies of TIA as determined by Transportation Review
- © Copy of receipt, if refund for Development Assessment is requested/granted
- © Application fee
- © TIA fee, if applicable
- © Educational Impact Statement (EIS) Determination Form (Exhibit A)

# ZONING

## APPLICATION FOR ZONING

### DEPARTMENT USE ONLY

APPLICATION DATE _____	FILE NUMBER(S) _____
TENTATIVE ZAP/PC DATE _____	TENTATIVE CC DATE _____
CASE MANAGER _____	CITY INITIATED    YES    NO
APPLICATION ACCEPTED BY _____	ROLLBACK        YES    NO

### PROJECT DATA

OWNER'S NAME: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PROJECT STREET ADDRESS (or Range): \_\_\_\_\_

\_\_\_\_\_ ZIP \_\_\_\_\_ COUNTY: \_\_\_\_\_

If project address cannot be defined, provide the following information:

\_\_\_\_\_ ALONG THE \_\_\_\_\_ SIDE OF \_\_\_\_\_ APPROXIMATELY

*Frontage ft.*                      *(N,S,E,W)*                      *Frontage road*

\_\_\_\_\_ FROM ITS INTERSECTION WITH \_\_\_\_\_

*Distance*                      *Direction*                      *Cross street*

TAX PARCEL NUMBER(S): \_\_\_\_\_

Is Demolition proposed? \_\_\_\_\_

If Yes, how many residential units will be demolished? \_\_\_\_\_ Unknown \_\_\_\_\_

Number of these residential units currently occupied\*\*: \_\_\_\_\_

Is this zoning request to rezone a parcel that contains an existing mobile home park with five or more occupied units?\*\* \_\_\_\_\_ If Yes, how many? \_\_\_\_\_

Type of Residential Unit: SF, duplex, triplex, townhouse/condo, multi-family, manufactured home: \_\_\_\_\_

Number of Proposed Residential units (if applicable): \_\_\_\_\_ If Yes, how many of the following:

\_\_\_\_\_ 1 Bedroom \_\_\_\_\_ Affordable      \_\_\_\_\_ 2 Bedroom \_\_\_\_\_ Affordable

\_\_\_\_\_ 3 Bedroom \_\_\_\_\_ Affordable      \_\_\_\_\_ 4 or more Bedroom \_\_\_\_\_ Affordable      \_\_\_\_\_ Unknown

\*\* If 5 or more, tenant notification may be required and a certified form may be required with your application (LDC 25-1-712).

Tenants must receive notification at least 270 days before the application is eligible for final ordinance readings by City Council.

AREA TO BE REZONED: ACRES \_\_\_\_\_ OR SQ FT \_\_\_\_\_

Existing Zoning	Existing Use	Tract #	# of Acres/SF	Max # of Res Units Per Acre	
Proposed Zoning	Proposed Use	Tract #	Proposed # of Acres/SF	Max # of Res Units Per Acre	Proposed Total # of Units Per Acre

Name of Neighborhood Plan: \_\_\_\_\_

# ZONING

## RELATED CASES

NEIGHBORHOOD PLAN AMENDMENT (YES / <b>NO</b> )	FILE NUMBER: _____
ACTIVE ZONING CASE ( <b>YES</b> / NO)	FILE NUMBER: _____
RESTRICTIVE COVENANT ( <b>YES</b> / NO)	FILE NUMBER: _____
SUBDIVISION ( <b>YES</b> / NO)	FILE NUMBER: _____
SITE PLAN ( <b>YES</b> / NO)	FILE NUMBER: _____

## PROPERTY DESCRIPTION

(For the portion affected by this application) Provide either subdivision reference OR metes & bounds description.

1. **SUBDIVISION REFERENCE:** Name: \_\_\_\_\_ Block(s) \_\_\_\_\_
2. **METES AND BOUNDS** (Attach two copies of certified field notes) **FILE NUMBER:** \_\_\_\_\_

## DEED REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER:

VOLUME: \_\_\_\_\_ PAGE: \_\_\_\_\_ OR DOCUMENT # \_\_\_\_\_

SQ. FT: \_\_\_\_\_ or ACRES \_\_\_\_\_

See Supplemental Application Information

Is this a SMART Housing Project? Yes No

If residential, is there other Tax Credits or Local/State/Federal funding? Yes No

## OTHER PROVISIONS

IS A VARIANCE TO THE SIGN ORDINANCE BEING REQUESTED? Yes No

IS PROPERTY IN A COMBINING DISTRICT / OVERLAY ZONE? Yes No

TYPE OF COMBINING DIST/OVERLAY ZONE (NP, NCC, CVC, WO, etc) \_\_\_\_\_

NATIONAL REGISTER DISTRICT? Yes No

URBAN RENEWAL ZONE? Yes No

IS A TIA REQUIRED? Yes No TRIPS PER DAY: \_\_\_\_\_

GRID NUMBER (S) \_\_\_\_\_

WATERSHED: \_\_\_\_\_ WS CLASS: \_\_\_\_\_

WATER UTILITY PROVIDER: \_\_\_\_\_

WASTEWATER UTILITY PROVIDER: \_\_\_\_\_

ELECTRIC UTILITY PROVIDER: \_\_\_\_\_

SCHOOL DISTRICT: \_\_\_\_\_

## OWNERSHIP INFORMATION

TYPE OF OWNERSHIP \_\_\_ SOLE \_\_\_ COMMUNITY PROPERTY \_\_\_ PARTNERSHIP \_\_\_ CORPORATION \_\_\_ TRUST  
If ownership is other than sole or community property, list the individuals, partners, principals, etc. below or attach a separate sheet.



CITY OF AUSTIN  
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: Brodie Oaks Center

LOCATION: 4021 S Capital of Texas Hwy, Austin, TX 78704

APPLICANT'S AGENT: Bobak J. Tehrany, P.E. / BOE

TELEPHONE NO: 512-632-7509

APPLICATION STATUS: DEVELOPMENT ASSESSMENT: X ZONING: \_\_\_\_\_ SITE PLAN: \_\_\_\_\_

EXISTING:

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	INTENSITY	ZONING	LAND USE	I.T.E CODE	TRIP RATE	TRIPS PER DAY
1	37.59		CS, GR, CS-1	Various Uses (See attached breakdown)	Various	Various	19,246
						<b>Total Existing</b>	<b>19,246</b>

PROPOSED

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	INTENSITY	ZONING	LAND USE	I.T.E CODE	TRIP RATE/EQ	TRIPS PER DAY
1	37.59	1,134 du	PUD	Multifamily Housing (Mid-Rise)	221	$T=5.45(X) - 1.75$	6,179
		430 du	PUD	Multifamily Housing (High-Rise)	222	4.45/du	1,914
		448 keys	PUD	Hotel	310	14.34/key	3,745
		1,150,678 sf	PUD	General Office	710	$\ln(T) = 0.97 \ln(X) + 2.50$	11,346
		140,000 sf	PUD	Shopping Center	820	$\ln(T) = 0.68 \ln(X) + 5.57$	7,558
						<b>Total Proposed</b>	<b>30,741</b>
						<b>Net Change in Trips</b>	<b>11,496</b>

ABUTTING ROADWAYS

FOR OFFICE USE ONLY

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
South Lamar Boulevard	Yes		
Loop 360 Frontage Road	Yes		

FOR OFFICE USE ONLY

- ☒ A traffic impact analysis is required. The traffic consultant must meet with staff from Development Services/Land Use Review to discuss the TIA scope and requirements before beginning the study.
- A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code. **Mitigation of the site traffic may be required based on Land Use Review/Transportation Review staff review.** See Land Use Review/Transportation Review staff for additional information.
- The traffic impact analysis has been waived for the following reason: \_\_\_\_\_
- A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: Amitahell DATE: 10-30-2020

DISTRIBUTION: \_\_\_\_\_  
FILE CAP. METRO SDHPT TRANS. REV. TRAVIS CO. TPSD  
TOTAL

COPIES: \_\_\_\_\_

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

## ZONING

### OWNER INFORMATION

SIGNATURE: John Schaefer

NAME: John Schaefer - LCFRE Austin Brodie Oaks LLC

FIRM NAME: Lionstone Investments

TELEPHONE NUMBER: (713) 533-5855

STREET ADDRESS: 712 Main Street, Suit 2500

CITY/STATE/ZIP: Houston, TX 77002

### AGENT / PRINCIPAL CONTACT (If applicable)

SIGNATURE: Rebecca Leonard

NAME: Rebecca Leonard

FIRM NAME: Lionheart Places

TELEPHONE NUMBER: (512) 520-4488

STREET ADDRESS: 1023 Springdale Rd., STE 6-E

CITY/STATE/ZIP Austin, TX, 78721

CONTACT PERSON: Rebecca Leonard


TELEPHONE NUMBER: (512) 520-4488

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## SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.**

  
Signature

Date

Name (Typed or Printed)

Firm

## INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.**

  
Signature

Date

Name (Typed or Printed)

Firm



## ZONING

# ACKNOWLEDGMENT FORM

concerning  
Subdivision Plat Notes, Deed Restrictions  
Restrictive Covenants

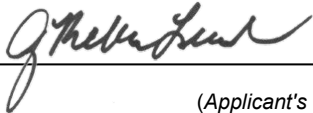
I, \_\_\_\_\_ have checked the subdivision plat notes,  
(Print name of applicant)

deed restrictions, and/or restrictive covenants prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

\_\_\_\_\_  
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, and/or restrictive covenants, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, and/or restrictive covenants.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.



(Applicant's signature)

\_\_\_\_\_  
(Date)

## POSTPONEMENT POLICY ON ZONING HEARINGS

- © Sets a postponement date and time at the City Council hearing so that renotification of residents and property owners is not necessary.
- © Limits the time a hearing can be postponed to two months for both proponents and opponents, unless otherwise approved by Council so that renotification of residents and property owners is not necessary.
- © Allows only one postponement for either side, unless otherwise approved by Council.
- © Requires that all requests for postponements be submitted in writing to the director of the Planning and Zoning Department at least one week prior to the scheduled Council meeting. The written request must specify reasons for the postponement.
- © The Director of the Planning and Zoning Department shall provide a recommendation regarding the validity of the postponement request as the Director deems appropriate.
- © Eliminates the automatic granting of a postponement of the first request.
- © Authorizes Council to consider requests that are not submitted timely.

Council action December 12, 1996

# ZONING

## PLANNED UNIT DEVELOPMENTS

### General Overview

Planned Unit Development district zoning is intended to produce development that implements the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than, and is therefore superior to, development under conventional zoning and subdivision regulations.

### SUBMITTAL REQUIREMENTS

- © A Development Assessment must be submitted, a Master Staff Report received, and a Council briefing must occur prior to submittal of a PUD application.
- © Eighteen (18) copies of a 24 x 36 inch generalized land use map which shall include the following: project name, legal description, boundary lines with bearings and dimensions, total acreage, north arrow, scale and location map.
- © Existing topography using USGS or City datum at two (2) foot intervals for the property and adjacent property with 100 feet of the project boundary.
- © A Mylar will be required prior to finalization of ordinance.
- © Eighteen (18) copies of the proposed site development regulations to be established by the Land Use Plan.

Maps, exhibits and support materials, clearly indicating the following, shall be included in either or both of the above:

A. Existing and/or proposed land uses. Identify for each phase and for the total development:

1. Residential: Maximum density, total number and type(s) of unit(s)\*, minimum lot size, building height, minimum setbacks and maximum impervious coverage. For multifamily uses, also show maximum FAR. If structures are proposed in excess of sixty (60) feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line-of-sight analyses from adjoining properties and/or rights-of-way.
2. Non-Residential: Type of uses\*, maximum FAR, total square footage, maximum impervious coverage, minimum setbacks and maximum building height. If structures are proposed in excess of sixty (60) feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line-of-sight analyses from adjoining properties and/or rights-of-way.
3. Parkland/Open Space: Location and acreage of land proposed to be dedicated to the public and/or private parks, open space or buffer areas.
4. Civic Uses: Types of uses\*, maximum FAR, total square footage, maximum impervious coverage, maximum building height and minimum setbacks.

- ☐ Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Article III, Section 25-6 of the Land Development Code.

- C. Environmental characteristics of the site, such as, but not limited to, 100-year and 25 -year floodplains, slopes, environmentally sensitive areas and protected areas as defined in applicable watershed ordinances.
- D. The phasing of the development and the manner in which each phase can exist as a stable independent unit consistent with the provision of adequate public facilities and services.
- E. The location of collector and arterial roadways proposed within the development, right-of-way widths, the location of access points to abutting streets and roadways and a Traffic Impact Analysis, if required by Article III of Chapter 25-6. (The number of copies of the required TIA will be determined by Transportation Review.)
- F. Identification of existing major street setbacks and planned right-of-way lines as required in the Austin Roadway Plan.
- G. Proposed method of providing the following services:
1. Water service including gallons per day requirement.
  2. Wastewater disposal including gallons per day generated.
  3. Preliminary stormwater management analysis.
  4. Location of all required or proposed public facilities.
- H. Identification of any waivers from City ordinances or development standards pursuant to Chapter 25-2-402.

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I. Copies of all covenants and restrictions which provide for the maintenance and taxation of all common areas.

## ADDITIONAL SUBMITTAL REQUIREMENTS

A written description describing how the proposal meets the intent and purposes of the PUD Zoning District, including Tier One and Tier Two Requirements, and Development Bonuses, as outlined in City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Section 1.1 through Section 2.5.7 and defined below:

### § 2.3. TIER ONE REQUIREMENTS.

#### 2.3.1. Minimum Requirements. All PUDs must:

- A. meet the objectives of the City Code;
- B. provide for development standards that achieve equal or greater consistency with the goals in Section [1.1](#) (*General Intent*) than development under the regulations in the Land Development Code;
- C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
  - 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
  - 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D. comply with the City's Planned Unit Development Green Building Program;
- E. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- F. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;
- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- H. exceed the minimum landscaping requirements of the City Code;
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- J. prohibit gated roadways;
- K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

#### 2.3.2. Additional Requirements. In addition to the requirements contained in Section [2.3.1](#) (*Minimum Requirements*), a PUD containing a retail, commercial, or mixed use development must:

- A. comply with [Chapter 25-2, Subchapter E](#) (*Design Standards And Mixed Use*).
- B. inside the urban roadway boundary depicted in Figure 2, [Subchapter E, Chapter 25-2](#) (*Design Standards and Mixed Use*), comply with the sidewalk standards in [Section 2.2.2., Subchapter E, Chapter 25-2](#) (*Core Transit Corridors: Sidewalks And Building Placement*); and
- C. contain pedestrian-oriented uses as defined in Section [25-2-691\(C\)](#) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building

# ZONING

## § 2.4. TIER TWO REQUIREMENTS.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section [1.1](#) (*General Intent*). A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

Open Space	Provides open space at least 10% above the requirements of Section <a href="#">2.3.1.A</a> . ( <i>Minimum Requirements</i> ). Alternatively, within the urban roadway boundary established in Figure 2 of <a href="#">SubchapterEofChapter25-2</a> ( <i>Design Standards and Mixed Use</i> ), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.
Environment	<p>Does not request exceptions to or modifications of environmental regulations.</p> <p>Provides water quality controls superior to those otherwise required by code.</p> <p>Uses innovative water quality controls that treat at least 25 percent additional water quality volume and provide 20 percent greater pollutant removal, in addition to the minimum water quality volume required by code.</p> <p>Provides water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25 percent of the subject tract.</p> <p>Reduces impervious cover or single-family density by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.</p> <p>Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.</p> <p>Provides at least a 50 percent increase in the minimum waterway and critical environmental feature setbacks required by code.</p> <p>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p>Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas.</p> <p>Prohibits uses that may contribute to air or water quality pollutants.</p> <p>Employs other creative or innovative measures.</p>
Austin Green Builder Program	Provides a rating under the Austin Green Builder Program of three stars or above.
Art	Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.

# ZONING

Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of <a href="#">Chapter 25-2, Subchapter E</a> ( <i>Design Standards and Mixed Use</i> ).
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
Building Design	Exceeds the minimum points required by the Building Design Options of Section <a href="#">3.3.2</a> , of <a href="#">Chapter 25-2, Subchapter E</a> ( <i>Design Standards and Mixed Use</i> ).
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section <a href="#">25-2-691(C)</a> ( <i>Waterfront Overlay District Uses</i> ) in ground floor spaces.
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.
Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
Local Small Business	Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

## § 2.5. DEVELOPMENT BONUSES.

- 2.5.1. Limitation on Development.** Except as provided in Section [2.5.2](#) (*Requirements for Exceeding Baseline*), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD with residential uses may not exceed the baseline established under Section [1.3.3](#) (*Baseline for Determining Development Bonuses*).
- 2.5.2. Requirements for Exceeding Baseline.** Development in a PUD with residential uses may exceed the baseline established under Section [1.3.3](#) (*Baseline for Determining Development Bonuses*) for maximum height, maximum floor area ratio, and maximum building coverage if:
- A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and
  - B. the developer either:
    - 1. provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section [2.5.3](#) (*Requirements for Rental Housing*) and Section [2.5.4](#) (*Requirements for Ownership Housing*); or
    - 2. makes donations for affordable housing under Section [2.5.6](#) (*Alternative Affordable Housing Options*).

# ZONING

- 2.5.3. Requirements for Rental Housing.** If rental housing units are included in a PUD, at least 10 percent of the rental units or rental habitable square footage within the PUD must:
- A. be affordable to a household whose income is less than the affordability level established under Section [2.5.5](#) (*Affordability Levels*);
  - B. remain affordable for 40 years from the date a certificate of occupancy is issued; and
  - C. be eligible for federal housing choice vouchers.
- 2.5.4. Requirements for Ownership Housing.** If owner occupied housing is included in a PUD, at least five percent of the owner occupied units or owner occupied habitable square footage within the PUD must be:
- A. affordable to a household whose income is less than the affordability level established under Section [2.5.5](#) (*Affordability Levels*); and
  - B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.
- 2.5.5. Affordability Levels.** For purposes of this subchapter, the affordability level is:
- A. for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of [Chapter 25-2](#) (*Design Standards and Mixed Use*), 80% of the median family income in the Austin metropolitan statistical area;
  - B. for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of [Chapter 25-2](#) (*Design Standards and Mixed Use*), 60% of the median family income in the Austin metropolitan statistical area; or
  - C. if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council.
- 2.5.6. Alternative Affordable Housing Options.** Development within a PUD may exceed baseline standards as provided in Section [2.5.2.B.2](#) (*Requirements for Exceeding Baseline*) if the developer:
- A. donates to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD, as determined by the Director of the Neighborhood Housing and Community Development Department; or
  - B. subject to approval by the city council, donates the amount established under Section [2.5.7](#) (*In Lieu Donation*) for each square foot of climate controlled space within the PUD to a Housing Assistance Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.
- 2.5.7. In Lieu Donation.** The amount payable under Section [2.5.6.B](#) (*Alternative Affordable Housing Options*) shall be 60 percent of the fee established under Section [25-2-586\(I\)](#) (*Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District*) or any successor fee established under the Austin Downtown Plan.



## EXHIBIT VIII

### EDUCATIONAL IMPACT STATEMENT (EIS) DETERMINATION PART A

If your project is located in one or more of the following school districts, and requires Land Use Commission review; and meets one of the requirements listed below, an Educational Impact Statement is required.

<input type="checkbox"/> YES	<input type="checkbox"/> NO	100 or more single family units are proposed
<input type="checkbox"/> YES	<input type="checkbox"/> NO	200 or more multifamily units are proposed
<input type="checkbox"/> YES	<input type="checkbox"/> NO	100 or more multifamily units are proposed and a tax credit is requested
<input type="checkbox"/> YES	<input type="checkbox"/> NO	project will demolish more than 50 residential existing units in a structure more than 20 years old

**Please check the appropriate school district(s).**

- ☐ Austin Independent School District
- ☐ Leander Independent School District
- ☐ Pflugerville Independent School District
- ☐ Hays County Independent School District
- ☐ Del Valle Independent School District
- ☐ Round Rock Independent School District
- ☐ Manor Independent School District

**If an Educational Impact Statement (EIS) is required, please complete the Educational Impact Analysis (EIA) Part B.**

# ZONING



## EDUCATIONAL IMPACT ANALYSIS FORM Part B

### OFFICE USE ONLY

CASE MANAGER: \_\_\_\_\_

APPLICANT / AGENT: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

### EXISTING RESIDENTIAL UNITS

Existing number of Residential Units: \_\_\_\_\_

Number of existing residential units to be demolished: \_\_\_\_\_

Age of units to be demolished: \_\_\_\_\_

### PROPOSED DEVELOPMENT

Gross Project Acreage: \_\_\_\_\_

Number of lots: \_\_\_\_\_

Lots per acre: \_\_\_\_\_

### PROPOSED RESIDENTIAL UNITS

Proposed number of Residential Units: \_\_\_\_\_

Size of proposed units in square feet (specify range): \_\_\_\_\_ to \_\_\_\_\_

Number of bedrooms per unit: 1, 2, and 3 bedroom units will be included \_\_\_\_\_



## ZONING

### ESTIMATED SELLING / RENTAL PRICE (EXISTING AND PROPOSED)

Estimated selling price of units (specify range): Unknown to \_\_\_\_\_

Estimated rental rates (if applicable): Unknown \_\_\_\_\_

Range of monthly rental rates to be demolished: \_\_\_\_\_ to \_\_\_\_\_

Estimated increase in rental rates (specify percentage of increase): \_\_\_\_\_

If project is multifamily, will a tax credit be applied for as part of the Smart Housing™ Program? \_\_\_\_\_

Number of Certified Affordable Dwelling Units (Proposed or Existing) 10% of Bonus Square Feet approximately 150 - 200 Units

### OFF-SITE FAMILY AMENITIES EXISTING WITHIN ONE MILE OF PROJECT

(Open to the public – attach location plan)

Parks / Greenbelts: \_\_\_\_\_

Recreation Centers: \_\_\_\_\_

Public Schools: \_\_\_\_\_

### PARKLAND DEDICATION

Parkland dedication required? ☐ YES ☐ NO

If yes, please indicate if applicant plans to request fee in lieu or provide parkland:

Fee: ☐ YES ☐ NO

Land: ☐ YES ☐ NO

### ON-SITE FAMILY AMENITIES PROPOSED

Will space be provided for childcare services? ☐ YES ☐ NO ☐ Unknown at this time

Amount of open space required in acres: \_\_\_\_\_

Amount of open space provided in acres: \_\_\_\_\_

Other proposed amenities (pools, clubhouse, recreation area): Trailhead to Barton Creek Greenbelt

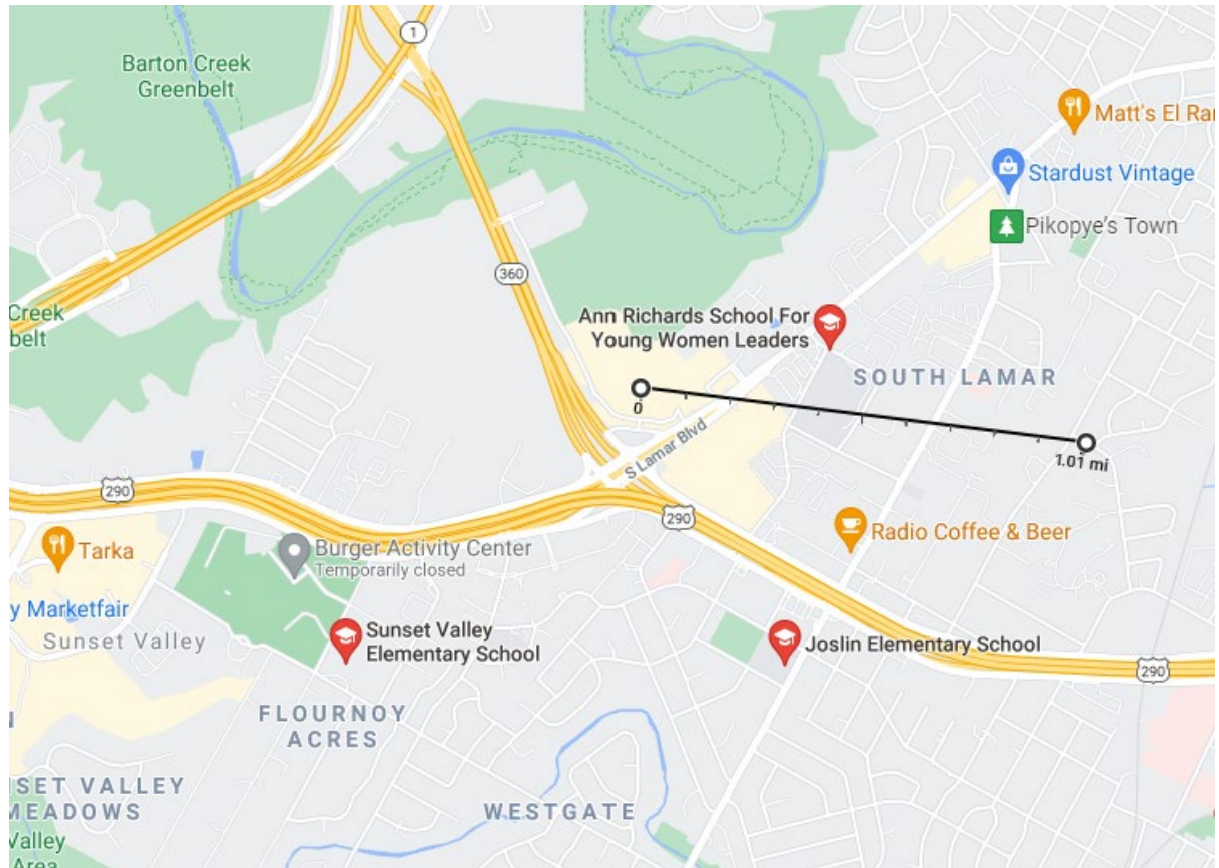
### TRANSPORTATION LINKAGES

Closest Public Transit Location: \_\_\_\_\_

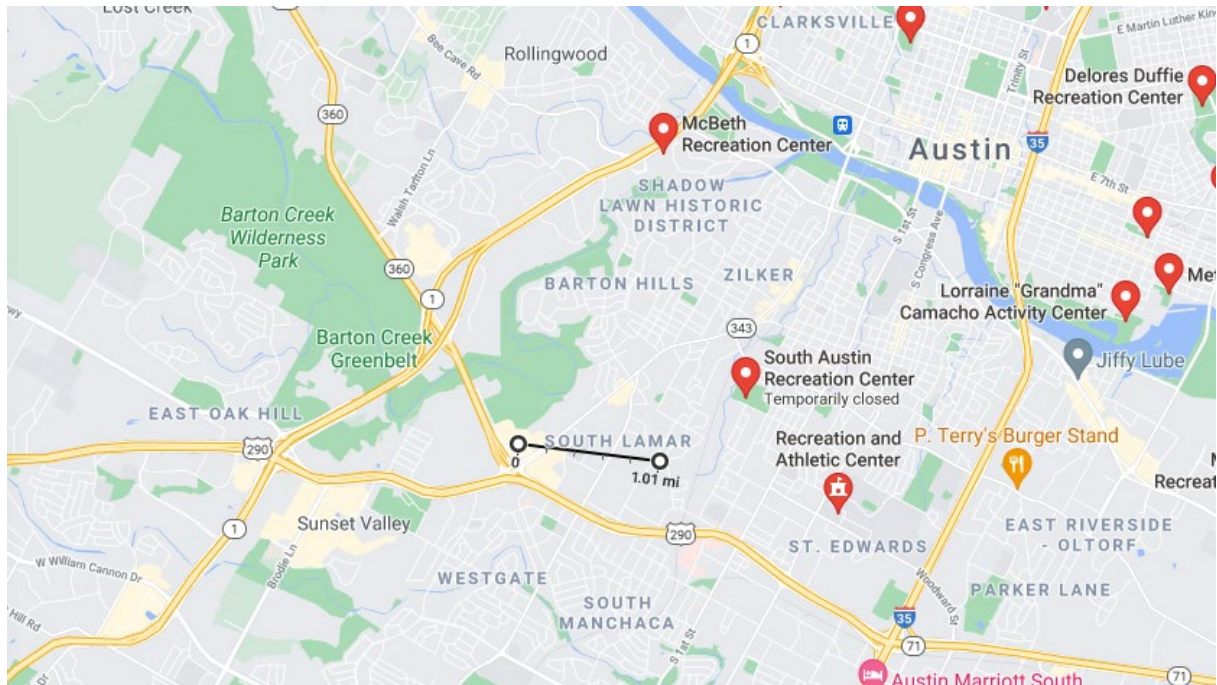
Pedestrian / Bike Routes: \_\_\_\_\_

## Educational Impact Statement Maps

### Schools within 1 Mile



## Recreation Centers within 1 Mile





April 22, 2021

To Whom it May Concern:

City of Austin

RE: Brodie Oaks Redevelopment - Applications regarding: 4021 S. Capital of Texas Hwy NB; 4025 S. Capital of Texas Hwy NB; 4107 S. Capital of Texas Hwy NB; 4109 S. Capital of Texas Hwy NB; 4115 S. Capital of Texas Hwy NB; 4141 S. Capital of Texas Hwy NB; 4220 S. Lamar BLVD SB; 4040 S. Lamar BLVD SB; 4036 S. Lamar BLVD SB; 4006 S. Lamar BLVD SB; 4032 S. Lamar BLVD SB; 4030 S. Lamar BLVD SB; 3940 S. Lamar BLVD SB; 4024 S. Lamar BLVD SB; 4200 S. Lamar BLVD SB; 4236 S. Lamar BLVD SB (The "Property")

As the record owner of the above referenced Property, I hereby authorize Rebecca Leonard at Lionheart Places, or her designee, to act as agent to submit applications to the City of Austin, Texas and I attest to all submittal regulations.

Sincerely,

Contact Name

Signature: 

Name: John Schaefer

Title: Managing Director – Lionstone Investments

# Supplemental Information

## 1 PROPERTY INFO

Tax ID	Deed #	Subdivision Reference
310469	2016080293	Lot B Barton Creek Plaza
310477	2016080293	Lot 5A Brodie Oaks Center Amended
310479	2016080293	Lot 6A Brodie Oaks Center Amended
310476	2016080293	Lot 4A Brodie Oaks Center Amended
310475	2016080293	Lot 3-A2 Brodie Oaks Center Amended Resubdivision of Lot 3A
310483	2016080293	Lot 3-A1 Brodie Oaks Center Amended Resubdivision of Lot 3-A
310474	2018136741	Lot 2-A Brodie Oaks Center Amended
310473	2016080293	Lot 1A Brodie Oaks Center Amended
887393	2017003786	N/A

A Metes and Bounds Description is included with the deed for property ID887393. A survey of the property to be zoned has also been attached for reference purposes.

## 2 RELATED CASES

Project Type	Case #
<b>Zoning Case (Historic)</b>	
	C14-2008-0043
	C14r-83-166
	C14r-81-033
<b>Restrictive Covenant*</b>	
	Volume 7479, Page 23
	Volume 7851, Page 937
	Volume 7648, Page 49
	Volume 7953, Page 413
	Volume 8237, Page 825
	Volume 8322, Page 79
<b>Subdivision</b>	
	Volume 81, Page 369
	Volume 83, Page 93A
	Volume 83, Page 149D
	Volume 91, Page 41
	C8S-83-027
	C8S-83-108

	C8-91-0143.0A
	C8-81-063.1
<b>Existing Site Plan</b>	
	82-03-3684
	C14r-83-166
	C14r-81-033

\* See Attached Restrictive Covenant Summary

## DEED WITHOUT WARRANTY

STATE OF TEXAS

§

SL 360

§

RCSJ 0113-13-160

COUNTY OF TRAVIS

§

Tract 2

THE STATE OF TEXAS, acting through the Texas Transportation Commission and on behalf of the Texas Department of Transportation, hereinafter referred to as **Grantor**, pursuant to Minute Order 114727 passed by the Texas Transportation Commission on September 29, 2016, as shown by the official minutes of the Texas Transportation Commission, in consideration of the sum of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) to Grantor in hand paid by **LCFRE AUSTIN BRODIE OAKS, LLC**, hereinafter referred to as **Grantee**, whether one or more, the receipt and sufficiency of which is hereby acknowledged and confessed and for which no lien is retained, either express or implied, has this day sold and by these presents does Grant, Bargain, Sell, and Convey unto Grantee all of Grantor's right, title, and interest in and to that certain tract or parcel of land situated in Travis County, Texas, said land being more particularly described in Exhibit A, attached hereto and made a part hereof; **SAVE AND EXCEPT**, however, there is excepted and reserved herefrom all of Grantor's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the property described in Exhibit A, but Grantor waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining, or drilling for same, provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside of said property.

Anything herein to the contrary notwithstanding, this conveyance is made subject to the rights of any and all existing public utilities or common carriers in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, Section 202.029. Any required adjustment will be at no cost to Grantor. In addition, this conveyance is subject to all matters of public record and to all easements, leases, agreements, or licenses, or other interests which affect the property, and to any matter which would be disclosed by title examination, survey, investigation, or inquiry, including but not limited to the rights of parties in possession.

BY THE ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY THE GRANTEE IN ORDER TO ENABLE THE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY. GRANTEE REPRESENTS THAT GRANTEE IS RELYING SOLELY ON GRANTEE'S OWN EXPERTISE AND THAT OF ITS CONSULTANTS, AND THAT GRANTEE HAS CONDUCTED SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AND IS RELYING UPON SAME, AND HEREBY ASSUMES THE RISK OF ANY ADVERSE MATTERS, INCLUDING, BUT NOT LIMITED TO, ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS THAT MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTIONS AND INVESTIGATIONS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT GRANTEE IS ACQUIRING THE PROPERTY ON AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE. GRANTEE HEREBY WAIVES AND RELINQUISHES ALL RIGHTS AND PRIVILEGES ARISING OUT OF, OR WITH RESPECT OR IN RELATION TO, ANY REPRESENTATIONS, WARRANTIES OR COVENANTS, WHETHER EXPRESS OR

**IMPLIED, WHICH MAY HAVE BEEN MADE OR GIVEN, OR WHICH MAY HAVE BEEN DEEMED TO HAVE BEEN MADE OR GIVEN, BY GRANTOR. GRANTEE HEREBY ASSUMES ALL RISK AND LIABILITY (AND AGREES THAT GRANTOR SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL OR OTHER DAMAGES) RESULTING OR ARISING FROM GRANTEE'S USE, MAINTENANCE, REPAIR, OR OPERATION OF THE PROPERTY.**

**WITHOUT LIMITING THE GENERAL PROVISIONS ABOVE, IT IS UNDERSTOOD AND AGREED THAT GRANTOR IS NOT MAKING AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, AS TO (a) MATTERS OF TITLE; (b) ZONING; (c) TAX CONSEQUENCES; (d) PHYSICAL OR ENVIRONMENTAL CONDITIONS; (e) AVAILABILITY OF ACCESS, INGRESS OR EGRESS; (f) OPERATING HISTORY OR PROJECTIONS; (g) VALUATION; (h) AVAILABILITY AND ADEQUACY OF UTILITIES; (i) GOVERNMENTAL APPROVALS; (j) GOVERNMENTAL REGULATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE PROPERTY, INCLUDING, WITHOUT LIMITATION: (1) THE VALUE, CONDITION, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY, OR FITNESS OF THE PROPERTY FOR A PARTICULAR USE OR PURPOSE; (2) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO ANY OF THE PROPERTY; AND (3) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY. GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT GRANTOR IS NOT REPRESENTING OR WARRANTING THAT ANYTHING CAN OR WILL BE ACCOMPLISHED THROUGH GRANTEE'S OR GRANTOR'S EFFORTS WITH REGARD TO THE PLANNING, PLATTING OR ZONING PROCESS OF ANY GOVERNMENTAL AUTHORITIES, BOARDS OR ENTITIES. GRANTEE FURTHER ACKNOWLEDGES THAT GRANTOR HAS NOT WARRANTED, AND DOES NOT HEREBY WARRANT, THAT THE PROPERTY NOW OR IN THE FUTURE WILL MEET OR COMPLY WITH THE REQUIREMENTS OF ANY SAFETY CODE, ENVIRONMENTAL LAW OR REGULATION OF ANY STATE OR FEDERAL AUTHORITY OR JURISDICTION.**

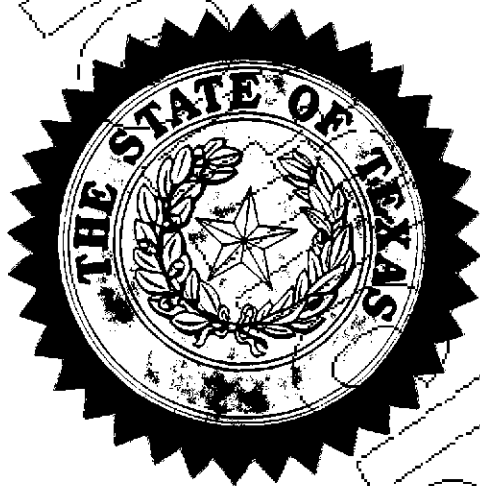
This Deed without Warranty is expressly made by Grantor and accepted by Grantee without any warranty of title of any kind, oral or written, express or implied, whether existing by common law or by statute or any other manner. Grantee expressly agrees that the implied covenants set forth in Section 5.023 of the Texas Property Code are not applicable to this Deed without Warranty.

**TO HAVE AND TO HOLD** the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging unto said Grantee and Grantee's heirs, successors, and/or assigns forever, subject to the reservations and exceptions described herein.



IN TESTIMONY WHEREOF, I have caused the Seal of the State to be affixed.

Executed this the 31<sup>st</sup> day of October, 2016.



Greg Abbott  
GREG ABBOTT  
GOVERNOR OF TEXAS

Recommended for Approval:

James M. Bass  
James M. Bass  
Executive Director

Attest:  
Carlos Cascos  
Carlos Cascos  
Secretary of State

Approved:  
Ken Paxton  
Ken Paxton  
Attorney General

By: Garland Williams  
Garland Williams  
Assistant Attorney General

NOTE TO COUNTY CLERK: PROPERTY CODE § 12.006 AUTHORIZES THE RECORDATION OF THIS INSTRUMENT WITHOUT ACKNOWLEDGMENT OR FURTHER PROOF OF THE SIGNATURE OF THE GOVERNOR.

County:  
Highway:  
CSJ:

Travis  
Loop 360  
0113-13-160

EXHIBIT "A"  
EXHIBIT A

Page 1 of 3  
8/25/2016

TRACT 02

BEING A 2.7856 ACRE (121,341 SQUARE FEET) TRACT SITUATED IN THE CHARLES H. RIDDLE SURVEY, ABSTRACT NUMBER 676, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 52.322 ACRES RIGHT-OF-WAY TRACT CONVEYED FROM FRANCES G. BRODIE, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF H.E. BRODIE, DECEASED TO THE STATE OF TEXAS OF RECORD IN VOLUME 3263, PAGE 480 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND AS SHOWN ON MAP DATED JULY 1966, WITH C.S.J. NUMBER 113-13-10, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a Texas Department of Transportation (TxDOT) Type I concrete monument found for an angle point in the north right-of-way line of Loop 360 (right-of-way width varies), same being an angle point in the north line of said 52.322 acres tract, and the south line of Lot 3-A2, Resubdivision of Lot 3-A Brodie Oaks Center Amended, a legal subdivision according to the plat of record in Volume 91, Page 41 of the Plat Records of Travis County, Texas (P.R.T.C.T.), having coordinates of X=3,097,703.74 and Y=10,060,156.07 for the northwest corner of the tract described herein;

1) **THENCE** with said the north right-of-way line of Loop 360, said north line of the 52.322 acres tract, and said south line of said Lot 3-A2, S42°44'05"E a distance of 407.35 feet to a TxDOT Type I concrete monument found for an angle point in said north right-of-way line of Loop 360 and said south line of Lot 3-A2;

2) **THENCE** with said north right-of-way line of Loop 360, said north line of the 52.322 acres tract, and said south line of Lot 3-A2, S82°26'29"E, at 265.19 feet passing a 1/2-inch iron rod found for the southeast corner of said Lot 3-A2, same being the southwest corner of Lot 4-A, Brodie Oaks Center Amended, a legal subdivision according to the plat of record in Volume 83, Page 149D of the P.R.T.C.T, continuing with said north right-of-way line of Loop 360 and said north line of the 52.322 acres tract, same being the south line of said Lot 4-A, at 300.19 feet passing a calculated point for the southeast corner of Lot 4-A, same being the southwest corner of Lot 5-A, said Brodie Oaks Center Amended, continuing with said north right-of-way line of Loop 360 and said north line of the 52.322 acres tract, same being the south line of said Lot 5-A, for a total distance of 511.04 feet to a 1/2-inch inside diameter iron pipe found for an angle point in said north right-of-way line of Loop 360, said north line of the 52.322 acres tract, and said south line of Lot 5-A;

3) **THENCE** continuing with said north right-of-way line of Loop 360, said north line of the 52.322 acres tract, and said south line of Lot 5-A, N75°41'31"E a distance of 250.47 feet to a 1/2-inch iron rod with cap stamped "HALFF" set in said north right-of-way line of Loop 360, said north line of the 52.322 acres tract, and said south line of Lot 5-A for the northeast corner of the tract described herein;

4) **THENCE** leaving said north right-of-way line of Loop 360, said north line of the 52.322 acres tract, and said south line of Lot 5-A, crossing said Loop 360 right-of-way and said 52.322 acres tract, S59°14'25"W a distance of 485.42 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the southeast corner of the tract described herein;

County: Travis  
Highway: Loop 360  
CSL: 0113-13-160

EXHIBIT " "   
EXHIBIT A

Page 2 of 3  
8/25/2016

TRACT 02

5) **CONTINUING** across said Loop 360 right-of-way and said 52.322 acres tract, N82°33'18"W a distance of 280.00 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the southwest corner of the tract described herein;

6) **CONTINUING** across said Loop 360 right-of-way and said 52.322 acres tract N32°39'01"W a distance of 613.45 feet to said **POINT OF BEGINNING** and containing 2.7856 acres of land (121,341 square feet).


\*\* The monument described and set may be replaced with a TxDOT Type II right-of-way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 (NAD83/2011). All distances shown hereon are surface and may be converted to grid by using the surface adjustment factor of 1.00012. Units: U.S. Survey Feet.

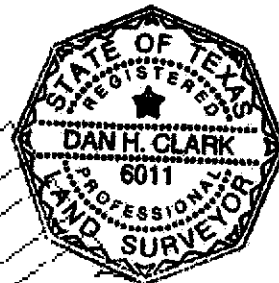
This survey was prepared without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

These property descriptions are accompanied by a parcel plat of even date.

I, Dan H. Clark, Registered Professional Land Surveyor, hereby certify that this legal description and the accompanying parcel plat of even date represent an actual survey made on the ground under my supervision.

  
\_\_\_\_\_  
Dan H. Clark, R.P.L.S.  
Texas Registered Professional Land Surveyor No. 6011  
Halff Associates, Inc.,  
TBPLS Firm No. 10029607  
4030 West Braker Lane, Suite 410, Austin, Texas 78759, 512-777-4600

8-25-2016  
Date



# CHARLES H. RIDDLE SURVEY EXHIBIT A A-676

LOOP 360  
STATE OF TEXAS  
VARYING WIDTH R.O.W.  
C.S.L. No. 113-13-10

P.O.B.  
TYPE I MON.  
X=3087703.74  
Y=10060156.07

N32° 39' 01" W 613.45'  
EXISTING R.O.W.  
S42° 44' 05" E 407.35'

LOT 5-A  
BRODIE OAKS CENTER AMENDED  
VOL. 91, PAGE 11  
P.R.C.T.

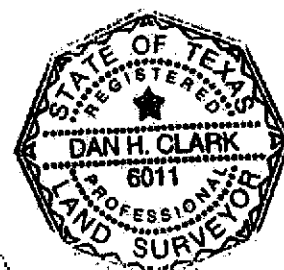
BRODIE OAKS CENTER AMENDED  
VOL. 85, PAGE 149D  
P.R.C.T.

TRACT 02  
2.7856 AC.  
121,341 SQ. FT.

FROM FRANCES G. BRODIE,  
INDIVIDUALLY AND AS  
INDEPENDENT EXECUTRIX  
OF ESTATE OF H.G. BRODIE  
DECEASED  
(52.322 AC.)  
VOL. 3263, PG. 480  
D.R.T.C.T.

LOT 5-A  
BRODIE OAKS CENTER AMENDED  
VOL. 83, PAGE 149D  
P.R.C.T.

A.K.A. LOOP 343  
SOUTH LAMAR BLVD  
STATE OF TEXAS  
VARYING WIDTH R.O.W.  
C.S.L. No. 113-13-10



I, Dan H. Clark, Registered Professional Land Surveyor,  
hereby certify that this parcel plat and accompanying legal  
description of the site represent an actual survey made on  
the ground under my supervision.

DAN H. CLARK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NUMBER 6011  
BPLS FIRM NO. 10029607



## LEGEND

- 1/2-INCH IRON ROD WITH CAP STAMPED  
"HALFF ASSOC. INC." SET - UNLESS NOTED
- 5/8-INCH IRON ROD WITH ALUMINUM CAP MARKED  
"TX DEPT OF TRANSPORTATION PROPERTY CORNER" SET
- TXDOT CONCRETE MONUMENT FOUND - UNLESS NOTED
- 1/2" IRON ROD FOUND - UNLESS NOTED
- 1/2" IRON PIPE FOUND - UNLESS NOTED
- RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- O.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- RIGHT-OF-WAY (R.O.W.) LINE
- PROPERTY LINE
- (N.T.S.) NOT TO SCALE

## NOTES

These surveys were prepared without the benefit of title commitments. Easements or other matters of record may exist where none are shown.

\* The monument described and set may be replaced with a TXDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TXDOT.

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 NAD 83/2011. All coordinates and distances shown hereon are surface and may be converted to grid by using the surface adjustment factor of 1.00012.

Units: U.S. Survey Feet

The area calculations shown hereon are for informational purposes only.



Texas  
Department  
of Transportation

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**HALFF**

600 WEST BRAKER LANE, #410  
AUSTIN, TEXAS 78703-0364  
TEL: (512) 777-4800  
FAX: (512) 250-4141

STATE	COUNTY	PROJECT NO.	TRACT NO.
TEXAS	TRAVIS	0113	160
14			2

11-GF# 201403151-2M  
RETURN TO: HERITAGE TITLE  
401 CONGRESS AVE., STE. 1500  
AUSTIN, TEXAS 78701



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*  
DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

January 09 2017 12:48 PM

FEE: \$ 50.00 2017003786

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

THAT BRODIE OAKS CENTER, LTD., a Texas limited partnership (herein referred to as "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by LCFRE AUSTIN BRODIE OAKS, LLC, a Delaware limited liability company. (herein referred to as "Grantee"), whose mailing address is c/o Lionstone Cash Flow Real Estate Partners One, L.P., 100 Waugh Drive, Suite 600, Houston, Texas 77007, Attn: John Enerson, and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto Grantee that certain tract of land (hereinafter called the "Land") situated Travis County, Texas, described in **Exhibit A** attached hereto and made a part hereof for all purposes, together with all buildings and fixtures affixed thereto (the "Property").

TO HAVE AND TO HOLD the Property, together with, all and singular any rights and appurtenances thereto in anywise belonging, including any right, title and interest of Grantor in and to all strips or gores, adjacent streets, roads, alleys, and rights-of-way, and any easements, licenses, rights-of-way, reservations, privileges and rights of ingress and egress appurtenant to the Land, unto Grantee, its heirs, executors, administrators, legal representatives, successors and assigns forever, subject to the matters herein stated; and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its heirs, executors, administrators, legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise; provided that this conveyance and the warranty of Grantor herein contained are subject to (a) the matters herein stated and (b) the matters listed on **Exhibit B** attached.

All ad valorem taxes and assessments for the Property for the current calendar year have been prorated by the parties hereto as of the Effective Date of this Deed and by acceptance hereof Grantee hereby expressly assumes liability for the payment thereof and for subsequent years. If such proration was based upon such taxes and assessments for the prior calendar year, then upon demand the parties hereto shall promptly and equitably adjust all such taxes and assessments as soon as actual figures for these items for the current calendar year are available.

[Signature page follows]

EXECUTED on the date of the acknowledgment hereinbelow, to be effective, however, as of the  
24 day of May 2016.

GRANTOR:

BRODIE OAKS CENTER, LTD.,  
a Texas limited partnership

By: B&O Brodie Oaks Development G.P., L.L.C.,  
a Texas limited liability company,  
the general partner

By: B&O Management Company, L.L.C.,  
a Delaware limited liability company,  
the sole member

By: Daniel P. Wheat  
Name: Daniel P. Wheat  
Title: Vice President

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 20 day of May 2016 by Daniel P. Wheat, Vice President of B&O Management Company, L.L.C., a Delaware limited liability company, the sole member of B&O Brodie Oaks Development G.P., L.L.C., a Texas limited liability company, the general partner of Brodie Oaks Center, Ltd., a Texas limited partnership, on behalf of said limited liability companies and said limited partnership.



Notary Public in and for the State of Texas

Randa Myers  
Printed/Typed Name of Notary Public

My Commission Expires: Aug 04 2019

## EXHIBIT "A"

### LEGAL DESCRIPTION

TRACT 1: Lot B, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas; Lots 4-A, 5-A and 6-A, BRODIE OAKS CENTER, AMENDED, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 83, Page(s) 149D-150A of the Plat Records of Travis County, Texas; and Lot 3-A1 and 3-A2, RESUBDIVISION OF LOT 3-A BRODIE OAKS CENTER AMENDED, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas; all as more particularly described by metes and bounds shown in Exhibit "A-1" attached hereto and made a part hereof.

TRACT 2: Lot 1-A, BRODIE OAKS CENTER, AMENDED, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 83, Page(s) 149D-150A of the Plat Records of Travis County, Texas, being more particularly described by metes and bounds shown in Exhibit "A-1" attached hereto and made a part hereof.

TRACT 3: That portion of an ingress and egress easement lying within Lot C, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas, and being more particularly described in Volume 7953, Page 406 of the Real Property Records of Travis County, Texas.

TRACT 4: A non-exclusive ingress and egress right-of-way easement for the benefit of Tracts 2 and 3 upon, over and across Lot C, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas, and being more particularly described in Volume 7953, Page 424 and corrected in Volume 7989, Page 960 of the Real Property Records of Travis County, Texas.

TRACT 5: Easement Estate for the benefit of Tract 1, Lots 4-A, 5-A, 3-A1 and 3-A2, and Tract 2, created by that certain Driveway Easement and Maintenance Agreement recorded in Volume 8154, Page 481 of the Real Property Records of Travis County, Texas, over and across portions of Lot 6-A, BRODIE OAKS CENTER, AMENDED, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 83, Page(s) 149D-150A of the Plat Records of Travis County, Texas; and Lot B, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas.

TRACT 6: Easement Estate for the benefit of Tract 1, Lots 4-A, 5-A, 6-A, 3-A1 and 3-A2, and Tract 2, created by that certain Driveway Easement and Maintenance Agreement recorded in Volume 8190, Page 696 of the Real Property Records of Travis County, Texas, over and across a portion of Lot B, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas.

TRACT 7: Reciprocal Easements upon, over and across Lot 2-A, BRODIE OAKS CENTER, AMENDED, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 83, Page(s) 149D-150A of the Plat Records of Travis County, Texas, as defined in that certain Grant of Reciprocal Easements and Declaration of Covenants Running with the Land recorded in Volume 8017, Page 641, as amended in Volume 8348, Page 259, both of the Deed Records of Travis County, Texas.

TRACT 8: A non-exclusive easement for vehicular and pedestrian access over and across Lot 3, BARTON CREEK PLAZA TRACT "D", a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 86, Page(s) 44B of the Plat Records of Travis County, Texas, as depicted as the "Access Area" as set out in Volume 13153, Page 3789 of the Real Property Records of Travis County, Texas.



TRACT 9: A non-exclusive 40 foot wide access easement over and across the westerly portion of Lot E1, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas, as depicted on such plat.

TRACT 10: A non-exclusive access easement over and across the westernmost portion of Lot 2, along the southwesterly line of Lot 2, and along the northeasterly line of Lot 3, BARTON CREEK PLAZA TRACT "D", a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 86, Page(s) 44B of the Plat Records of Travis County, Texas, as depicted on such plat.

TRACT 11: Easement Estates for drainage and other purposes retained in those certain Drainage Easements, recorded in Volume 7884, Page 301, Volume 7884, Page 297 and Volume 7884, Page 311 of the Deed Records of Travis County, Texas, over and across portions of Lot C, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas, as depicted therein.

EXHIBIT "A-1"

PARCEL I

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING ALL OF LOT B, BARTON CREEK PLAZA, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 81, PAGES 369-370 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, LOTS 4-A, 5-A AND 6-A, BRODIE OAKS CENTER AMENDED, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 83, PAGES 149D-150A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND LOTS 3-A1 AND 3-A2, RESUBDIVISION OF LOT 3-A, BRODIE OAKS CENTER AMENDED, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 91, PAGES 41-42 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS SAID LOTS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a ½ inch iron pin found at the Southeast corner of said Lot B, being at the Southwest corner of Lot C, Barton Creek Plaza, being in the North R.O.W. line South Lamar Boulevard, a public right-of-way varying in width, for the PLACE OF BEGINNING hereof,

THENCE along the South lines of said Lots B, 6-A, 5-A, 4-A and 3-A2, being along the North R.O.W. line of South Lamar Boulevard the following courses;

South 52° 01' 00" West for a distance of 297.79 feet to an angle point, said point being southwesterly 0.34 feet from a found concrete monument;

South 57° 38' 59" West for a distance of 301.55 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

South 64° 48' 09" West for a distance of 273.78 feet to a set 5/8 inch iron pin, capped MILLMAN 3303420723";

South 77° 51' 26" West for a distance of 296.14 feet to an angle point, said point being northeasterly 0.59 feet from a found iron pipe;

North 80° 20' 18" West for a distance of 511.07 feet to an angle point, said point being southerly 1.29 feet from a found concrete monument and southeasterly 1.58 feet from a second found concrete monument;

THENCE along the West line of said Lot 3-A2, being along the East R.O.W. line of Capital of Texas Highway South, a public right-of-way varying in width the following course;

North 40° 42' 00" West for a distance of 407.23 feet to a found concrete monument;

North 22° 23' 35" West for a distance of 111.39 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

North 67° 08' 02" East for a distance of 31.22 feet to a set PK nail;

North 22° 51' 58" West for a distance of 153.44 feet to a set PK nail;

THENCE along the North line of said Lot 3-A2 the following courses;

North 67° 08' 02" East for a distance of 85.00 feet to an angle point, said point being 0.39 feet southwesterly from a found PK nail;

South 22° 51' 58" East for a distance of 110.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

South 72° 53' 58" East for a distance of 48.37 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

THENCE along the West line of said Lot 3-A1 the following courses;

North 56° 53' 02" East for a distance of 181.23 feet to an angle point, said point being 0.30 feet southwesterly from a found PK nail;

North 22° 51' 58" West for a distance of 262.00 feet to a set PK nail;

North 67° 08' 02" East for a distance of 50.00 feet to an angle point, said point being 0.22 feet southwesterly from a found PK nail;

North 22° 51' 58" West for a distance of 50.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

North 67° 51' 58" for a distance of 55.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303430723";

North 22° 51' 58" West for a distance of 90.00 feet to an angle point, said point being 0.63 feet southwesterly from a found iron rebar;

North 67° 08' 02" East for a distance of 65.00 feet to a set PK nail;

North 22° 51' 58" West for a distance of 45.00 feet to a set PK nail;

North 67° 08' 02" East for a distance of 130.00 feet to a set PK nail;

North 22° 51' 58" West for a distance of 80.00 feet to a set PK nail;

THENCE South 67° 08' 02" West for a distance of 560.00 feet to a set 5/8 inch iron pin capped

"MILLMAN 3303420723" on the aforementioned East R.O.W. line of Capital of Texas Highway South;

THENCE along said East R.O.W. line, also being the West line of said Lot 3-A1, North 31° 51' 58" West for a distance of 50.62 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

THENCE leaving said East R.O.W. line and along the North line of said Lot 3-A1, North 67° 08' 02" East for a distance of 635.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

THENCE along the East lines of said Lots 3-A1 and 3-A2 the following courses;

South 22° 21' 58" East for a distance of 428.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

South 80° 51' 58" East for a distance of 298.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

THENCE along the North lines of said Lots 6A and B the following courses;

North 55° 23' 02" East for a distance of 109.00 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

South 33° 06' 58" East for a distance of 338.00 feet to a found PK nail;

North 56° 01' 01" East for a distance of 531.92 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

THENCE along the East line of said Lot B, South 37° 06' 58" East for a distance of 574.93 feet to the point of beginning, containing 1,306,316 square feet or 29.989 acres more or less.

PARCEL II

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING ALL OF LOT 1-A BRODIE OAKS CENTER AMENDED, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 83, PAGES 149D-150A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a set 5/8-inch iron pin, capped "MILLMAN 3303420723" at Southwest corner of said Lot 1-A, being at an angle point in the West line of Lot 2-A, Brodie Oaks Center Amended, being in the East R.O.W. line of Capital of Texas Highway South, a public right-of-way varying in width, for the PLACE OF BEGINNING hereof;

THENCE along the West line of said Lot 1-A, being along the East R.O.W. line of Capital of Texas Highway South for the following courses;

North 22° 23' 35" West for a distance of 233.26 to a set 5/8 inch iron pin, capped "MILLMAN 3303420723";

North 31° 51' 58" West for a distance of 22.10 feet to a set 5/8 inch iron pin, capped "MILLMAN 3303420723" at the Northwest corner of said Lot 1-A, being at an angle point in the West line of said Lot 2-A;

THENCE along the North line of said Lot 1-A, North 67° 08' 02" East for a distance of 118.90 feet to the Northeast corner of said Lot 1-A, to a set PK nail at an angle point in the West line of said Lot 2-A;

THENCE along the East line of said Lot 1-A for the following course:

South 22° 51' 58" East for a distance of 227.97 feet to an angle point, said point being 0.37 feet southwesterly from a found drill hole;

South 67° 08' 02" West for a distance of 35.00 feet to an angle point, said point being 0.36 feet southwesterly from a found drill hole;

South 22° 51' 58" East for a distance of 30.00' to an angle point, said point being 0.36 feet southwesterly from a found drill hole;

North 67° 08' 02" East for a distance of 35.00 feet to an angle point, said point being 0.38 feet southwesterly from a found PK nail;

South 22° 51' 58" East for a distance of 85.11 feet to the Southeast corner of said Lot 1-A, said corner being 0.36 feet southwesterly from a found PK nail in the West line of said Lot 2-A;

THENCE along the South line of said Lot 1-A for the following courses;

South 67° 08' 02" West for a distance of 88.10 feet to an angle point, said point being 0.42 feet southwesterly from a found PK nail;

North 22° 51' 58" West for a distance of 88.00 feet to an angle point, said point being 0.43 feet  
southwesterly from a found PK nail;

South 67° 08' 02" West for a distance of 29.27 feet to the PLACE OF BEGINNING and containing 36,412  
square feet, or 0.836 acre of land, more or less.

## **EXHIBIT "B"**

### **PERMITTED EXCEPTIONS**

1. The following restrictive covenants of record itemized below:

Volume 81, Pages 369-370 of the Plat Records of Travis County, Texas (ALL TRACTS);  
Volume 83, Pages 93A-93B of the Plat Records of Travis County, Texas (TRACTS 1, 2, 5, AND 7);  
Volume 83, Pages 149D-150A of the Plat Records of Travis County, Texas (TRACTS 1, 2, 5 AND 7);  
Volume 91, Pages 41-42 of the Plat Records of Travis County, Texas (TRACT 1);  
Volume 7479, Page 23, as corrected by instrument recorded in Volume 7851, Page 937, both of the Deed Records of Travis County, Texas (ALL TRACTS);  
Volume 7648, Page 49 of the Deed Records of Travis County, Texas (ALL TRACTS);  
Volume 7953, Page 413 of the Deed Records of Travis County, Texas (ALL TRACTS);  
Volume 7953, Page 416 of the Deed Records of Travis County, Texas (TRACTS 1, 2, 5, 6 AND 7);  
Volume 8017, Page 641, as amended by Volume 8348, Page 259, both of the Deed Records of Travis County, Texas (TRACTS 1, 2, 3, 4, 5, 6 AND 7);  
Volume 8237, Page 825 of the Deed Records of Travis County, Texas (ALL TRACTS);  
Volume 8322, Page 79 of the Deed Records of Travis County, Texas (TRACTS 3, 4 AND 11);  
Volume 86, Pages 44B of the Plat Records of Travis County, Texas (TRACTS 8 AND 10); and  
Volume 12614, Page 605 of the Real Property Records of Travis County, Texas. (TRACTS 8 AND 10)

2. Public utility and drainage easement(s) as shown on the Plat recorded in Volume 86, Page(s) 44B of the Plat Records of Travis County, Texas. (TRACTS 8 AND 10).
3. Reservation of a 10 foot strip along the South Lamar Boulevard property line for future right-of-way as shown on the Plat recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas. (TRACTS 1, 3 AND 5).
4. Building setback 35 feet in width along the South Lamar Boulevard property line(s), as shown on the Plat(s) recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas. (TRACTS 1, 3 AND 5).
5. Building setback 25 feet in width along the South Lamar Boulevard and the Capital of Texas Highway South property line(s), as shown on the Plat(s) recorded in Volume 81, Page(s) 369-370, Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D- 150A, Volume 86, Page(s) 44B and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACTS 1, 2, 5, 7, 8 AND 10).
6. Electric easements 5 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 3428, Page 536 of the Deed Records of Travis County, Texas. (TRACT 1).
7. Easement 5 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 7863, Page 574 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).

8. Drainage Easement 15 feet in width dedicated to the public use as described and located by instrument recorded in Volume 7884, Page 301 of the Real Property Records of Travis County, Texas. (TRACTS 1, 3, 5 AND 11).
9. Drainage Easement dedicated to the public use as described and located by instrument recorded in Volume 7884, Page 297 of the Real Property Records of Travis County, Texas. (TRACT 11).
10. Drainage Easement dedicated to the public use as described and located by instrument recorded in Volume 7884, Page 311 of the Real Property Records of Travis County, Texas. (TRACT 11).
11. Electric and telephone easement 5 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 7895, Page 157 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
12. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 351 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACTS 1, 2, 5 AND 7).
13. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 354 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACTS 1, 2, 5 AND 7).
14. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 357 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
15. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 360 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
16. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 363 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
17. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 366 of the Real Property Records of Travis County, Texas, and

as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).

18. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 369 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
19. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 372 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 2).
20. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 375 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
21. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 378 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
22. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 381 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B and Volume 83, Page(s) 149D-150A of the Plat Records of Travis County, Texas. (TRACT 7).
23. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 384 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
24. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 387 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
25. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 390 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).



26. Public Utility Easement 10 feet in width granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 393 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B and Volume 83, Page(s) 149D-150A of the Plat Records of Travis County, Texas. (TRACTS 1 AND 5).
27. Public Utility Easement granted to the City of Austin as described and located by instrument recorded in Volume 8020, Page 396 of the Real Property Records of Travis County, Texas, and as shown on the Plats recorded in Volume 83, Page(s) 93A-93B, Volume 83, Page(s) 149D-150A and Volume 91, Page(s) 41-42 of the Plat Records of Travis County, Texas. (TRACT 1).
28. Easement granted to the Southwestern Bell Telephone Company recorded in Volume 8296, Page 448 of the Real Property Records of Travis County, Texas. (TRACTS 1 AND 5).
29. The terms, conditions, stipulations and obligations (which may be secured by separately recorded liens) of that certain Covenant to Maintain Storm Water Runoff Control Facility dated December 14, 1981, recorded in Volume 7648, Page 53 of the Deed Records of Travis County, Texas. (TRACTS 1 - 8, 10 AND 11).
30. Terms, conditions and stipulations of that certain Declaration of Easement recorded in Volume 7953, Page 406 of the Real Property Records of Travis County, Texas. (TRACTS 1, 3, 5 AND 11).
31. Assessments, subsequent to the date hereof, secured by a lien as set out in Declaration of Storm Water Runoff Control Facility Recorded in Volume 7953, Page 416 of the Real Property Records of Travis County, Texas. (TRACTS 1, 2, 5, 6, 7 AND 11).
32. Terms, conditions and stipulations of that certain Declaration of Easement recorded in Volume 7953, Page 424 and corrected in Correction Declaration of Easement recorded in Volume 7989, Page 960 of the Real Property Records of Travis County, Texas. (TRACTS 1 AND 4).
33. Terms, conditions and stipulations of that certain Driveway Easement and Maintenance Agreement recorded in Volume 8154, Page 481 of the Real Property Records of Travis County, Texas. (TRACTS 1, 2 AND 5).
34. Terms, conditions and stipulations of that certain Driveway Easement and Maintenance Agreement recorded in Volume 8190, Page 696 of the Real Property Records of Travis County, Texas. (TRACTS 1, 2 AND 6).
35. Water Line Easement granted to the City of Austin as described and located by instrument recorded in Volume 9024, Page 926 of the Real Property Records of Travis County, Texas. (TRACTS 8 AND 10).
36. Confirmation and Grant of Easements as described by instrument recorded in Volume 11753, Page 208 of the Real Property Records of Travis County, Texas. (TRACTS 8 AND 10).
37. Wastewater utility easement as described and located by that certain Declaration of Wastewater Utility Easement recorded in Volume 12614, Page 598 of the Real Property Records of Travis County, Texas. (TRACTS 8 AND 10).

38. Water Line Easement granted to the City of Austin as described and located by instrument recorded in Volume 12618, Page 52 of the Real Property Records of Travis County, Texas. (TRACTS 8 AND 10).
39. Water Easement granted to the City of Austin as described and located by instrument recorded in Volume 13244, Page 132 of the Real Property Records of Travis County, Texas. (TRACT 8).
40. Terms, conditions and stipulations of that certain Declaration of Access Easement recorded in Volume 13153, Page 3789 of the Real Property Records of Travis County, Texas. (TRACTS 1, 2 AND 8).
41. The terms, conditions, stipulations and obligations (which may be secured by separately recorded liens) of that certain Grant of Reciprocal Easements and Declaration of Covenants Running with the Land dated June 14, 1982, recorded in Volume 8017, Page 641, as amended in Volume 8348, Page 259, both of the Real Property Records of Travis County, Texas. (TRACTS 1, 2, 5 AND 7).
42. Access and public utility easement as shown on the Plat recorded in Volume 81, Page(s) 369-370 of the Plat Records of Travis County, Texas. (TRACT 9).
43. Access public utility and drainage easement as shown on the Plat recorded in Volume 86, Page(s) 44B of the Plat Records of Travis County, Texas. (TRACT 10).
44. Memorandum of Lease dated January 19, 1987, by and between Crow-Gottesman- Shafer #1, Landlord and Creative Dining Division of General Mills Restaurant Group, Inc., Tenant recorded in Volume 10127, Page 723 and as further affected by Assignment recorded in Volume 13102, Page 860 of the Real Property Records of Travis County, Texas. (TRACT 1).
45. Rights of tenants, as tenants only, under the unrecorded lease agreements disclosed by Grantor to Grantee in writing prior to the date hereof.
46. One story brick building labeled 4036 S. Lamar Blvd. encroaching over electric easement as shown on that certain survey dated April 20, 2016, last revised May 9, 2016, prepared by Leo Bond, Registered Professional Land Surveyor No. 5793 for and on behalf of Millman Surveying, Inc, MSI Project No. 38242. (TRACT 1).

11-GF# 201503909 ALF  
RETURN TO: HERITAGE TITLE  
401 CONGRESS AVE., STE.1500  
AUSTIN, TEXAS 78701

16361958v.2

064883-00218-246986 v4



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

May 24 2016 11:50 AM

FEE: \$ 74.00 2016080293

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

## SPECIAL WARRANTY DEED

(Cash)

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

KNOW ALL MEN BY THESE PRESENTS:

For the consideration of the sum of Ten and 00/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, TOYS "R" US PROPERTY COMPANY II, LLC, a Delaware limited liability company, having an address at One Geoffrey Way, Wayne, NJ 07470 (hereinafter, together with its successors and assigns, referred to collectively as the "Grantor"), hereby grants, bargains, sells and conveys to LCFRE AUSTIN BRODIE OAKS II, LLC, a Delaware limited liability company, having an address at LCFRE Austin Brodie Oaks II, LLC c/o Lionstone Investments, 100 Waugh Drive, Suite 600, Houston, TX 77007 (hereinafter, together with its successors and assigns, referred to collectively as the "Grantee"), the following:

A certain tract or parcel of land, together with any improvements thereon and all rights, easements and privileges appurtenant or belonging thereto, described on Exhibit A attached hereto and made a part hereof (the "Property")

TO HAVE AND TO HOLD the same in fee simple forever

AND, Grantor hereby warrants and agrees to forever defend the right and title to the Property unto the said Grantee against the claims of all persons claiming by, through or under the Grantor, but not otherwise, subject only to taxes not yet due and payable and any matters of record encumbering the Property as set forth in the public records of the County Clerk of Travis, State of Texas, as of the date hereof.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

This deed is made pursuant to Order (I) Approving the Adequacy of the Disclosure Statement for the PROPCO II Debtors' Joint Chapter 11 Plan and (II) Confirming the PROPCO II Debtors' Joint Chapter 11 Plan entered by the United States Bankruptcy Court for the Eastern District of Virginia in Consolidated Case Number 17-34665 (KLP) (the "Order").

*[Remainder of page intentionally left blank; signature pages of the parties hereto follow immediately hereafter.]*

EXECUTED as of this 27 day of August, 2018.

TOYS "R" US PROPERTY COMPANY II, LLC  
a Delaware limited liability company

By: 

Name:

Its:

Gary McQuillan  
Executive Vice President, Operations

Grantee's Address:

LCFRE AUSTIN BRODIE OAKS II, LLC  
c/o Lionstone Investments  
100 Waugh Drive, Suite 600  
Houston, TX 77077

STATE OF New Jersey )

) ss:

COUNTY OF Passaic )

This instrument was acknowledged before me on this 27th day of August, 2018  
by Gary McQuillan as SVP - Operations of Toys "R" US Property Company II, LLC,  
a Delaware limited liability company, in his capacity as SVP - Operations of such  
limited liability company. Personally known.

  
Notary Public

Print Name:

My Commission Expires

KATHLEEN A. BODISCH  
NOTARY PUBLIC OF NEW JERSEY  
COMMISSION EXPIRES 8-21-2020

**EXHIBIT A**

**Legal Description**

Site #114, Store 7010 Travis County

Street Address: 4025 Capitol of Texas Highways, Austin, TX 78704

Parcel ID:

Lot 2-A, BRODIE OAKS CENTER AMENDED, an Addition in TRAVIS COUNTY, TEXAS, according to the map or plat thereof recorded in PLAT BOOK 83, PAGES 149D and 150A of the Plat Records of TRAVIS COUNTY, TEXAS, TOGETHER WITH: Easements as set forth in that certain Declaration recorded in VOLUME 8017, PAGE 641, as amended by First Amendment to Grant of Reciprocal Easements and Declaration of Covenants running with the Land recorded in Volume 8348, Page 259 of the Real Property Records of Travis County, Texas



**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

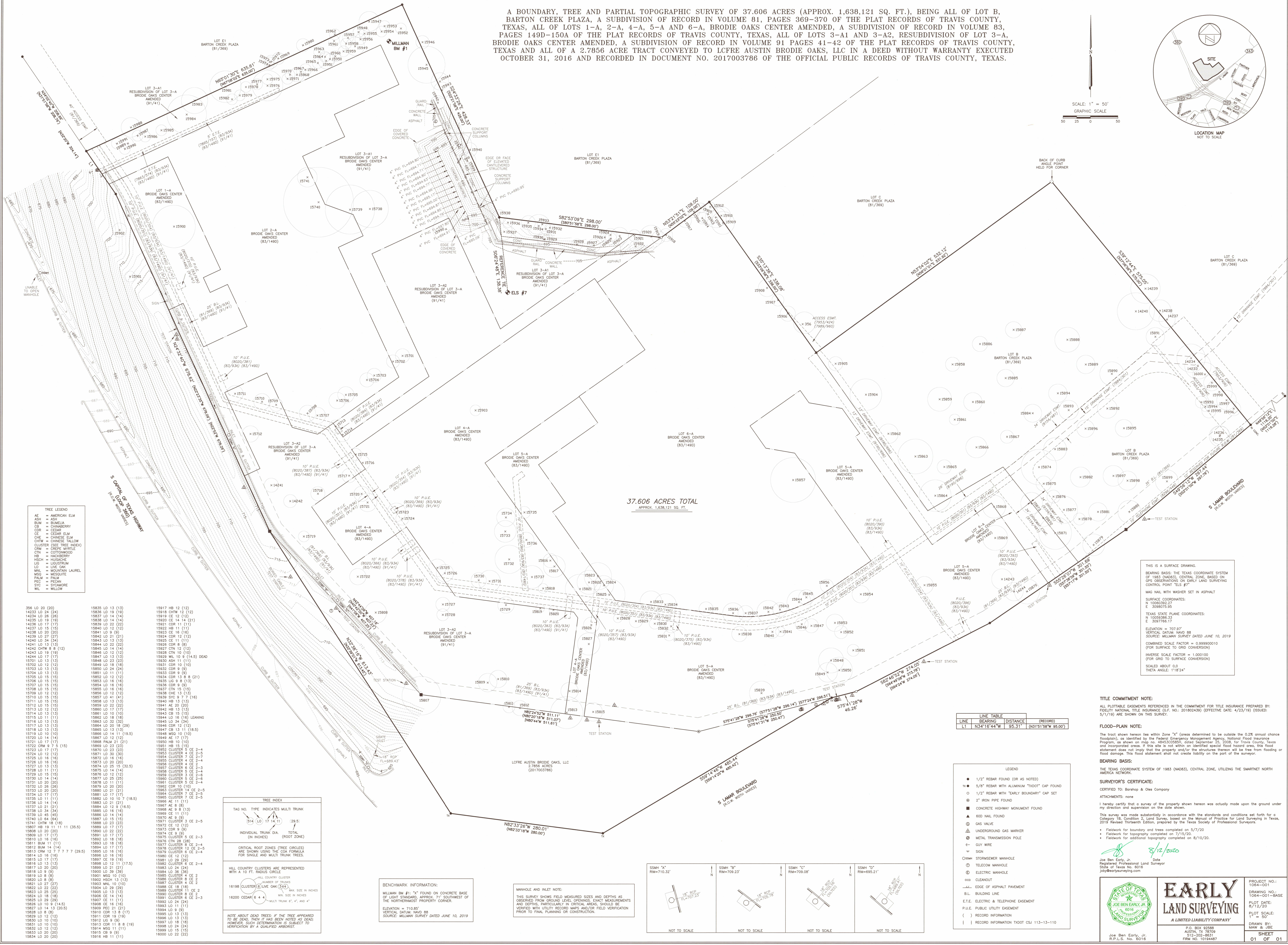
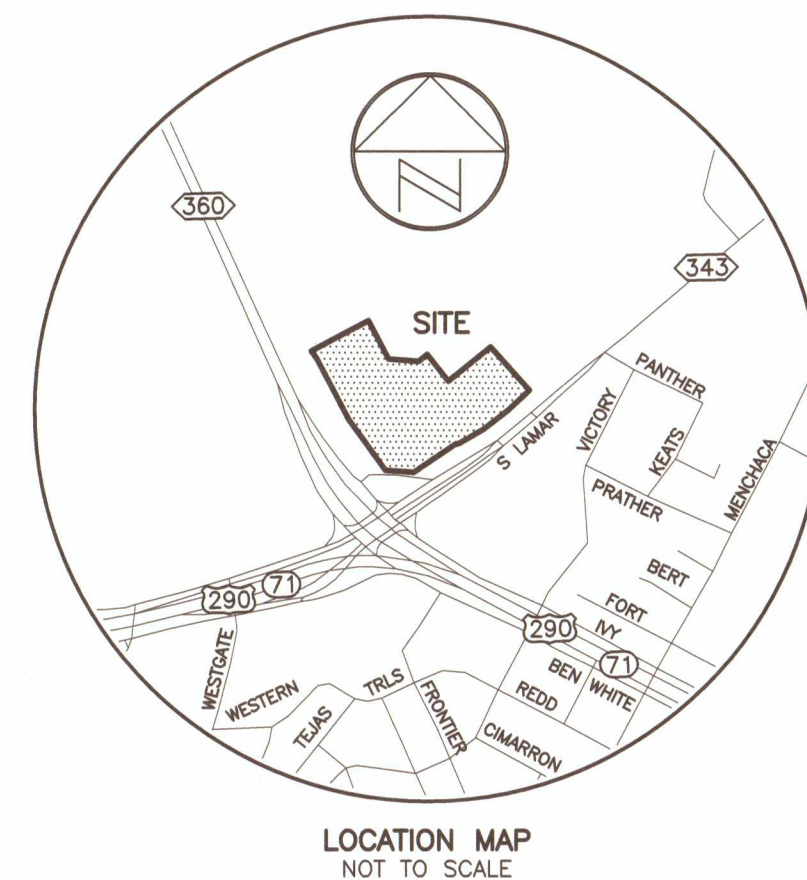
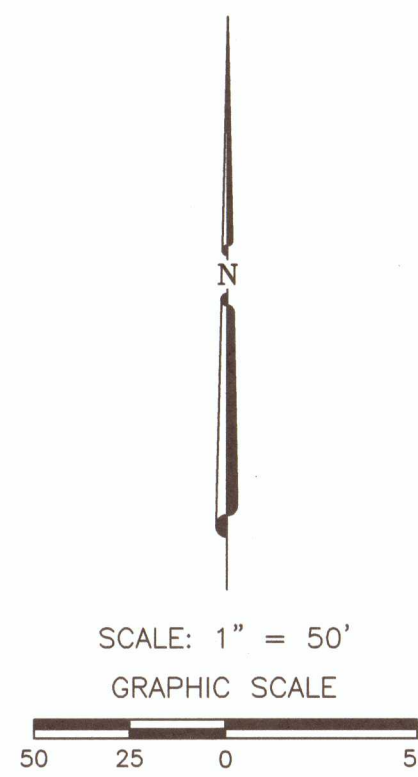
*Dana Debeauvoir*  
DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

August 28 2018 09:46 AM

FEE: \$ 34.00 2018136741



A BOUNDARY, TREE AND PARTIAL TOPOGRAPHIC SURVEY OF 37.606 ACRES (APPROX. 1,638,121 SQ. FT.), BEING ALL OF LOT B, BARTON CREEK PLAZA, A SUBDIVISION OF RECORD IN VOLUME 81, PAGES 369-370 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF LOTS 1-A, 2-A, 4-A, 5-A AND 6-A, BRODIE OAKS CENTER AMENDED, A SUBDIVISION OF RECORD IN VOLUME 83, PAGES 149D-150A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF LOTS 3-A1 AND 3-A2, RESUBDIVISION OF LOT 3-A, BRODIE OAKS CENTER AMENDED, A SUBDIVISION OF RECORD IN VOLUME 91 PAGES 41-42 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND ALL OF A 2.7856 ACRE TRACT CONVEYED TO LCFRE AUSTIN BRODIE OAKS, LLC IN A DEED WITHOUT WARRANTY EXECUTED OCTOBER 31, 2016 AND RECORDED IN DOCUMENT NO. 2017003786 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



TREE LEGEND

AE	AMERICAN ELM
ASH	ASH
BUM	BURMELLA
CB	CHINA BERRY
CD	CEDEAR
CE	CEDEAR ELM
CHE	CHINESE ELM
CHTW	CHINESE TALLOW
CLUSTER	(SEE TREE INDEX)
CRM	CREPE MYRTLE
CTW	COTTONGWOOD
HECH	HACKBERRY
HECH	HICKORY
LG	LIGUSTRUM
LO	LIVE OAK
MAL	MOUNTAIN LAUREL
MSO	MESQUITE
PALM	PALM
PEC	PECAN
SYC	SYCAMORE
WL	WILLOW

15835 LO 13 (13)	15917 HB 12 (12)
15836 LO 18 (18)	15918 CTW 12 (12)
15837 LO 14 (14)	15919 CE 12 (12)
15838 LO 14 (14)	15920 CE 14 (14)
15839 LO 22 (22)	15921 CDR 11 (11)
15840 LO 12 (12)	15922 CDR 12 (12)
15841 LO 9 (9)	15923 CE 16 (16)
15842 LO 21 (21)	15924 CDR 12 (12)
15843 LO 13 (13)	15925 CE 11 (11)
15844 LO 22 (22)	15926 CDR 8 (8)
15845 LO 14 (14)	15927 CTN 12 (12)
15846 LO 12 (12)	15928 CTN 10 (10)
15847 LO 13 (13)	15929 WL 10 (10)
15848 LO 23 (23)	15930 ASH 11 (11)
15849 LO 18 (18)	15931 CDR 10 (10)
15850 LO 24 (24)	15932 CDR 9 (9)
15851 LO 11 (11)	15933 CDR 9 (9)
15852 LO 12 (12)	15934 CDR 13 (13)
15853 LO 16 (16)	15935 LO 9 (9)
15854 LO 16 (16)	15936 CDR 8 (8)
15855 LO 16 (16)	15937 CTN 15 (15)
15856 LO 12 (12)	15938 CDR 13 (13)
15857 LO 41 (41)	15939 SYC 9 (9)
15858 LO 13 (13)	15940 HB 13 (13)
15859 LO 22 (22)	15941 AE 20 (20)
15860 LO 17 (17)	15942 HB 13 (13)
15861 LO 10 (10)	15943 CB 15 (15)
15862 LO 18 (18)	15944 LO 16 (16)
15863 LO 26 (26)	15945 LO 34 (34)
15864 LO 26 (26)	15946 CDR 12 (12)
15865 LO 13 (13)	15947 CB 12 (12)
15866 LO 14 (14)	15948 MSO 10 (10)
15867 LO 12 (12)	15949 AE 15 (15)
15868 PALM 21 (21)	15950 HB 10 (10)
15869 LO 23 (23)	15951 HB 15 (15)
15870 LO 23 (23)	15952 CLUSTER 5 CE 2-4
15871 LO 30 (30)	15953 CLUSTER 5 CE 2-5
15872 LO 16 (16)	15954 CLUSTER 7 CE 2-7
15873 LO 20 (20)	15955 CLUSTER 4 CE 2-4
15874 LO 25 (25)	15956 CLUSTER 4 CE 2-4
15875 LO 14 (14)	15957 CLUSTER 3 CE 2-3
15876 LO 12 (12)	15958 CLUSTER 3 CE 2-4
15877 LO 25 (25)	15959 CLUSTER 3 CE 2-4
15878 LO 21 (21)	15960 CLUSTER 3 CE 2-4
15879 LO 20 (20)	15961 CLUSTER 3 CE 2-4
15880 LO 21 (21)	15962 CDR 10 (10)
15881 LO 17 (17)	15963 CLUSTER 14 CE 2-5
15882 LO 10 (10)	15964 CLUSTER 7 CE 2-5
15883 LO 10 (10)	15965 CLUSTER 7 CE 2-5
15884 LO 14 (14)	15966 AE 11 (11)
15885 LO 12 (12)	15967 AE 8 (8)
15886 LO 18 (18)	15968 AE 9 (9)
15887 LO 16 (16)	15969 CE 11 (11)
15888 LO 16 (16)	15970 AE 9 (9)
15889 LO 23 (23)	15971 CLUSTER 3 CE 2-5
15890 LO 17 (17)	15972 CE 12 (12)
15891 LO 17 (17)	15973 CDR 9 (9)
15892 LO 18 (18)	15974 CE 9 (9)
15893 LO 18 (18)	15975 CLUSTER 5 CE 2-3
15894 LO 17 (17)	15976 CTN 28 (28)
15895 LO 16 (16)	15977 CLUSTER 6 CE 2-4
15896 LO 16 (16)	15978 CLUSTER 12 CE 2-5
15897 LO 16 (16)	15979 CLUSTER 6 CE 2-4
15898 LO 16 (16)	15980 CE 12 (12)
15899 LO 19 (19)	15981 LO 29 (29)
15900 REC 21 (21)	15982 CLUSTER 6 CE 2-4
15901 MSO 10 (10)	15983 LO 24 (24)
15902 MSO 13 (13)	15984 LO 36 (36)
15903 MNL 10 (10)	15985 CLUSTER 4 CE 2
15904 LO 29 (29)	15986 CLUSTER 4 CE 2
15905 LO 13 (13)	15987 CLUSTER 4 CE 2
15906 LO 14 (14)	15988 CLUSTER 11 CE 2
15907 LO 13 (13)	15989 CLUSTER 12 CE 2-5
15908 LO 16 (16)	15990 CLUSTER 11 CE 2
15909 REC 21 (21)	15991 CLUSTER 11 CE 2
15910 CDR 13 (13)	15992 CLUSTER 6 CE 2-4
15911 LO 12 (12)	15993 LO 24 (24)
15912 LO 9 (9)	15994 LO 9 (9)
15913 LO 11 (11)	15995 LO 13 (13)
15914 MSO 11 (11)	15996 LO 18 (18)
15915 CB 9 (9)	15997 LO 24 (24)
15916 HB 11 (11)	15998 LO 10 (10)
15917 HB 12 (12)	16000 LO 22 (22)

TREE INDEX

TAG NO.	TYPE	INDICATES MULTI TRUNK	INDIVIDUAL TRUNK DIA. (IN INCHES)	TOTAL (ROOT ZONE)
514	LO	17 14 11	(29.5)	

CRITICAL ROOT ZONES (FREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

HILL COUNTRY CLUSTERS ARE REPRESENTED WITH A 10 FT. RADII CIRCLE.

16198 CLUSTER 5 LIVE OAK (34.0)

16200 CEDAR 6 4 4

NOTE: ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD; HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.

BENCHMARK INFORMATION:

MILLMAN BM #1: "X" FOUND ON CONCRETE BASE OF LIGHT STANDARD, APPROX. 71' SOUTHWEST OF THE NORTHERMOST PROPERTY CORNER.

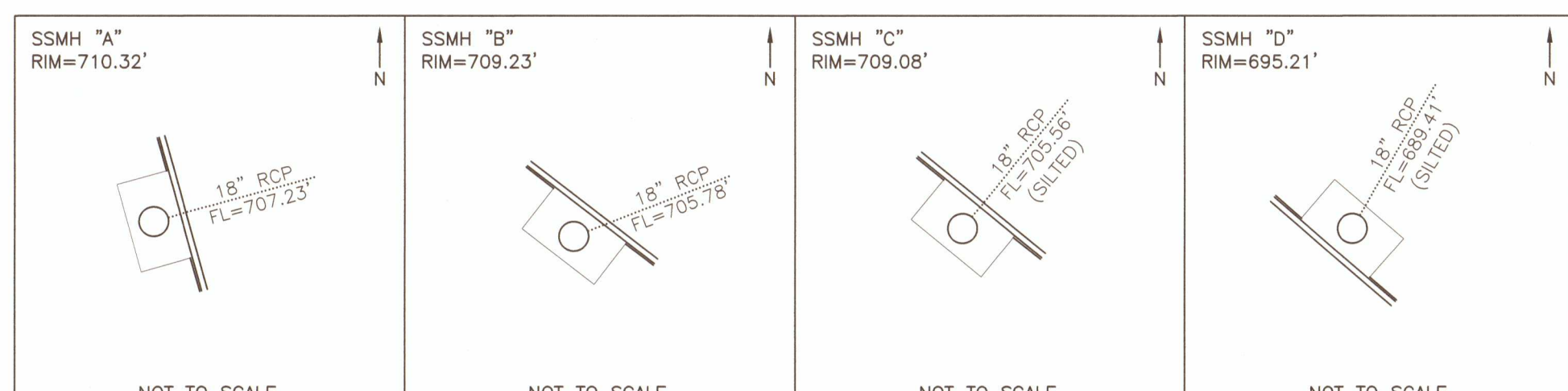
ELEVATION = 710.65'

VERTICAL DATUM: NAVD 88

SOURCE: MILLMAN SURVEY DATED JUNE 10, 2019

MANHOLE AND INLET NOTE:

THIS SURVEY SHOWS FIELD MEASURED SIZES AND DEPTHS AS OBSERVED FROM GROUND LEVEL OPENINGS. EXACT MEASUREMENTS AND DEPTHS, PARTICULARLY IN CRITICAL AREAS, SHOULD BE VERIFIED WITH UTILITY RECORD MAPS AND/OR FIELD VERIFICATION PRIOR TO FINAL PLANNING OR CONSTRUCTION.



LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 5/8" REBAR WITH ALUMINUM "TODOT" CAP FOUND
- 1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
- 2" IRON PIPE FOUND
- CONCRETE HIGHWAY MONUMENT FOUND
- 600 NAIL FOUND
- GAS VALVE
- UNDERGROUND GAS MARKER
- METAL TRANSMISSION POLE
- GUY WIRE
- SIGN
- STORMSEWER MANHOLE
- TELECOM MANHOLE
- ELECTRIC MANHOLE
- CLEANOUT
- EDGE OF ASPHALT PAVEMENT
- BUILDING LINE
- ELECTRIC & TELEPHONE EASEMENT
- PUBLIC UTILITY EASEMENT
- RECORD INFORMATION TxDOT CSI 113-13-110

THIS IS A SURFACE DRAWING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS OBSERVATIONS ON EARLY LAND SURVEYING CONTROL POINT "ELS #7"

MAG NAIL WITH WASHER SET IN ASPHALT

SURFACE COORDINATES:  
N 1006259.22  
E 309875.95

TEXAS STATE PLANE COORDINATES:  
N 10059386.33  
E 3097766.17

ELEVATION = 707.87'  
VERTICAL DATUM: NAVD 88  
SOURCE: MILLMAN SURVEY DATED JUNE 10, 2019

COMBINED SCALE FACTOR = 0.999990010  
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.000100  
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0  
THEIR ANGLE: 119.24"

THIS SURVEY WAS MADE SUBSTANTIALLY IN ACCORDANCE WITH THE STANDARDS AND CONDITIONS SET FORTH FOR A CATEGORY 1B, CONDITION 2, LAND SURVEY, BASED ON THE MANUAL OF PRACTICE FOR LAND SURVEYING, TEXAS, 2019 REVISED THIRTEENTH EDITION, PREPARED BY THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS.

BEARING BASIS:  
THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICAN NETWORK.

SURVEYOR'S CERTIFICATE:

CERTIFIED TO: Barnhart & Oles Company

ATTACHMENTS: none

I hereby certify that a survey of the property shown hereon was actually made upon the ground under my direction and supervision on the date shown.

This survey was made substantially in accordance with the standards and conditions set forth for a Category 1B, Condition 2, Land Survey, based on the Manual of Practice for Land Surveying, Texas, 2019 Revised Thirteenth Edition, prepared by the Texas Society of Professional Surveyors.

Fieldwork for boundary and trees completed on 5/7/20  
Fieldwork for topography completed on 5/11/20  
Fieldwork for additional topography completed on 8/10/20.

Joe Ben Early, Jr. Date  
Registered Professional Land Surveyor  
State of Texas No. 6016  
jben@earlysurveying.com

PROJECT NO.: 1064-001  
DRAWING NO.: 1064-001-BASE  
PLOT DATE: 8/11/20  
PLOT SCALE: 1" = 50'  
DRAWN BY: MAW & JBE  
SHEET 01 OF 01

EARLY LAND SURVEYING  
A LIMITED LIABILITY COMPANY  
P.O. BOX 92588  
AUSTIN, TX 78709  
512-292-8631  
FIRM NO. 10194487

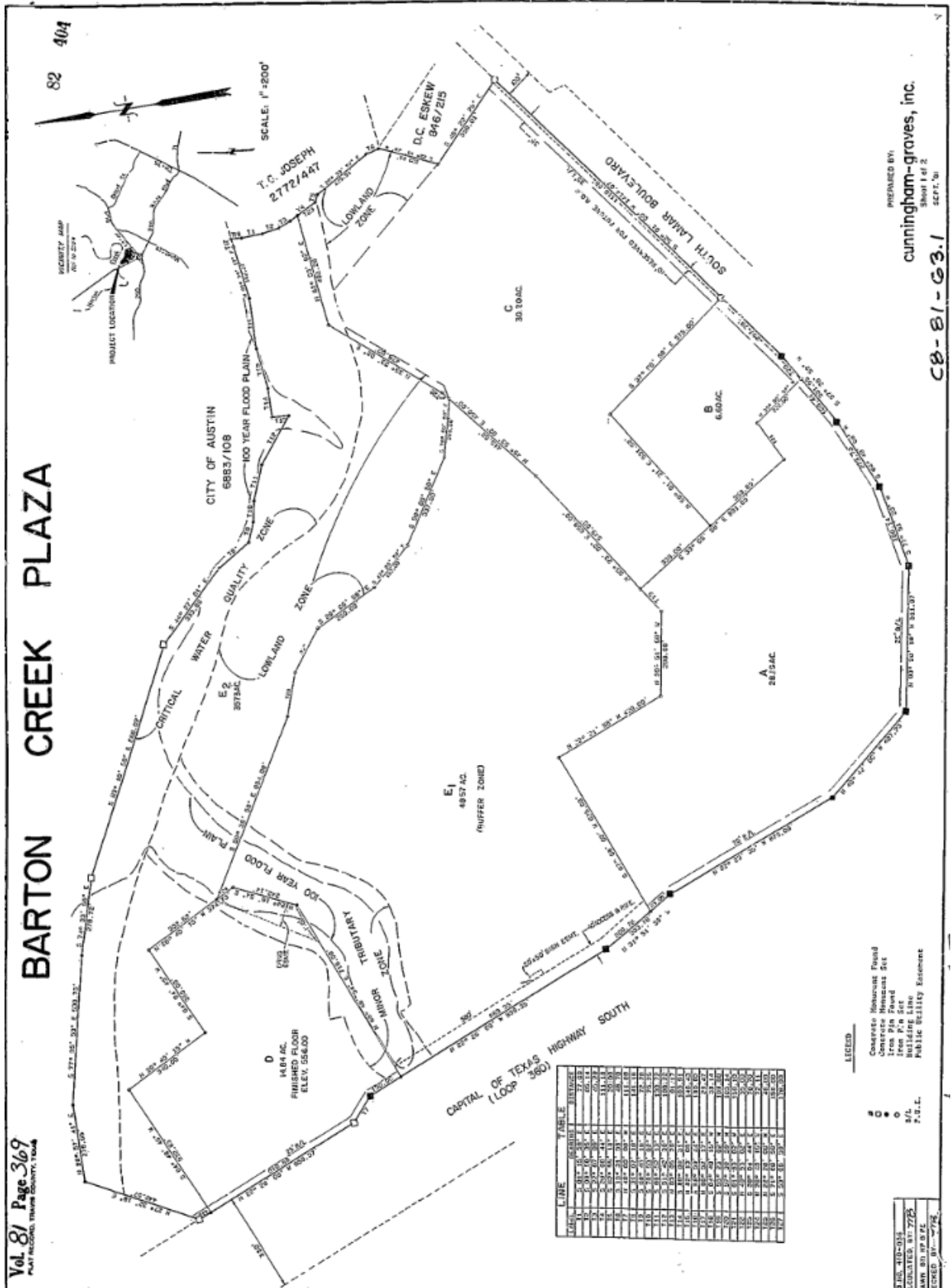


## Restrictive Covenant Summary

<b><u>Key</u></b> Lots A and B: Brodie Oaks Shopping Center Tracts Lot C: Multifamily Tract Lot D: Office Tract Lots E1 and E2: Parkland Tracts		
<b>Restrictive Covenants &amp; Easements to be Terminated or Amended</b>	<b>Issue</b>	<b>Lots Affected</b>
Barton Creek Plaza Plat (Volume 81, Page 369)	Plat note prohibits single family and duplex uses.	<b>Lots A, B, C, D, E1 and E2</b> as shown on the Barton Creek Plaza Plat
Brodie Oaks Center Plat (Volume 83, Page 93A)  Brodie Oaks Center Plat (Amended) (Volume 83, Page 149D)	Plat notes prohibit single family and duplex uses. Shows numerous P.U.E.s	<b>Lot A</b> as shown on the Barton Creek Plaza Plat
Resubdivision of Lot 3-A Brodie Oaks Center Amended (Volume 91, Page 41)	Plat note restricts all lots in the subdivision to uses other than residential.	<b>Residential restriction note will be removed with the resubdivision application.</b>
Restrictive Covenant/ Corrected by (Volume 7479, Page 23/Volume 7851, Page 937)	Restricts height on Lots A, B, C and D.  Restricts the number of dwelling units on Tract C.	<b>Lots A, B, C, and D</b> as shown on the Barton Creek Plaza Plat  <b>Restrictive Covenant Termination Application will be submitted.</b>
Restrictive Covenant (Volume 7648, Page 49)  Impervious Cover Restrictive Covenant (Volume 7953, Page 413)  Supplemental Impervious Coverage Agreement and Restrictive Covenant (Volume 8237, Page 825)	Restricts impervious cover to 55.82 acres for Tracts A, B, C, D, E-1 and E-2.  Of the 55.82 acres, no more than 16 acres of impervious cover shall be placed on Tract C.	<b>Lots A, B, C, D, E1 and E2</b> as shown on the Barton Creek Plaza Plat  <b>Restrictive Covenant Termination Application will be submitted.</b>
Amended Impervious Cover Restrictive Covenant (Volume 8322, Page 79)	Restricts impervious cover on Lot C to 14.5 acres with the remainder of 41.32 acres to be placed on the balance of the other lots.	<b>Lots A, B, C, D, E1 and E2</b> as shown on the Barton Creek Plaza Plat <b>Restrictive Covenant Termination Application will be submitted.</b>

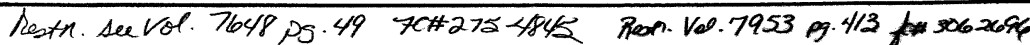
# Restrictive Covenant Summary

## Barton Creek Plaza Plat (Volume 81, Page 369)





## 82 404



Dec. -23-81 R.C.H.B. 1782 &amp; 40.009.370

## BARTON CREEK PLAZA

82 405

THE STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: That I, Frederick A. Gottesman, acting herein by and through my Attorney-in-Fact, Sanford L. Gottesman, owner of that 164.13 acre tract of land out of the Henry P. Hill Survey No. 21 and the Charles H. Riddle Survey No. 19, located in Travis County, Texas, and described in a deed recorded in Vol. 747, Pg. 484 of the Deed Records of Travis County, Texas, do hereby subdivide said tract of land to be known as Barton Creek Plaza, subject to the covenants and restrictions noted below and recorded in Vol. 747, Pg. 42, and Vol. 748, Pg. 83, and do hereby dedicate to the public use the streets and easements shown hereon, and in addition, do hereby dedicate to the City of Austin in fee simple Lot E2 for the purpose of a public park.

WITNESS MY HAND this 23 day of December, A.D., 1981. *Frederick A. Gottesman by Sanford L. Gottesman*  
By: Sanford L. Gottesman, Attorney-in-Fact

## PLAT RESTRICTIONS:

- Development in those areas shown hereon as the Critical Water Quality Zone and the Minor Tributary Zone, and areas having a slope of greater than 35% shall be subject to the restrictions contained in Chapter 41A Article 1 of the Austin City Code of 1967 as amended and including Divisions 103, 105 and 113.
- No more than 85% of the land area within the Upland Water Quality Zone shall be cleared of existing vegetation.
- Sidewalks shall be constructed on the subdivision side of South Lamar Boulevard.  
Such sidewalks shall be completed prior to acceptance of any Type I & Type II driveway approach and/or certificate of occupancy. Sidewalks which have not been installed within two years from the date of such acceptance for maintenance of the streets, may upon approval of the City Council, be constructed by the City of Austin and assessment shall be made against the affected properties, for all engineering, administration, and construction costs.
- The 100 year flood plain of Barton Creek falls within the Critical Water Quality and Minor Tributary Zones.
- No lots in this subdivision shall be occupied until connection is made to the City of Austin Water and Wastewater Systems.
- All lots in this subdivision are reserved for purposes other than single family or duplex use.
- Buffer zone shown hereon shall remain in, or be restored to, its natural state as this is defined in Sec. 41A-101.4 of the Austin City Code of 1967, as amended.
- Tract E1 is reserved for a buffer zone and drainage easement for purposes of water quality control except for areas covered by special easements on Tract E1.
- Prior to any development on Lots A, B, C, and D that varies from the approved site development plan on file with the City of Austin, a site plan shall be submitted to the Director of Public Works and City Council, City of Austin. The plan and development shall comply with Article 1, Chapter 41A, Austin City Code and the Principle Roadway Overlay Ordinance.
- Tract E2 is reserved for a drainage easement for purposes of stormwater runoff distribution.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a notary public in and for Travis County, Texas, on this day personally appeared Sanford L. Gottesman, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity herein stated.

WITNESS MY HAND AND SEAL OF OFFICE this 23rd day of December, A.D., 1981.

*Salvador Trucker*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXASPREPARED BY:  
cunningham-graves, inc.Sheet 2 of 2  
SEPT. '81

"I, J. Stanley Coalter, an authorized under the laws of the State of Texas to practice the profession of Surveying and HEREBY CERTIFY that this plat complies with Chapters 43 and 41A of the Austin City Code; is true and correct and was prepared from an actual survey of the property made under my supervision on the ground."

WITNESS MY HAND AND SEAL this 3rd day of Dec., 1981, A.D.

CUNNINGHAM GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter  
Registered Surveyor No. 1481

"I, Carl P. Conley, am authorized under the laws of the State of Texas to practice the profession of Engineering and HEREBY CERTIFY that this plat complies with, and is complete and all calculations are accurate with respect to Chapter 41A of the Austin City Code as amended."

WITNESS MY HAND AND SEAL this 3rd day of December, 1981, A.D.

CUNNINGHAM GRAVES, INC.

*Carl P. Conley*  
Carl P. Conley, Reg.  
Professional Engineer No. 42890

Prior to construction drainage plans will be submitted to the City of Austin Engineering Department for approval.  
Rainfall runoff shall be held to the amount existing at undeveloped status by use of ponding or other approved methods.

APPROVED FOR ACCEPTANCE:

*Richard E. Little*  
RICHARD E. LITTLE, DIRECTOR OF PLANNING DATE December 23, 1981

This subdivision plat is hereby ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin on the 23rd day of December, A.D., 1981.

*John R. Williams*  
Chairman  
*William M. Manning*  
Secretary  
FILED FOR RECORD, this the 23rd day of December, A.D., 1981 at 9:45 o'clock P.M.DORIS SHROPSHIRE  
Clerk County Court, Travis County, TexasBy: *L. Jones*  
Deputy L. JONESTHE STATE OF TEXAS  
COUNTY OF TRAVIS

I, DORIS SHROPSHIRE, Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of Writing, with its Certificate of Authentication was filed for record in my office on the 23rd day of December, A.D., 1981, at 9:55 o'clock P.M., and duly recorded on the 23rd day of December, A.D., 1981 at 9:50 o'clock P.M. in the Plat Records of said County, in Plat Book No. 81, Pages 369-370.

WITNESS MY HAND and seal of the County Court of said County, the date last above written.

DORIS SHROPSHIRE  
Clerk County Court, Travis County, TexasBy: *L. Jones*  
Deputy L. JONES

CB-81-631 JOB NO. 410-036

JUN-26-81 RCCHB 2244 63.00 63.00  
RESTRICTIVE COVENANTS

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

2-61-2798

WHEREAS, the Estates of H. E. Brodie and Frances G. Brodie, Deceased, acting through J. M. Patterson, Testamentary Trustee and of the Will of H. E. Brodie, and Albert Brodie, Woodrow Eskew and J. M. Patterson, Jr., Independent Executors of the Estate of Francis G. Brodie, hereinafter collectively referred to as Grantors, are the owners of that certain tract or parcel of land lying and being situated in the City of Austin, Travis County, Texas, and more particularly described as follows, to-wit:

164.14 acres, more or less, located in Travis County, Texas, described by metes and bounds in Exhibit A, attached hereto and made a part hereof for all pertinent purposes;

and

WHEREAS, this property is divided into certain various tracts as hereafter set forth and said tracts are more particularly described by metes and bounds and identified as to tract designations on Exhibits "B" through "J" and graphically displayed on Exhibit "K", all of said Exhibits being attached hereto and made a part hereof for all purposes; and

WHEREAS said tracts have been rezoned as follows:

Tract A1	"GR"	1st Height and Area
Tract A2	"C"	1st Height and Area
Tract A3	"GR"	2nd Height and Area
Tract A4	"C-1"	1st Height and Area
Tract B	"0-1"	2nd Height and Area
Tract C1	"B"	2nd Height and Area
Tract C2	"B"	2nd Height and Area
Tract C3	"BB"	1st Height and Area
Tract D	"0-1"	2nd Height and Area

and

WHEREAS, as a condition to the rezoning of the various tracts and for the better development of said property above described, the City Council of Austin, Texas, desires that

Handwritten signatures and initials in the bottom right corner.

Grantors, make, execute and deliver for the benefit of said property and for the City of Austin, a Municipal corporation, restrictive covenants relating to the above described property; and

2-61-2799

WHEREAS, said restrictive covenants will benefit said Grantors and also the City of Austin, a Municipal corporation, by (1) conforming development to the requirements of the Barton Creek Watershed Ordinance; and (2) setting various height and density limitations.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Grantors do hereby place upon and charge said hereinbefore described property with the following restrictive covenants, which shall be deemed and considered as covenants running with the land, and which shall be binding upon their successors and assigns, to-wit:

(1) Prior to development of any portion of the 164.14 acres tract, a subdivision plat will be filed with and an approval of such plat obtained from the Planning Commission of the City of Austin;

(2) No building or improvement hereafter built upon any of the respective tracts shall exceed the following height limitations:

Tracts A1, A2 and A4	35 feet
Tract A3	40 feet
Tract B	60 feet
Tract C1	50 feet
Tract C2	50 feet
Tract C3	35 feet
Tract D	40 feet

(3) The total number of dwelling units constructed on Tract C1, C2 and C3 shall not exceed 850 units in the aggregate.

If any person or persons shall violate or attempt to violate the foregoing restrictions, it shall be lawful for

the City of Austin, a Municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against the person or persons violating or attempting to violate such restrictive covenant, and either to prevent him or them from so doing or to collect damages for such violation.

2-61-2800

The failure at any time to enforce this restrictive covenant by the City of Austin, whether such violations are of knowledge or not, shall not constitute a waiver or estoppel of the right to do so.

This agreement may be modified, amended or terminated only by a majority vote of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and by the then owner of the above described property at the time of such modification, amendment or termination.

EXECUTED this the 28 day of April, 1981.

ESTATE OF H. E. BRODIE, DECEASED

By

J. M. Patterson, Jr.,  
Testamentary Trustee

ESTATE OF FRANCIS G. BRODIE,  
DECEASED

By

Albert Brodie  
Albert Brodie, Independent  
Executor

Woodrow Eskew  
Woodrow Eskew, Independent  
Executor

J. M. Patterson, Jr.,  
Independent Executor

THE STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS           §

Before me, the undersigned authority, on this day personally appeared J. M. Patterson, Jr., Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office on this 29th day of April, 1981.

2-61-2801

*Colleen Belk*

Colleen Belk

(Typed or printed name of Notary)

Notary Public in and for the State of Texas.

NOTARY SEAL

My Commission Expires:  
February 20, 1984

THE STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS           §

Before me, the undersigned authority, on this day personally appeared Albert Brodie, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as executor of the estate of Francis G. Brodie, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.

Given under my hand and seal of office this 28 day of April, 1981.

LaVON JOHNSON

Notary Public in and for Travis County, Texas

My Commission expires 1-25-84

*LaVon Johnson*

(Typed or printed name of Notary)

Notary Public in and for the State of Texas.

NOTARY SEAL

My Commission Expires:  
Jan. 25, 1984

THE STATE OF TEXAS           §  
   §  
COUNTY OF TRAVIS           §

Before me, the undersigned authority, on this day personally appeared Woodrow Eskew, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as executor of the estate of Francis G. Brodie, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.

2-51-2802

Given under my hand and seal of office this 29th day of April, 1981.

**RITA LANGE**  
Notary Public in and for Travis County, Texas  
My Commission expires 5/18/81

Rita Busch Lange  
(Typed or printed name of Notary)

**NOTARY SEAL**

Notary Public in and for the State of Texas.

My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS           §  
   §  
COUNTY OF TRAVIS           §

Before me, the undersigned authority, on this day personally appeared J. M. Patterson, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, as executor of the estate of Francis G. Brodie, deceased, for the purposes and consideration therein expressed and in the capacity therein set forth.

Given under my hand and seal of office this 29th day of April, 1981.

**NOTARY SEAL**

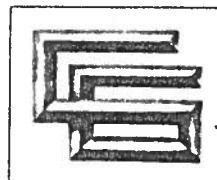
Colleen Belk  
Colleen Belk  
(Typed or printed name of Notary)  
Notary Public in and for the State of Texas.

My Commission Expires: February 20, 1984

2-51-2803

Exhibit "A"





**cunningham•graves, inc.**

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

**FIELD NOTES**

27 April 1981

2-51-2804

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19 and the HENRY P. HILL SURVEY NO. 21, Travis Co., Texas, and a part of those certain tracts of land described in deeds to Emmet Brodie and recorded in Vol. 446, Page 183, and to Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D.C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northwesterly right-of-way of U. S. Highway 290 and the northeasterly right-of-way of LOOP 360

- (1) S 52° 01' 00" W 1414.07' to a conc. mon.
- (2) S 57° 38' 59" W 301.55' to a conc. mon.
- (3) S 64° 48' 09" W 273.78' to a conc. mon.
- (4) S 77° 51' 26" W 296.14' to a conc. mon.
- (5) N 80° 20' 18" W 511.07' to a conc. mon.
- (6) N 40° 42' 00" W 407.23' to a conc. mon.
- (7) N 22° 23' 35" W 678.09' to a conc. mon.
- (8) N 31° 51' 58" W 303.76' to a conc. mon.
- (9) N 22° 26' 06" W 999.35' to a conc. mon.
- (10) N 49° 00' 06" W 111.89' to an iron rod
- (11) N 22° 26' 06" W 499.83' to an iron rod
- (12) N 03° 19' 45" E 220.57' to an iron rod

and THENCE (13) N 22° 21' 41" W 41.47' to an iron rod at the southwest corner of an 18.21 acre tract condemned by the City of Austin for park purposes;

THENCE with the southerly line of said City of Austin 18.21 acre tract

- (1) N 27° 32' 19" E 317.30'
- (2) N 89° 57' 41" E 276.85'
- (3) S 77° 35' 53" E 530.73'
- (4) S 74° 33' 56" E 276.72'
- (5) S 63° 10' 50" E 866.02'

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AUSTIN, TEXAS 78761  
1-512-837-9104

- (6) S 44° 27' 01" E 333.86'
- (7) S 31° 07' 16" E 141.18'
- (8) S 68° 49' 16" E 72.79'
- (9) S 78° 53' 02" E 75.25'
- (10) S 68° 52' 13" E 130.72'
- (11) S 51° 42' 30" E 198.22'
- (12) N 03° 05' 29" E 61.17'
- (13) S 89° 06' 31" E 103.91'
- (14) N 82° 13' 09" E 146.43'
- (15) S 88° 59' 44" E 180.92'
- (16) N 81° 35' 17" E 192.27'

2-51-2805

and THENCE (17) N 80° 52' 17" E 29.47' to the southeast corner of said City of Austin 18.21 acre tract;

THENCE with the easterly line of the herein described tract

- (1) S 04° 40' 15" W 38.14'
- (2) S 01° 15' 58" E 77.00'
- (3) S 08° 58' 35" E 65.14'
- (4) S 22° 07' 09" E 45.29'
- (5) S 26° 08' 44" E 111.18'
- (6) S 62° 55' 16" E 29.00'
- (7) S 29° 39' 52" E 225.51'

and THENCE (8) S 15° 31' 58" E 48.70' to an iron rod at the most northerly northwest corner of said Eskew 2 acre tract;

THENCE S 23° 46' 28" W 223.66' to an iron rod at the southwest corner of said Eskew 2 acre tract;

THENCE S 46° 22' 26" E 358.01' to the PLACE OF BEGINNING, containing 163.91 acres of land, subject to easements, conditions or restrictions of record, if any.

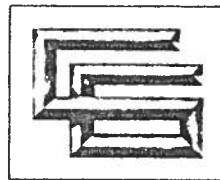
CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, RPS 1481

2-51-2806

Exhibit "B"

cunningham•graves, inc.



SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT A-1

2-51-2807

BEING a part of the CHARLES H. RIDDLE SURVEY #19, Travis County, Texas, and a part of those certain tracts or parcels of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183 and to Frances G. Brodie and recorded in Vol. 2451, Page 309, deed records of Travis County, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D.C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northwesterly right-of-way of U.S. Highway 290

(1) S 52° 01' 00" W 1414.07' to a conc. mon.

(2) S 57° 38' 59" W 105.14' to a point, from which a conc. monument bears S 57° 38' 59" W 196.41', said point being the most easterly corner of the hereinafter described Tract A-1 and the TRUE PLACE OF BEGINNING for said description:

THENCE with the northwesterly right-of-way of U.S. Highway 290 and the northeasterly right-of-way of U.S. Highway 360 the following described courses and distances;

(1) S 57° 38' 59" W 196.41' to a conc. mon.

(2) S 64° 49' 08" W 273.78' to a conc. mon.

(3) S 77° 51' 26" W 296.14' to a conc. mon.

(4) N 80° 20' 18" W 511.07' to a conc. mon.

(5) N 40° 42' 00" W 407.23' to a conc. mon.

(6) N 22° 23' 35" W 678.09' to a conc. mon.

and (7) N 31° 51' 58" W 95.00' to a point on the northeasterly line of U.S. Highway 360, from which a concrete monument bears N 31° 51' 58" W 208.76';

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THENCE traversing the interior of said Brodie Tract the following described courses and distances:

- (1) N 67° 08' 02" E 635.00'
- (2) S 22° 21' 58" E 428.00'
- (3) S 80° 51' 58" E 298.00'
- (4) N 55° 23' 02" E 109.00'
- (5) S 33° 06' 58" E 338.00'
- (6) N 80° 21' 58" W 86.38'
- (7) N 09° 08' 02" E 60.51'
- (8) N 79° 51' 58" W 528.00'
- (9) N 21° 21' 58" W 370.00'
- (10) N 81° 12' 40" W 210.48'
- (11) S 07° 03' 32" W 58.46'
- (12) S 67° 08' 02" W 308.00'
- (13) S 22° 51' 58" E 205.00'
- (14) N 67° 08' 02" E 190.00'
- (15) S 79° 51' 58" E 188.00'
- (16) S 28° 51' 58" E 316.00'
- (17) S 80° 21' 58" E 770.00'
- (18) S 33° 06' 58" E 28.76'
- (19) N 80° 21' 58" W 76.84'
- (20) S 08° 53' 02" W 185.00'
- (21) N 61° 53' 02" E 340.00'

and (22) S 36° 06' 58" E 222.00' to the place of beginning, containing 20.6961 acres of land, subject to easements, conditions or restrictions of record, if any.

CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. 1481

2-51-2808

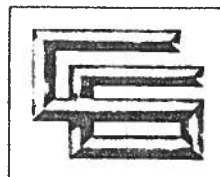
2-61-2809

Exhibit "C"

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34

cunningham•graves, inc.



SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT A-2

BEING a part of the CHARLES H. RIDDLE SURVEY #19, Travis County, Texas, and a part of those certain tracts or parcels of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183, and to Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis County, and being more particularly described by metes and bounds as follows:

2-61-2810

COMMENCING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northwesterly right-of-way of U.S. Highway 290

- (1) S 52° 01' 00" W 1414.07' to a conc. mon.  
and (2) S 57° 38' 59" W 105.14' to a point;

THENCE traversing said Brodie Tract

- (1) N 36° 06' 58" W 222.00'  
(2) S 61° 53' 02" W 340.00'  
(3) N 08° 53' 02" E 185.00'  
(4) S 80° 21' 58" E 76.84'  
(5) N 33° 06' 58" W 28.76'  
(6) N 80° 21' 58" W 770.00'  
(7) N 28° 51' 58" W 316.00'

and (8) N 79° 51' 58" W 188.00' to a point, said point being the southeast corner of the hereinafter described Tract A-2 and the true place of beginning for said description;

THENCE S 67° 08' 02" W 190.00;

THENCE N 22° 58' 51" W 205.00';

THENCE N 67° 08' 02" E 308.00';

THENCE S 07° 03' 32" W 236.54' to the place of beginning, containing 1.1718 acres of land.

CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

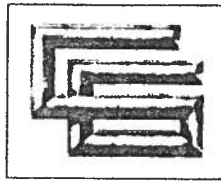
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2-61-2811

Exhibit "D"





cunningham-graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT A-3

BEING a part of the CHARLES H. RIDDLE SURVEY #19, Travis County, Texas, and a part of those certain tracts or parcels of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183 and to Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis County, and being more particularly described by metes and bounds as follows:

2-51-2812

COMMENCING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northwesterly right-of-way of U.S. Highway 290;

(1) S 52° 01' 00" W 1414.07' to a conc. mon.  
and (2) S 57° 38' 59" W 105.14' to a point on said right-of-way, from which a concrete monument bears S 57° 38' 59" W 196.41';

THENCE traversing said Brodie Tract:

(1) N 36° 06' 58" W 222.00'  
(2) S 61° 53' 02" W 340.00'  
(3) N 08° 53' 02" E 185.00'  
(4) S 80° 21' 58" E 76.84'  
(5) N 33° 06' 58" W 28.76'  
and (6) N 80° 21' 58" W 237.00' to a point, said point being the southeast corner of the hereinafter described Tract A-3 and the TRUE PLACE OF BEGINNING for said description;

THENCE traversing said Brodie Tract;

(1) N 80° 21' 58" W 533.00'  
(2) N 28° 51' 58" W 316.00'  
(3) N 79° 51' 58" W 188.00'  
(4) N 07° 03' 32" E 295.00'  
(5) S 81° 12' 40" E 210.48'  
(6) S 21° 21' 58" E 370.00'  
(7) S 79° 51' 58" E 528.00'  
and (8) S 09° 08' 02" W 225.00' to the place of beginning, containing 5.3425 acres of land.

CUNNINGHAM-GRAVES, INC.

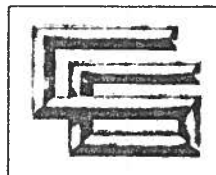
*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

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AUSTIN, TEXAS 78761  
1-512-837-9104

2-51-2813

Exhibit "E"



cunningham®graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT A-4

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19, Travis County, Texas, and a part of those certain tracts or parcels of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183, and to Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis County, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D.C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northwesterly right-of-way of U.S. Highway 290;  
(1) S 52° 01' 00" W 1414.07' to a conc. mon.  
and (2) S 57° 38' 59" W 105.14' to a point on said right-of-way from which a concrete monument bears S 57° 38' 59" W 196.41';

THENCE traversing said Brodie Tract

- (1) N 36° 06' 58" W 222.00'
- (2) S 61° 53' 02" W 340.00'
- (3) N 08° 53' 02" E 185.00'
- (4) S 80° 21' 58" E 76.84'

and (5) N 33° 06' 58" W 28.76' to a point, said point being the southeast corner of the hereinafter described Tract A-4 and the TRUE PLACE OF BEGINNING for said description;

THENCE N 80° 21' 58" W 237.00';

THENCE N 09° 08' 02" E 164.49';

THENCE S 80° 21' 58" E 86.38';

THENCE S 33° 06' 58" E 224.00' to the place of beginning, containing 0.6106 acres of land.

CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

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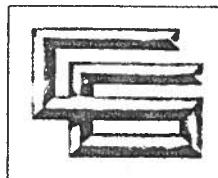
P.O. Box 15244 • 8130 N. LAMAR  
AUSTIN, TEXAS 78761  
1-512-837-9104

2-61-2815

Exhibit "F"

7479

40



cunningham-graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT B

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19, Travis County, Texas, and a part of those certain tracts or parcels of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183, and to Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

2-51-2816

COMMENCING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE S 52° 01' 00" W 1116.28' with the northwesterly right-of-way of U.S. Highway 290 to a point, said point being the most easterly corner of the hereinafter described Tract B and the TRUE PLACE OF BEGINNING for said description;

THENCE with the northwesterly right-of-way of U.S. Highway 290

(1) S 52° 01' 00" W 297.79' to a conc. mon.  
and (2) S 57° 38' 59" W 105.14' to a point, said point being the most southerly corner of Tract B and from which a concrete monument bears S 57° 38' 59" W 196.41';

THENCE traversing said Brodie Tract

(1) N 36° 06' 58" W 222.00'  
(2) S 61° 53' 02" W 340.00'  
(3) N 08° 53' 02" E 185.00'  
(4) S 80° 21' 59" E 76.84'  
(5) N 33° 06' 58" W 252.76  
(6) N 56° 01' 01" E 531.92  
and (7) S 37° 06' 58" E 575.00' to the place of beginning, containing 6.9678 acres of land.

CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

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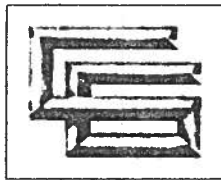
41

2-61-2817

Exhibit "G"

7479

42



cunningham-graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT C1

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19 and the HENRY P. HILL SURVEY NO. 21, Travis County, Texas, and a part of those certain tracts of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183 and the Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

2-51-2818

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 01' 00" W 297.79';

THENCE traversing said Brodie Tract

- (1) N 37° 06' 58" W 575.00' to an iron pin
- (2) N 51° 43' 22" W 128.217' to an iron pin
- (3) S 29° 39' 52" E 77.31' to an iron pin
- (4) S 15° 31' 58" E 48.70' to an iron pin
- (5) S 23° 46' 28" W 223.66' to an iron pin
- and (6) S 46° 22' 26" E 358.01' to the place of

beginning, containing 13.9775 acres of land.

CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

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AUSTIN, TEXAS 78761  
1-512-837-9104

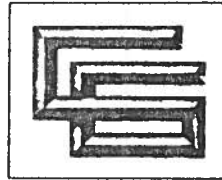
2-61-2819

Exhibit "H"

7479

44





cunningham-graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT C2

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19, Travis County, Texas, and a part of those certain tracts of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183 and the Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

2-51-282C

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE S 52° 01' 00" W 1116.28' with the northwesterly right-of-way of U.S. Highway 290 to a point, from which a concrete monument bears S 52° 01' 00" W 297.79';

THENCE

(1) N 39° 06' 38" W 575.00';  
and (2) S 56° 01' 01" W 531.92' to the most southerly corner of the hereinafter described Tract C2 and the TRUE PLACE OF BEGINNING for said description;

THENCE traversing said Brodie Tract

(1) N 33° 06' 58" W 338.00'  
(2) N 55° 23' 02" E 549.00'  
(3) N 49° 53' 02" E 392.81'  
(4) S 38° 16' 38" E 354.01'  
(5) S 51° 43' 22" W 440.48'  
and (6) S 56° 01' 01" W 531.92' to the place of beginning, containing 8.24 acres of land.

CUNNINGHAM-GRAVES, INC.

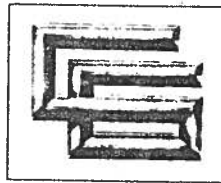
*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

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P.O. Box 15244 • 8130 N. LAMAR  
AUSTIN, TEXAS 78761  
1-512-837-9104

2-61-2821

Exhibit "I"



cunningham-graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT C3

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19 and the HENRY P. HILL SURVEY NO. 21, Travis County, Texas, and a part of those certain tracts of land described in deeds to Emmett Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

2-61-2822

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northeasterly line of said Brodie Tract

(1) N 46° 22' 26" W 358.01 to an iron pipe

(2) N 23° 46' 28" E 223.66 to an iron pipe

and (3) N 15° 31' 58" W 48.70 to an iron pipe

for the most easterly point of the hereinafter described Tract C3 and the TRUE PLACE OF BEGINNING for said description;

(1) S 51° 43' 22" W 841.69'

(2) N 38° 16' 38" W 354.01'

(3) N 49° 53' 02" E 57.18'

(4) N 39° 23' 02" E 478.00'

(5) N 82° 53' 02" E 402.26'

(6) S 26° 08' 44" E 78.70'

(7) S 62° 55' 16" E 29.00'

and (8) S 29° 39' 52" E 148.20' to the place of beginning, containing 7.9845 acres of land.

CUNNINGHAM-GRAVES, INC.

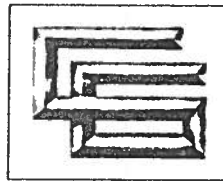
*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

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P.O. Box 15244 • 8130 N. LAMAR  
AUSTIN, TEXAS 78761  
1-512-837-9104

2-61-2823

Exhibit "J"



cunningham•graves, inc.

SUBSIDIARY OF  
CUNNINGHAM CONSULTANTS, INC.

• ENGINEERS  
• PLANNERS

FIELD NOTES

TRACT D

BEING a part of the CHARLES H. RIDDLE SURVEY #19, Travis County, Texas, and a part of those certain tracts or parcels of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183, and to Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D.C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62'; 2-51-2824

THENCE with the northwesterly right-of-way of U.S. Highway 290 and the northeasterly right-of-way of U.S. Highway 360 the following described courses and distances:

- (1) S 52° 01' 00" W 1414.07' to a conc. mon.
- (2) S 57° 38' 59" W 301.55' to a conc. mon.
- (3) S 64° 49' 08" W 273.78' to a conc. mon.
- (4) S 77° 51' 26" W 296.14' to a conc. mon.
- (5) N 80° 20' 18" W 511.07' to a conc. mon.
- (6) N 40° 42' 00" W 407.27' to a conc. mon.
- (7) N 22° 23' 35" W 678.09' to a conc. mon.
- (8) N 31° 51' 58" W 303.76' to a conc. mon.

and (9) N 22° 26' 06" W 869.35' to a point on the northeasterly right-of-way of U.S. Highway 360, said point being the most southerly corner of the hereinafter described tract and the TRUE PLACE OF BEGINNING for said description;

THENCE with the northeasterly right-of-way of U.S. Highway 360 the following described courses and distances:

- (1) N 22° 26' 06" W 130.00'
- (2) N 49° 00' 06" W 111.89'
- (3) N 22° 26' 06" W 499.83'

and (4) N 03° 19' 45" E 126.00' to a point on said right-of-way of U.S. Highway 360;

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THENCE traversing the interior of said Brodie Tract, the following described courses and distances:

- (1) N 64° 49' 45" E 478.00'
- (2) S 26° 40' 15" E 340.00'
- (3) N 64° 04' 45" E 360.00'
- (4) S 26° 40' 15" E 374.73'
- (5) S 24° 18' 54" W 242.14'

and (6) S 66° 48' 54" W 718.00' to the place of beginning, containing 14.7704 acres of land, subject to easements, conditions or restrictions of record, if any.

CUNNINGHAM-GRAVES, INC.

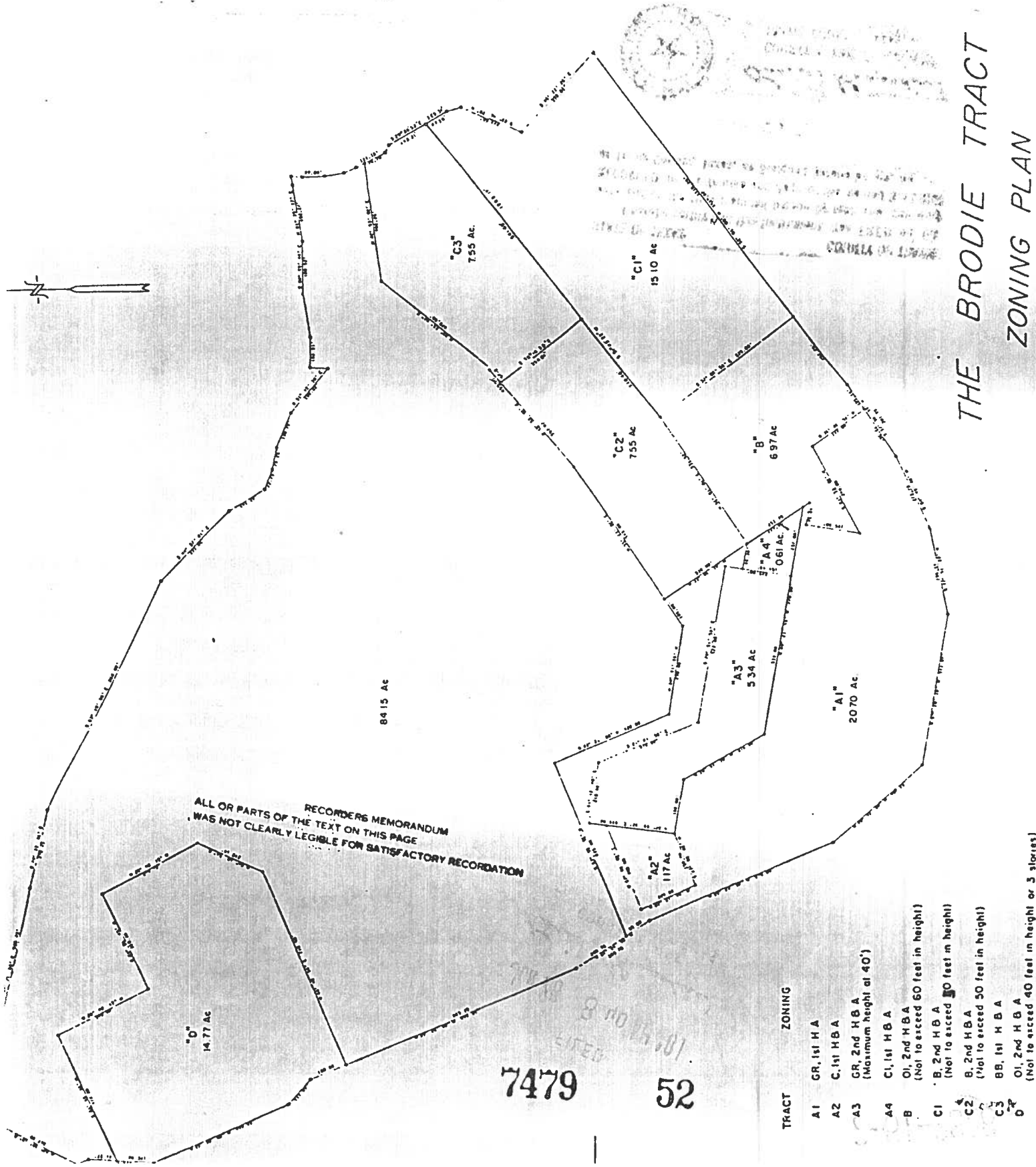
*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481

2-61-2825

2-61-2826

Exhibit "K"

2-61-2827



THE BRODIE TRACT  
ZONING PLAN

TRACT	ZONING
A1	GR, 1st H A
A2	C, 1st H B A
A3	GR, 2nd H B A (Maximum height 40')
A4	C1, 1st H B A
B	O1, 2nd H B A (Not to exceed 60 feet in height)
C1	B, 2nd H B A (Not to exceed 30 feet in height)
C2	B, 2nd H B A (Not to exceed 50 feet in height)
C3	BB, 1st H B A
D	O1, 2nd H B A (Not to exceed 40 feet in height or 3 stories)



2-61-2828

1733

25

FILED

JUN 26 8 40 AM '81

*Caris Thompson*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

RECEIVED FOR A FILING IN THE PUBLIC RECORDS  
BY THE CLERK OF THE COUNTY OF TRAVIS  
ON JUNE 26 1981 AT 8:40 AM

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me; and was duly  
RECORDED, in the Volume and Page of the record RECORDS  
of Travis County, Texas, as stamped herein by me.

JUN 26 1981

 *Caris Thompson*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

7479

53

5-21-5851

✓  
700

IMPERVIOUS COVERAGE  
RESTRICTIVE COVENANTS

3-06-2696

JAN -6-83<sup>93</sup> 6931 \* 7.00

STATE OF TEXAS §

COUNTY OF TRAVIS §

W I T N E S S E T H:

WHEREAS, Fred A. Gottesman, acting herein by and through his attorney-in-fact, Sanford L. Gottesman, hereinafter referred to as "Declarant," is the owner of the following described real property located in Travis County, Texas, to wit:

Lots A, B, C, D, E-1 and E-2, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas (collectively, the "Subject Property");

WHEREAS, that certain Restrictive Covenant dated December 15, 1981, and recorded in Volume 7648, Page 49, Deed Records of Travis County, Texas, limited the amount of impervious cover allowed to be permanently placed on the Subject Property to 55.82 acres or less;

WHEREAS, Declarant has decided that of the 55.82 acres of impervious cover allowed to be placed on the Subject Property, no more than 16 acres of impervious cover shall ever be permanently placed on Lot C of the Subject Property, and no more than 39.82 acres of impervious cover shall ever be permanently placed on the balance of the Subject Property; and

WHEREAS, Declarant desires to file this Impervious Coverage Restrictive Covenant to give public notice of such limitations on the impervious cover permitted on the various lots of the Subject Property.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

1. No more than 16 acres of impervious cover shall ever be placed upon the following described real property located in Travis County, Texas, to wit:

Lot C, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas.

DEED RECORDS  
Travis County, Texas

7953 . 413

2. No more than 39.82 acres of impervious cover shall ever be placed upon the following described real property located in Travis County, Texas, to wit:

Lots A, B, D, E-1 and E-2, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas.

3. If any person, persons, corporation or entity of any character shall violate or attempt to violate the foregoing restrictions, it shall be lawful for any owner or owners of any part of the Subject Property to prosecute proceedings at law or in equity against said person, persons, corporation or entity violating or attempting to violate said restrictions and to prevent such violation or attempted violation.

4. If any part or provisions of this instrument shall be declared invalid by judgment or court order, the same shall in no way affect any of the other provisions of this instrument and such remaining portion shall continue in full force and effect. The failure at any time to enforce the above restrictions, whether any violations hereof are known or unknown, shall not constitute a waiver or estoppel of the right to do so by the persons and entities entitled to enforce the restrictions herein contained.

5. This instrument and the restrictions herein contained may be modified, amended or terminated only by written agreement executed by all of the then owners of the Subject Property, and filed of record in the Deed Records of Travis County, Texas.

WITNESS my hand this 7 day of January, 1983.

Fred A. Gottesman  
Fred A. Gottesman, by his duly  
appointed attorney-in-fact,  
Sanford L. Gottesman

3-06-2698

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on January 7, 1983, by Fred A. Gottesman by his duly appointed attorney-in-fact, Sanford L. Gottesman, acting in his capacity as said attorney-in-fact.

D. J. Landy  
Notary Public, State of Texas

Print Name DAVID C. LANDY

My Commission Expires:

11/13/83

NOTARY SEAL

FILED

JAN 7 12 40 PM '83

Doris Angerhofer  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS  
I hereby certify that this instrument was filed on the  
state and at the time stamped hereon by me; and was duly  
RECORDED in the Volume and Page of the named RECORDS  
of Travis County, Texas, as stamped hereon by me, on



JAN 7 1983

Doris Angerhofer  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

R-556

9.00

3 43 5247.

AMENDED IMPERVIOUS COVERAGE

RESTRICTIVE COVENANTS

THE STATE OF TEXAS <sup>BY</sup> ~~2-8325~~ 9708 \* 9.00  
COUNTY OF TRAVIS \$ KNOW ALL MEN BY THESE PRESENTS:  
\$

W I T N E S S E T H :

WHEREAS, the undersigned, Barton Lodge I, Ltd., a Texas limited partnership of which PHAM-Barton Lodge I, Ltd. is the sole general partner, and Barton Lodge II, Ltd., a Texas limited partnership of which PHAM-Barton Lodge II, Ltd. is the sole general partner, are the owners of the following described real property located in Travis County, Texas, to wit:

Lot C, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas (the "Property");

WHEREAS, by Restrictive Covenant recorded in Volume 7648, Page 49, as corrected and supplemented by Correction Restrictive Covenant recorded in Volume 7851, Page 937, and by Supplemental Impervious Coverage Agreement and Restrictive Covenant recorded in Volume 8237, Page 825, Deed Records of Travis County, Texas, the impervious cover that could be permanently placed on the Subdivision of which the Property is part (Barton Creek Plaza Subdivision) was limited to 55.82 acres; and

WHEREAS, by Impervious Coverage Restrictive Covenants recorded in Volume 7953, Page 413, Deed Records of Travis County, Texas, the impervious cover that could be permanently placed on the Property was limited to no more than 16 acres, and a site plan approved by the City of Austin (File No. C14p-82-059) provides for the development of the Property as an apartment project with 13.42 acres of impervious cover; and

WHEREAS, the undersigned have decided that this Amended Impervious Coverage Restrictive Covenants should be executed

and recorded with respect to the Property to provide and specify that no more than 14.5 acres of impervious cover shall ever be permanently placed on the Property, with the result that no more than 41.32 acres of impervious cover may ever be permanently placed on the balance of Barton Creek Plaza Subdivision;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed and declared by the undersigned as follows:

1. No more than 14.5 acres of impervious cover shall ever be placed upon the following described real property located in Travis County, Texas, to wit:

Lot C, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas.

2. The remainder of the impervious cover that may be permanently placed on the balance of Barton Creek Plaza Subdivision, to wit, 41.32 acres, shall be available for placement upon such balance of such Subdivision (to wit, Lots A, B, D, E-1 and E-2, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas), subject to any other restrictive covenants presently or hereafter applicable thereto and of record in the Deed Records of Travis County, Texas.

3. If any person, corporation or entity of any character shall violate or attempt to violate the foregoing restrictions, it shall be lawful for any owner or owners of any part of Barton Creek Plaza Subdivision to prosecute proceedings at law or in equity against said person, corporation or entity violating or attempting to violate said restrictions and to prevent such violation or attempted violation.

4. If any part or provision of this instrument shall be declared invalid by judgment or court order, the same shall

3 43 5249

in no way affect any of the other provisions of this instrument and such remaining portion shall continue in full force and effect. The failure at any time to enforce the above restrictions, whether any violations hereof are known or unknown, shall not constitute a waiver or estoppel of the right to do so by the persons and entities entitled to enforce the restrictions herein contained.

5. The restrictions herein contained shall amend and supersede the aforescribed Impervious Coverage Restrictive Covenants recorded in Volume 7953, Page 413, Deed Records of Travis County, Texas, with respect to the Property, and are hereby agreed and declared by the undersigned as owner of the Property.

EXECUTED to be effective the 13 day of October, 1983.

BARTON LODGE I, LTD., a Texas  
Limited Partnership

BY: PHAM-BARTON LODGE I, LTD.,  
a Texas Limited Partnership,  
its General Partner

By: Charles S. Miller  
Charles S. Miller  
Managing General Partner

BARTON LODGE II, LTD., a Texas  
Limited Partnership

By: PHAM-BARTON LODGE II, LTD.,  
a Texas Limited Partnership,  
its General Partner

By: Charles S. Miller  
Charles S. Miller,  
Managing General Partner

THE STATE OF TEXAS     §  
                                 §  
COUNTY OF TRAVIS     §

3 43 5250

This instrument was acknowledged before me on the 13 day of October, 1983, by CHARLES S. MILLER, Managing General Partner of PHAM-BARTON LODGE I, LTD., a Texas limited partnership, General Partner of BARTON LODGE I, LTD., a Texas limited partnership, on behalf of said partnership.



DAVID L. TANDY  
Notary Public, State of Texas  
My Commission Expires 11-13-85

NOTARY PUBLIC, State of Texas

Print Name \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

NOTARY SEAL

THE STATE OF TEXAS     §  
                                 §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on the 13 day of October, 1983, by CHARLES S. MILLER, Managing General Partner of PHAM-BARTON LODGE II, LTD., a Texas limited partnership, General Partner of BARTON LODGE II, LTD., a Texas limited partnership, on behalf of said partnership.



DAVID L. TANDY  
Notary Public, State of Texas  
My Commission Expires 11-13-85

NOTARY PUBLIC, State of Texas

Print Name \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

NOTARY SEAL

FILED

1983 NOV -3 PM 4:17

COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS     COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stated herein, and was duly  
RECORDED in the volume and page or folio and RECORDS  
of Travis County, Texas, as shown herein by me, on

NOV 3 1983



COUNTY CLERK  
TRAVIS COUNTY, TEXAS

8322 .. 82



SEP -9-82 7362 \* 11.00

CORRECTION OF RESTRICTIVE COVENANT

THE STATE OF TEXAS        s  
COUNTY OF TRAVIS        s

2-96-0625

WHEREAS, the Estates of H. E. Brodie and Frances G. Brodie, Deceased, acting through J. M. Patterson, Jr., Testamentary Trustee of the Will of H. E. Brodie and Albert Brodie, Woodrow Eskew and J. M. Patterson, Jr., Independent Executors of the Estate of Frances G. Brodie, imposed certain restrictive covenants upon 164.14 acres, more or less, located in Travis County, Texas, more particularly described in that certain Restrictive Covenant recorded in Volume 7479, Page 23, Deed Records of Travis County, Texas; and

WHEREAS, the real property covered by said restrictions has been conveyed to Frederick A. Gottesman, by deed dated December 23, 1981, recorded in Volume 7647, Page 484, Deed Records of Travis County, Texas; and

WHEREAS, by error and mistake the property descriptions attached to said Restrictive Covenant as Exhibit "G", Exhibit "H", and Exhibit "I", contained certain typographical and clerical errors, and Frederick A. Gottesman desires to correct said errors and mistakes;

NOW, THEREFORE, the undersigned, the present owner of the above-described property, does hereby make this Correction of Restrictive Covenant to delete from the Restrictive Covenant recorded in Volume 7479, Page 23, Deed Records of Travis County, Texas, the metes and bounds descriptions of Tracts C-1, C-2, and C-3, attached as Exhibit "G", Exhibit "H" and Exhibit "I", respectively, and to substitute in the place of, and in lieu of, said Exhibits, the metes and bounds descriptions of Tracts C-1, C-2, and C-3, respectively, attached hereto and identified as Exhibit "G", Exhibit "H", and Exhibit "I", respectively.

DEED RECORDS  
Travis County, Texas

7851 937

2-96-0626

EXCEPT AS CORRECTED HEREBY, SAID RESTRICTIVE COVENANT shall continue in full force and effect and the terms and provisions thereof are hereby CONFIRMED, RATIFIED, AND APPROVED in all respects.

EXECUTED this 20th day of August, 1982.

Frederick A. Gottesman  
FREDERICK A. GOTTESMAN  
By: Sanford L. Gottesman  
Attorney in Fact

000626

ACKNOWLEDGED AND APPROVED:

CITY OF AUSTIN

By: Frederick A. Gottesman NO SEAL  
Its: CITY MANAGER

THE STATE OF TEXAS S

COUNTY OF TRAVIS S

This instrument was acknowledged before me this 20th day of August, 1982, by SANFORD L. GOTTESMAN, Attorney in Fact for Frederick A. Gottesman.

NOTARY SEAL

June Cantrell  
NOTARY PUBLIC  
STATE OF TEXAS  
JUNE CANTRELL  
MY COMMISSION EXPIRES  
Printed Name JUNE 16, 1984  
My Commission Expires:

7851 . 938

2-96-0627

## FIELD NOTES

## TRACT C1

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19 and the HENRY P. HILL SURVEY NO. 21, Travis County, Texas, and a part of those certain tracts of land described in deeds to Emmatt Brodie and recorded in Vol. 446, Page 183 and the Frances G. Brodie and recorded in Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Baker and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE S 52° 01' 00" W 1116.28' with the northwesterly right-of-way of U.S. Highway 290 to a point, from which a concrete monument bears S 52° 01' 00" W 297.79';

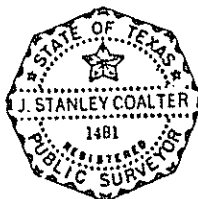
THENCE traversing said Brodie Tract

- (1) N 37° 06' 58" W 575.00' to an iron pin
- (2) N 51° 43' 22" E 1282.17' to an iron pin
- (3) S 29° 39' 52" E 77.31' to an iron pin
- (4) S 15° 31' 58" E 48.70' to an iron pin
- (5) S 23° 46' 28" W 223.66' to an iron pin
- and (6) S 46° 22' 26" E 358.01' to the place of

beginning, containing 15.10 acres of land.

CUNNINGHAM-GRAVES, INC.

*J. Stanley Coalter*  
J. Stanley Coalter, R.P.S. #1481



AUSTIN • OKLAHOMA CITY • TULSA • DURANT

P.O. BOX 15744 • 1800 N. LAMAR  
AUSTIN, TEXAS 78761  
1-512-537-9104

EXHIBIT G

7851 939

FIELD NOTES

TRACT C2

2-36-0628

000628

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19, Travis County, Texas, and a part of those certain tracts of land described in deeds to Emmett Brodie and recorded in Vol. 446, Page 183 and the Frances G. Brodie and recorded in Vol. 2431, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 36' E 64.62';

THENCE S 52° 01' 00" W 1116.28' with the northwesterly right-of-way of U.S. Highway 290 to a point, from which a concrete monument bears S 52° 01' 00" W 297.79';

THENCE

(1) N 39° 06' 38" W 575.00';  
and (2) S 56° 01' 01" W 531.92' to the most southerly corner of the hereinafter described Tract C2 and the TRUE PLACE OF BEGINNING for said description;

THENCE traversing said Brodie Tract

(1) N 33° 06' 58" W 338.00'  
(2) N 55° 23' 02" E 549.00'  
(3) N 49° 53' 02" E 392.82';  
(4) S 38° 16' 38" E 354.01';  
(5) S 51° 43' 22" W 440.48';  
and (6) S 56° 01' 01" W 531.92' to the place of beginning, containing 7.55 acres of land.

CUNNINGHAM-GRAVES, INC.

J. Stanley Coalter, R.P.S. #1481



AUSTIN • OKLAHOMA CITY • TULSA • DURANT

P.O. Box 15244 • 78130 N. LAMAR  
AUSTIN, TEXAS 78761  
1-512-837-0104

EXHIBIT H

7851 940



FIELD NOTES

TRACT C3

BEING a part of the CHARLES H. RIDDLE SURVEY NO. 19 and the HENRY P. HILL SURVEY NO. 21, Travis County, Texas, and a part of those certain tracts of land described in deeds to Emmett Brodie and recorded Vol. 2451, Page 309, Deed Records of Travis Co., and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod on the northwesterly right-of-way of U.S. Highway 290, (South Lamar Blvd.), from which an iron pipe at the most southerly southeast corner of a 2 acre tract conveyed to D. C. Eskew and recorded in Vol. 846, Page 215, Deed Records of Travis Co., bears N 51° 56' E 64.62';

THENCE with the northeasterly line of said Brodie Tract

- (1) N 46° 22' 26" W 358.01 to an iron pipe
- (2) N 23° 46' 28" E 223.66 to an iron pipe
- (3) N 15° 31' 58" W 48.70
- and (4) N 29° 39' 52" W 77.31'

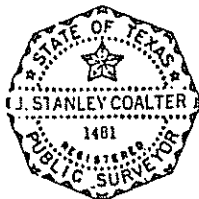
to the most easterly corner of the hereinafter described Tract C3 and the TRUE PLACE OF BEGINNING for said description;

- (1) S 51° 43' 22" W 841.69';
- (2) N 38° 16' 38" W 354.01';
- (3) N 49° 53' 02" E 57.18';
- (4) N 39° 23' 02" E 478.00'
- (5) N 82° 53' 02" E 402.26'
- (6) S 26° 08' 44" E 78.70'
- (7) S 62° 55' 16" E 29.00'
- and (8) S 29° 39' 52" E 148.21' to the place of

beginning, containing 7.55 acres of land.

CUNNINGHAM-GRAVES, INC.

J. Stanley Coalter, R.P.S. #1481



PO Box 18244 • 8130 N. LAMAR  
AUSTIN, TEXAS 78761  
1-813-807-8104  
AUSTIN • OKLAHOMA CITY • TULSA • DURANT

FILED

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that the instrument was FILED on the  
date and at the time stamped herein by me and was duly  
RECORDED in the Volume and Page of the named RECORDS  
of Travis County, Texas, as stamp hereon by me, on

SEP 9 1982



Louis H. Hargrave  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

EXHIBIT 1

SEP 9 10 45 AM '82

Louis H. Hargrave  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

7851 . 941

RESTRICTIVE COVENANT

08-85-631

THE STATE OF TEXAS

9

COUNTY OF TRAVIS

Deed No. 81876551876.00  
2-23-81 5518 \* 3.00

2-75-4845

900  
600  
600

WHEREAS, FREDERICK A. GOTTESMAN, acting herein by and through his Attorney-in-Fact, SANFORD L. GOTTESMAN, herein-after referred to as Grantor, is the owner of that certain tract of parcel of land lying and being situated in the City of Austin, Travis County, Texas, and more particularly described as follows, to-wit:

004845

Tracts A, B, C, D, E-1 and E-2, BARTON CREEK PLAZA, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 81, Page 349-370, Plat Records of Travis County, Texas.

WHEREAS, the City of Austin and said owners have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing for the benefit and better development of the property.

NOW, THEREFORE, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the undersigned by the City of Austin, the receipt of which is hereby acknowledged, do hereby agree with respect to said property described above, such agreement to be deemed and considered as covenants running with the land, and which shall be binding upon Grantors, their successors and assigns, as follows, to-wit:

1. No building permit shall be issued for any portion of the property until a waterway development permit complying with all requirements of Sections 41A-111.4, inclusive, of the Austin City Code has been issued by the City of Austin for the portion of the property for which the building permit is

requested and a maintenance agreement has been entered into between the owner of such property and the City of Austin providing for the steps and measures reasonably required to be taken by the owner of such property (including without limitation a sweeping program for parking areas) to assure the sedimentation and erosion control facilities, both temporary and permanent, 2-75-4846 included in such waterway development permit are maintained and operated in such manner so that such facilities will function as the same have been designed, but the owner shall not be responsible to guarantee the effectiveness of the performance or design thereof.

2. No Certificate of Occupancy, temporary or permanent shall be issued for any structure or building erected or placed on any portion of the property unless and until the portion of the sedimentation and erosion control facilities required for the portion of the property for which such Certificate of Occupancy is requested have been completely installed and are functional.

3. The owner shall install, or participate in the installation of, such water quality monitoring equipment at such locations on the property as the City of Austin may reasonably require; provided the owner shall be responsible for no more than \$4,000 of the cost of such equipment and installation. The owner hereby grants to the City of Austin the right to enter upon the property (at reasonable times and places and without disrupting operations and uses upon the property) for purposes of operating, testing, maintaining, repairing or replacing such water quality monitoring equipment.

4. All development rights with respect to Tracts E-1 and E-2 have been transferred by the owner of the property to Tracts A, B, C and D, subject to the easements shown on the plat on Tracts E-1 and E-2.

5. Impervious cover placed permanently on the property shall not exceed a total of 33.82 acres. The coverage shall be allocated according to the most recent site plan approved by the



City of Austin and shall not exceed 10.986 acres on Tract D.  
Impervious cover on Tract E-1 shall be limited to approved  
driveway access, utilities and signs. No impervious cover  
shall be placed on Tract E-2.

2-75-4847

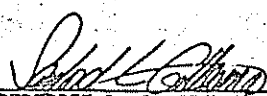
If any person, persons, corporation or entity of any other  
character shall violate or attempt to violate the foregoing  
agreement and covenant, it shall be lawful for the City of  
Austin, a municipal corporation, its successors and assigns,  
to prosecute proceedings at law, or in equity, against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

If any part of provision of this agreement or covenant  
herein contained shall be declared invalid by judgment or court  
order, the same shall in no wise affect any of the other pro-  
visions of this agreement, and such remaining portion of this  
agreement shall remain in full force and effect.

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

This agreement may be modified, amended or terminated only  
by joint action of both (a) a majority of the members of the  
City Council of the City of Austin, or such other governing  
body as may succeed the City Council of the City of Austin,  
and (b) by the owners of the above described property at the  
time of such modification, amendment or termination.

WITNESS our hands this the 14 day of December, 1981.

  
FREDERICK A. GOTTESMAN  
By: Sanford L. Gottesman  
Attorney-in-Fact



THE STATE OF TEXAS     §  
COUNTY OF TRAVIS     §

BEFORE ME, the undersigned authority on this **2-75-4848**  
day personally appeared SAMFORD L. GOTTESMAN, Attorney in Fact  
for FREDERICK A. GOTTESMAN, known to me to be the person whose  
name is subscribed to the foregoing instrument, and acknowledged  
to me that he executed the same for the purposes and consideration  
therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office on this  
the 16<sup>th</sup> day of December, 1981.

*Allen McHuck*  
NOTARY PUBLIC  
Travis County, TEXAS

NOTARY SEAL

FILED

DEC 23 3 49 PM '81

*Allen McHuck*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me, and was duly  
RECORDED in the Volume and Page of the named RECORDS  
of Travis County, Texas, as stamp herein by me, on



DEC 23 1981

*Allen McHuck*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

1780  
SUPPLEMENTAL IMPERVIOUS COVERAGE AGREEMENT  
AND RESTRICTIVE COVENANT

THE STATE OF TEXAS           §  
                                  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS           §

3 34 9797

R E C I T A L S:

A. By Deed recorded in Volume 7647, Page 484, Deed Records of Travis County, Texas, Fred A. Gottesman acquired 164.13 acres of land, more or less, in Travis County, Texas, which 164.13 acre tract is more particularly described by metes and bounds in said Deed and which Deed is hereby referred to and incorporated herein by reference for all purposes.

B. By plat recorded in Book 81, Pages 369-370, Plat Records of Travis County, Texas, such 164.13 acre tract was subdivided as a subdivision known as Barton Creek Plaza, consisting of Lots A, B, C, D, E-1 and E-2.

C. Pursuant to applicable ordinances of the City of Austin, all development rights with respect to Lots E-1 and E-2 of said Barton Creek Plaza were transferred to Lots A, B, C and D of said Barton Creek Plaza, and the impervious cover that could be permanently placed on said property was limited to 55.82 acres, to be allocated among said Lots A, B, C and D according to the most recent site plans approved by the City of Austin but not to exceed 10.586 acres on Lot D, which transfer and limitations were approved by the City of Austin and impressed upon said property by Restrictive Covenant recorded in Volume 7648, Page 49, as corrected by Correction of Restrictive Covenant recorded in Volume 7851, Page 937, Deed Records of Travis County, Texas.

D. By Impervious Coverage Restrictive Covenants recorded in Volume 7953, Page 413, Deed Records of Travis County, Texas, the impervious cover that could be permanently placed on Lot C of said Barton Creek Plaza was limited to no more than 16 acres, and a site plan approved by the City of Austin (File No. C14p-82-059)

DEED RECORDS  
Travis County, Texas

8237 . 825

3 34 9798

provides for the development of said Lot C as an apartment project with 13.42 acres of impervious cover.

E. Lot A, Lot C, Lot E-1 and Lot E-2 of said Barton Creek Plaza have been conveyed to, respectively, Brodie Oaks Associates by Deed recorded in Volume 7961, Page 523 (Lot A), Barton Lodge I, Ltd. and Barton Lodge II, Ltd. by Deeds recorded in Volume 7954, Page 725, and in Volume 7954, Page 732 (Lot C), and the City of Austin by Deed recorded in Volume 7649, Page 274 (Lot E-1) and by plat recorded in Book 81, Pages 369-370 (Lot E-2), Deed and Plat Records of Travis County, Texas.

F. Thereafter, by plat recorded in Book 83, Page 149D-150A, Plat Records of Travis County, Texas, Lot A of said Barton Creek Plaza was resubdivided as a subdivision known as Brodie Oaks Center Amended, consisting of Lots 1-A through 6-A, and an amended site plan approved by the City of Austin (File No. C14r-81-033) provides for the development of said Brodie Oaks Center Amended as a retail and office project with 24.60 acres of impervious cover.

G. Lot 2-A and Lot 6-A of said Brodie Oaks Center Amended have been conveyed to, respectively, Tru Realty Corporation by Deed recorded in Volume 8210, Page 609 (Lot 2-A) and Mervyn's by Deed recorded in Volume 8210, Page 605 (Lot 6-A), Deed Records of Travis County, Texas.

H. The parties hereto desire to confirm, ratify and approve the transfer of development rights and the allocation of impervious cover that may be permanently placed on said property as presently provided and/or approved by such parties.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is confirmed and agreed by the undersigned parties as follows:

1. The City of Austin hereby confirms, ratifies and approves the transfer of development rights from Lot E-1 and Lot E-2 of said Barton Creek Plaza to the remainder of the above described 164.13 acre tract (to wit, Lot A (now Lots 1-A through 6-A, Brodie Oaks Center Amended), Lot B, Lot C and Lot D of said Barton Creek Plaza),

as provided in the Restrictive Covenant recorded in Volume 7648, Page 49, Deed Records of Travis County, Texas; and further agrees that this instrument shall satisfy all requirements of the ordinances of the City of Austin with respect thereto, including specifically but without limitation the provisions of Section 13-3-316 to 13-3-323 of the Code of the City of Austin, 1981.

2. It is contemplated that the owner of Lot D of said Barton Creek Plaza will submit to the City of Austin a site plan or plans for proposed development of Lot D, with impervious cover thereon not to exceed 10.586 acres. For a period commencing on the date hereof and ending September 1, 1985, the undersigned Brodie Oaks Associates, as owner of Lot 1-A, Lot 3-A, Lot 4-A and Lot 5-A of said Brodie Oaks Center Amended, agrees that it shall take no action to increase the impervious cover allocated to all Lots within said Brodie Oaks Center Amended to more than 24.60 acres; and the undersigned Fred A. Gottesman, as owner of Lot B of said Barton Creek Plaza, agrees that it shall take no action to increase the impervious cover allocated to Lot B, Lot C, Lot E-1 and Lot E-2 of said Barton Creek Plaza to more than 20.634 acres; so that during such period the owner of Lot D of said Barton Creek Plaza may seek approval by the City of Austin of a site plan or plans for such Lot D with impervious cover thereon of up to 10.586 acres. At any time after September 1, 1985, the provisions of the immediately preceding sentence shall not apply and shall be completely null and void, so that thereafter impervious cover shall be allocated to and among each Lot within said Barton Creek Plaza and Brodie Oaks Center Amended in accordance with the most recent site plan therefor approved by the City of Austin and subject to any other restrictive covenants then applicable thereto and of record in the Deed Records of Travis County, Texas.

3. If any person, corporation or entity of any character shall violate or attempt to violate the foregoing restrictions, it shall be lawful for any of the undersigned to prosecute proceedings at law or in equity against said person, corporation or entity

violating or attempting to violate said restrictions and to prevent such violation or attempted violation.

4. If any part or provision of this instrument shall be declared invalid by judgment or court order, the same shall in no way affect any of the other provisions of this instrument and such other provisions shall continue in full force and effect. The failure at any time to enforce the above restrictions, whether any violations hereof are known or unknown, shall not constitute a waiver or estoppel of the right to do so by the persons and entities entitled to enforce the restrictions herein contained.

5. The restrictions herein contained shall supplement and be in addition to all other restrictive covenants presently existing and applicable to said Barton Creek Plaza. The provisions of paragraph 2 hereof shall be covenants running with Lot 1-A, Lot 3-A, Lot 4-A, and Lot 5A of said Brodie Oaks Center Amended, and Lot B of said Barton Creek Plaza, for the benefit of Lot D of said Barton Creek Plaza, and shall be binding on and inure to the benefit of the respective owners of such Lots; and this instrument and the restrictions herein contained may be modified, amended or terminated only by written agreement executed by all of the then owners of such Lots and by the City of Austin and filed of record in the Deed Records of Travis County, Texas.

EXECUTED TO BE EFFECTIVE the 26<sup>th</sup> day of August, 1983.

BRODIE OAKS ASSOCIATES, a Texas  
limited partnership

By: CROW-BRODIE RETAIL, a Texas  
limited partnership,  
General Partner

By:   
Sanford L. Gottesman  
General Partner

(Owner of Lots 1-A, 3-A, 4-A and  
5A, Brodie Oaks Center Amended)

3 34 9801

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 29th day of August, 1983, by Sanford L. Gottesman, General Partner of CROW-BRODIE RETAIL, a Texas limited partnership, General Partner of BRODIE OAKS ASSOCIATES, a Texas limited partnership, on behalf of said limited partnership.

My Commission Expires:

4/23/85

Sally M. Trucker  
NOTARY PUBLIC  
STATE OF TEXAS

NOTARY SEAL



SALLY M. TRUCKER  
NOTARY PUBLIC STATE OF TEXAS  
COMMISSION EXPIRES 4/23/85

3 34 9802

Fred A. Gottesman

Fred A. Gottesman

~~By: Sanford L. Gottesman~~  
~~Attorney in Fact~~

(Owner of Lots B and D, Barton  
Creek Plaza)

THE STATE OF TEXAS        §

COUNTY OF TRAVIS        §

This instrument was acknowledged before me on the 6  
day of September, 1983, by ~~Sanford L. Gottesman, Attorney~~  
~~in Fact~~ for Fred A. Gottesman.

My Commission  
Expires:

3-30-84

Kathy S. Nunn

NOTARY PUBLIC  
STATE OF TEXAS

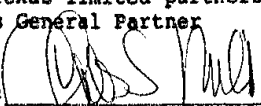
KATHY S. NUNN

NOTARY SEAL

3 34 9803

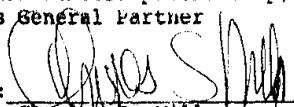
BARTON LODGE I, LTD., a Texas  
limited partnership

By: PHAM-BARTON LODGE I, LTD.,  
a Texas limited partnership,  
its General Partner

By:   
Charles S. Miller,  
Managing General Partner

BARTON LODGE II, LTD., a Texas  
limited partnership

By: PHAM-BARTON LODGE II, a  
Texas limited partnership,  
its General Partner

By:   
Charles S. Miller,  
Managing General Partner

(Owners of Lot C, Barton Creek Plaza)

THE STATE OF TEXAS §

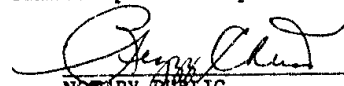
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 15<sup>th</sup>  
day of September, 1983, by Charles S. Miller, Managing General  
Partner of PHAM-BARTON LODGE I, LTD., a Texas limited partner-  
ship, General Partner of BARTON LODGE I, LTD., a Texas limited  
partnership, on behalf of said limited partnership.

My Commission  
Expires:

3/12/84

NOTARY SEAL

  
NOTARY PUBLIC  
STATE OF TEXAS

THE STATE OF TEXAS §

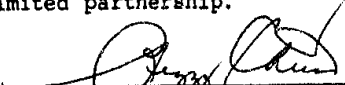
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 15<sup>th</sup>  
day of September, 1983, by Charles S. Miller, Managing General  
Partner of PHAM-BARTON LODGE II, a Texas limited partnership,  
General Partner of BARTON LODGE II, LTD., a Texas limited part-  
nership, on behalf of said limited partnership.

My Commission  
Expires:

3/12/84

NOTARY SEAL

  
NOTARY PUBLIC  
STATE OF TEXAS



3 34 9804

(CORPORATE SEAL)

ATTEST:

THE CITY OF AUSTIN

James C. Aldridge  
Its: ~~ACTING CITY~~ Clerk

By: Nicholas Blasing  
Its: \_\_\_\_\_ City Manager

APPROVED:

Bonnett H. Kristoponis, Ass't Dir.  
for Richard R. Lillie  
Director of Planning

James M. Nias  
James M. Nias  
Assistant City Attorney

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 26<sup>th</sup>  
day of August, 1983, by Nicholas Blasing, \_\_\_\_\_ City  
Manager of THE CITY OF AUSTIN, a municipal corporation, on behalf  
of said corporation.

My Commission  
Expires:

9/1/85

NOTARY SEAL

Rita Smith  
NOTARY PUBLIC  
STATE OF TEXAS

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped hereon by me; and was duly  
RECORDED. in the Volume and Page of the named RECORDS  
of Travis County, Texas, as stamp hereon by me, on

SEP 6 1983



Laris H. Hines  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

1983 SEP -6 PM 4:39

Laris H. Hines  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

83 5621

NOTE: All lots in this subdivision are restricted to use as other than single family or duplex.

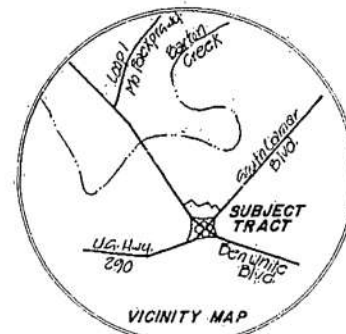
Prior to any development on the Subject Tract that varies from the approved site development plan on file with the City of Austin, a site plan shall be submitted to the director of public works and the City Council of Austin. The plan and development shall comply with Article I Chapter 41A of the Austin City Code and the Principal Roadway Ordinance.

# BRODIE OAKS CENTER

## FLOOD PLAIN NOTE:

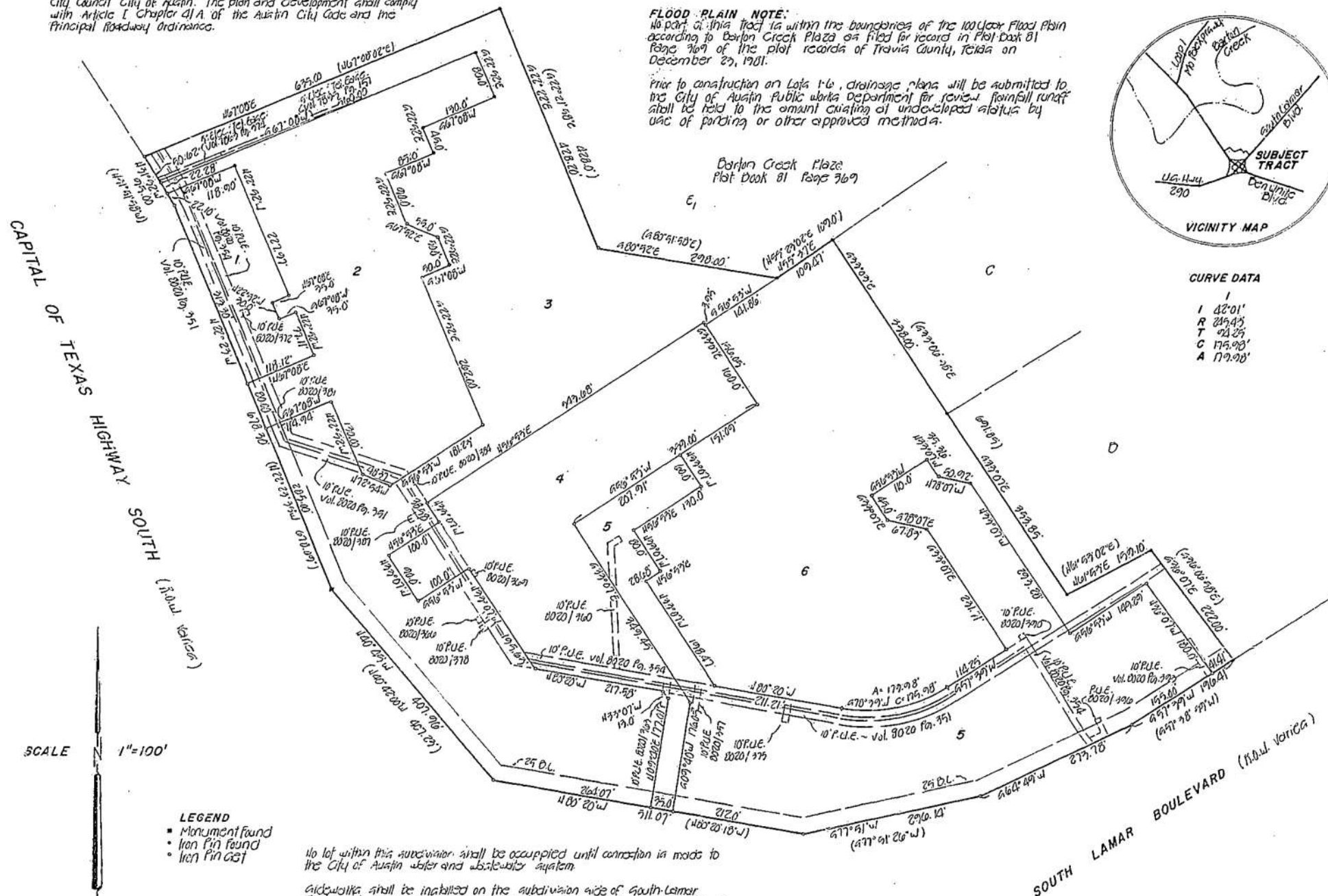
No part of this tract is within the boundaries of the 100 Year Flood Plain according to Barton Creek Plaza as filed for record in Plat Book 81 Page 369 of the plat records of Travis County, Texas on December 29, 1981.

Prior to construction on Lots 1-6, drainage plans will be submitted to the City of Austin Public Works Department for review. Rainfall runoff shall be held to the amount existing at undeveloped status by use of parking or other approved methods.



## CURVE DATA

1  
 1 42°01'  
 R 249.45  
 T 42.25  
 C 175.98  
 A 179.98



No lot within this subdivision shall be occupied until connection is made to the City of Austin water and wastewater system.

Accessways shall be installed on the subdivision side of South Lamar Boulevard. Such accessways shall be installed prior to the acceptance of any Type I or Type II driveway approach and for certificate of occupancy.

C85-83-027

SHEET 1 OF 2

# BRODIE OAKS CENTER

STATE OF TEXAS X  
COUNTY OF TRAVIS X

KNOW ALL MEN BY THESE PRESENTS X

THAT BRODIE OAKS ASSOCIATES, A TEXAS GENERAL PARTNERSHIP, OWNER OF LOT A OF BARTON CREEK PLAZA, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 81, PAGES 369 & 370 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 7961, PAGE 523 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ACTING HEREIN BY AND THROUGH ITS MANAGING PARTNER, SANFORD L. GOTTESMAN, DOES HEREBY RE-SUBDIVIDE THE SAID 28.211 ACRE LOT A ACCORDING TO THE PLAT AS SHOWN HEREON TO BE KNOWN AS BRODIE OAKS CENTER AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON. SAID TRACT IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED.

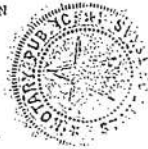
For Grant of Reciprocal Easements and Declaration of Covenants See Volume 8017 Pages 641 thru 748 inclusive TRAVIS COUNTY DEED RECORDS.  
WITNESS THE HAND OF SANFORD L. GOTTESMAN, MANAGING PARTNER OF BRODIE OAKS ASSOCIATES, THIS THE 3rd DAY OF MARCH, 1983, A.D.

Sanford L. Gottesman  
SANFORD L. GOTTESMAN, Managing Partner  
Brodie Oaks Associates

STATE OF TEXAS X  
COUNTY OF TRAVIS X

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 3rd DAY OF MARCH, 1983, A.D. BY SANFORD L. GOTTESMAN, AS MANAGING PARTNER ON BEHALF OF BRODIE OAKS ASSOCIATES.

Margna Peck  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MARGNA PECK  
My Commission expires: 8-2-86



APPROVED FOR ACCEPTANCE THIS THE 22<sup>ND</sup> DAY OF MARCH, 1983, A.D.

Richard R. Lillie  
DIRECTOR OF PLANNING - Richard R. Lillie

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS THE 22<sup>ND</sup> DAY OF MARCH, 1983, A.D.

CHAIRMAN Gilbert M. Martinez  
GILBERT M. MARTINEZ

SECRETARY Mary E. Levy  
MARY E. LEVY

FILED FOR RECORD AT 4:30 O'CLOCK P.M. THE 30th DAY OF MARCH, 1983, A.D.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY L. Jones  
L. JONES

STATE OF TEXAS X  
COUNTY OF TRAVIS X

I, DORIS SHROPSHIRE, CLERK COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS' CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 30th DAY OF MARCH, 1983, A.D. AT 4:30 O'CLOCK P.M. AND DULY RECORDED ON THE 30th DAY OF MARCH, 1983, A.D. AT 4:35 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY IN PLAT BOOK 83, PAGE 934-935.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT THE DATE LAST WRITTEN ABOVE.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY L. Jones  
L. JONES

I, LARRY A. TURNER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 13-3 OF THE AUSTIN CITY CODE; IS TRUE AND CORRECT; AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

W. HARVEY SMITH  
1214 West 5th Street - Austin, Texas 78703

Larry A. Turner  
LARRY A. TURNER  
REGISTERED PUBLIC SURVEYOR NO. 3908  
MARCH 2, 1983



RECEIVED  
FEB 15 1983  
CITY PLANNING  
CITY OF AUSTIN

CBs-83-027

Vol. 83 Page 93B  
Plat Record, Travis County, Texas  
Mar-30-83 RCHH 8371 \$ 40.00  
83 5622  
Vol. 83 Page 93B  
Plat Record, Travis County, Texas

NOTE: All lots in this subdivision are restricted to use as one other than single family or duplex.

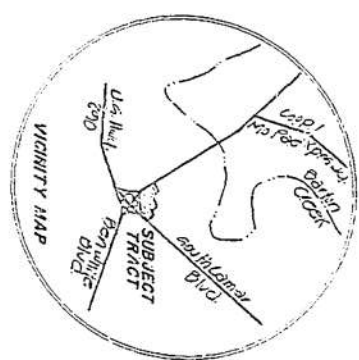
Prior to any development on the subject tract that varies from the approved site development plan on file with the City of Austin, a site plan shall be submitted to the Director of Public Works and the City Council, City of Austin. The plan of development shall comply with Article I, Chapter 91A of the Austin City Code and the Principal Planning Ordinance.

# BRODIE OAKS CENTER AMENDED

**FLOOD PLAIN NOTE:**  
No part of this tract is within the boundaries of the major flood plain according to the Flood Insurance Rate Map of the City of Austin, Texas, dated December 21, 1971.

Prior to construction on this tract, a drainage plan shall be submitted to the City of Austin Public Works Department for review. The plan shall be held to the amount of drainage of undeveloped areas by use of ponding or other approved methods.

Barbara Green Plaza  
Plot 1000 of Block 300

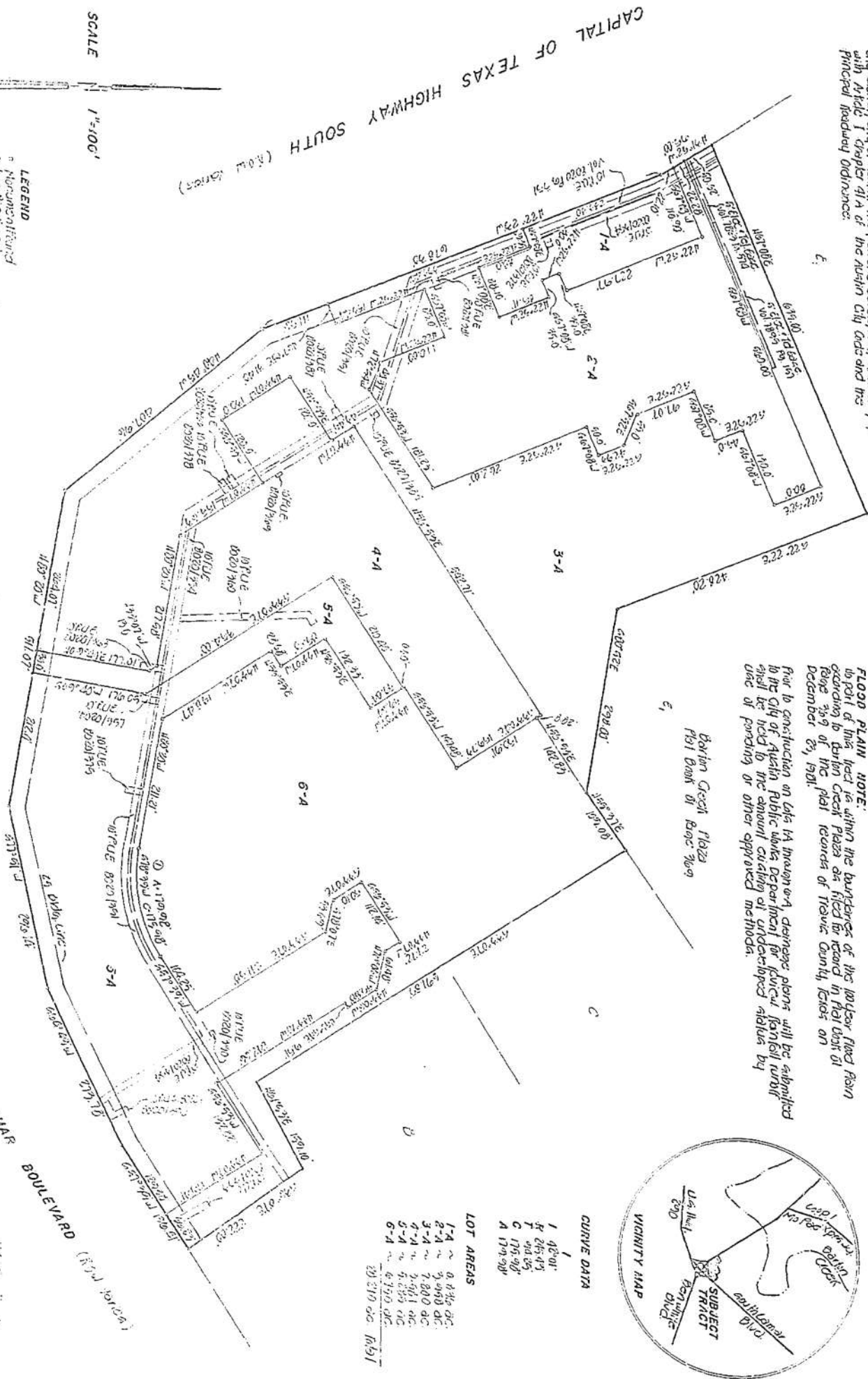


## CURVE DATA

1	42.00'
2	24.43'
3	24.43'
4	174.90'

## LOT AREAS

1-A	0.834 ac.
2-A	3.348 ac.
3-A	7.800 ac.
4-A	2.441 ac.
5-A	4.225 ac.
6-A	4.750 ac.



SCALE  
1"=100'

**LEGEND**  
• Non-encumbered  
• Non-encumbered  
• Non-encumbered

No lot within this subdivision shall be occupied until connection is made to the City of Austin water and wastewater system.  
Sewer lines shall be installed on the subdivision side of South Lamar Boulevard. Sewer manholes shall be installed prior to the acceptance of any Type I or Type II driveway approach and/or curbside of occupied.

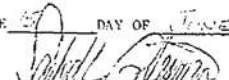
# BRODIE OAKS CENTER AMENDED

STATE OF TEXAS    Y  
COUNTY OF TRAVIS    Y

KNOW ALL MEN BY THESE PRESENTS:


THAT BRODIE OAKS ASSOCIATES, A TEXAS GENERAL PARTNERSHIP, OWNER OF LOTS 1 THROUGH 4 OF BRODIE OAKS CENTER, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 93A & 93B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 1941, PAGE 513 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ACTING HEREIN BY AND THROUGH ITS MANAGING PARTNER, SANFORD L. GOTTESMAN, DUE TO AN INADVERTENT ENCROACHMENT OF IMPROVEMENTS OVER LOT LINES, DOES HEREBY RESUBDIVIDE THE 28.210 ACRE TRACT OF LAND ACCORDING TO THE PLAT AS SHOWN HEREON TO BE KNOWN AS BRODIE OAKS CENTER AMENDED AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON. SAID TRACT IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED.

WITNESS THE HAND OF SANFORD L. GOTTESMAN, MANAGING PARTNER OF BRODIE OAKS ASSOCIATES, THIS THE 27 DAY OF JUNE, 1983, A.D.

  
SANFORD L. GOTTESMAN, Managing Partner  
Brodie Oaks Associates

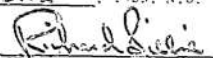
STATE OF TEXAS    Y  
COUNTY OF TRAVIS    Y

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 27 DAY OF JUNE, 1983, A.D. BY SANFORD L. GOTTESMAN, AS MANAGING PARTNER ON BEHALF OF BRODIE OAKS ASSOCIATES.

  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

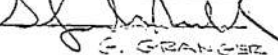
My Commission expires: 10/10/83

APPROVED FOR ACCEPTANCE THIS THE 23 DAY OF JUNE, 1983, A.D.

  
DIRECTOR OF PLANNING - Richard E. Little

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS THE 28 DAY OF JUNE, 1983, A.D.

CHAIRMAN   
ROBERT M. MARTINEZ

SECRETARY   
G. GRANGER McDONALD

FILED FOR RECORD AT 4:25 O'CLOCK P.M. THE 30th DAY OF JUNE, 1983, A.D.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY L. Jones  
L. JONES

STATE OF TEXAS    Y  
COUNTY OF TRAVIS    Y

I, DORIS SHROPSHIRE, CLERK COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 30th DAY OF JUNE, 1983, A.D. AT 4:25 O'CLOCK P.M. AND DULY RECORDED ON THE 30th DAY OF JUNE, 1983, A.D. AT 4:30 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY IN PLAT BOOK 93, PAGE 1470-190A.

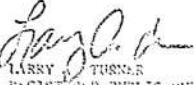
WITNESS MY HAND AND SEAL OF THE COUNTY COURT THE DATE LAST WRITTEN ABOVE.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

BY: DEPUTY L. Jones  
L. JONES

I, LARRY A. TURNER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 13-3 OF THE AUSTIN CITY CODE. IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

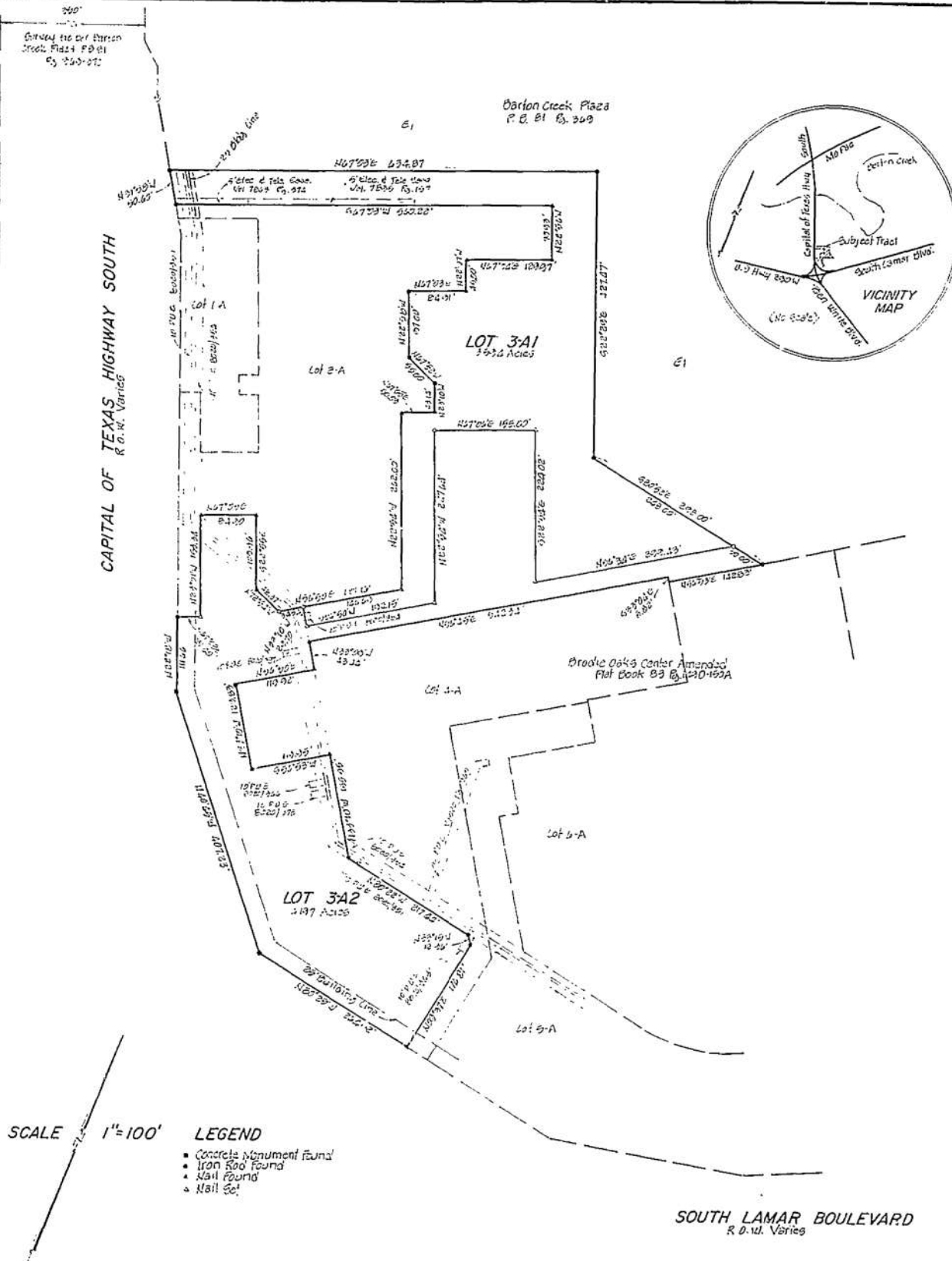
L. HARVEY SMITH SURVEYOR, INC.  
1214 West 5th Street - Austin, Texas 78703

  
LARRY A. TURNER  
REGISTERED PUBLIC SURVEYOR NO. 1905  
JUNE 1, 1973



RECEIVED  
JUN 18 1983  
CITY PLANNING  
CITY OF AUSTIN

CBs-83-108



MISC FILM CODE  
00009234189

Vol. 41 Page 41  
PLAT RECORD, TRAVIS COUNTY, TEXAS

*RESUBDIVISION OF LOT 3-A  
BRODIE OAKS CENTER  
AMENDED*



# RESUBDIVISION OF LOT 3-A BRODIE OAKS CENTER AMENDED

STATE OF TEXAS )  
COUNTY OF TRAVIS )

KNOW ALL MEN BY THESE PRESENTS )

THAT, AUSTIN RETAIL BOA I AND II, A TEXAS GENERAL PARTNERSHIP, ACTING HEREIN BY AND THROUGH ITS MANAGING GENERAL PARTNER, SANFORD L. GOTTESMAN, OWNER OF 7.791 ACRES OF LAND, BEING ALL OF LOT 3-A, BRODIE OAKS CENTER AMENDED, AS RECORDED IN PLAT BOOK 83, PAGES 1490, 150A, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND AS CONVEYED TO ME BY DEED RECORDED IN VOLUME 11027, PAGE 1133, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID PROPERTY HAVING BEEN ZONED FOR USAGE OTHER THAN ONE OR TWO RESIDENTIAL UNITS PER LOT FOR THE IMMEDIATE FIVE YEARS, AND THERE BEING NO RESTRICTIONS LIMITING SAID SUBDIVISION TO ONE OR TWO RESIDENTIAL UNITS PER LOT, PURSUANT TO SECTION 212.014 AND 212.015, TEXAS LOCAL GOVERNMENT CODE AS AMENDED, DO HEREBY RESUBDIVIDE SAID LOT IN ACCORDANCE WITH THE MAP AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND NOT RELEASED, TO BE KNOWN AS "RESUBDIVISION OF LOT 3-A BRODIE OAKS CENTER AMENDED", AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS THE HAND OF SANFORD L. GOTTESMAN, MANAGING GENERAL PARTNER, AUSTIN RETAIL BOA I AND II, THIS THE 30th DAY OF September, 1992, A.D.

Sanford L. Gottesman  
SANFORD L. GOTTESMAN, MANAGING GENERAL PARTNER  
AUSTIN RETAIL BOA I AND II  
2001 ROSS AVENUE #3500  
DALLAS, TEXAS 75201

STATE OF TEXAS )  
COUNTY OF TRAVIS )

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SANFORD L. GOTTESMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 30th DAY OF September, 1992, A.D.

Kathia Weideman  
NOTARY PUBLIC  
State of Texas  
Comm. Exp. 08-01-2004  
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS  
MY COMMISSION EXPIRES: 8-1-99 PRINT NAME

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEPARTMENT OF PLANNING AND DEVELOPMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE 30th DAY OF September, 1992, A.D.

John Smith  
JOHN SMITH, DIRECTOR  
DEPARTMENT OF PLANNING AND DEVELOPMENT

FILED FOR RECORD AT 3:00 O'CLOCK, P. THIS THE 4th DAY OF November, 1992, A.D.

CLERK OF THE COUNTY COURT  
TRAVIS COUNTY, TEXAS

BY: B. J. Rutherford  
DEPUTY

STATE OF TEXAS )  
COUNTY OF TRAVIS )

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 4th DAY OF November, 1992, A.D., AT 3:00 O'CLOCK P. H., AND DULY RECORDED ON THE 4th DAY OF November, 1992, A.D., AT 3:00 O'CLOCK P. H., IN THE PLAT RECORDS OF SAID COUNTY, IN PLAT BOOK 91, PAGE(S) 47-48.

WITNESS MY HAND AND SEAL OF THE OFFICE OF THE COUNTY CLERK, THE 4th DAY OF November, 1992, A.D.

DANA DEBEAUVOIR COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY: B. J. Rutherford  
DEPUTY

WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN AND STATE AND HEALTH DEPARTMENT PLANS AND SPECIFICATIONS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN, WATER AND WASTEWATER DEPARTMENT, FOR REVIEW.

NO STRUCTURE WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM.

ALL SIGNS SHALL COMPLY WITH THE AUSTIN SIGN ORDINANCE.

ALL LOTS IN THIS SUBDIVISION ARE RESTRICTED TO USAGE OTHER THAN RESIDENTIAL.

DIRECT ACCESS TO CAPITAL OF TEXAS HIGHWAY SOUTH IS PROHIBITED FROM LOT 3-A1.

OFF-STREET LOADING AND UNLOADING FACILITIES SHALL BE PROVIDED ON ALL COMMERCIAL AND INDUSTRIAL LOTS.

THIS SUBDIVISION IS SUBJECT TO A RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF COVENANTS AS RECORDED IN VOLUME 8017, PAGE 641, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

ALL FUTURE DEVELOPMENT PROPOSED MUST COMPLY WITH THE BARTON SPRINGS CONTRIBUTING ZONE ORDINANCE.

## SITE DETENTION NOTE:

ALL INTERIOR SITE DETENTION PONDS, STRUCTURES, AND RELATED STORM SEWERS OR OVERLAND FLOW PATHS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE CITY OF AUSTIN.

WHERE SUCH INTERIOR DETENTION PONDS ARE APPROVED AND ALLOWED TO BE SHARED BETWEEN THE LOTS AS SHOWN ON THIS PLAT, OR OVERLAND FLOW THROUGH PARKING AREAS IS USED TO FACILITATE SITE DRAINAGE, SUCH DETENTION PONDS, STRUCTURES, AND RELATED STORM SEWERS OR DRAINAGE PATHS SHALL REMAIN IN PLACE UNLESS ALTERNATE PLANS AND DRAINAGE CALCULATIONS ARE SUBMITTED TO AND APPROVED BY THE CITY OF AUSTIN OFFICE OF LAND DEVELOPMENT STAFF OR ITS EQUIVALENT.

HISC FILM CODE  
00009234190

Vol. 91 Page 42  
PLAT RECORD, TRAVIS COUNTY, TEXAS

I, DOUGLAS A. SEELIG, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 13 OF THE AUSTIN CITY CODE OF 1981, AS AMENDED; IS TRUE AND CORRECT; AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

AS SURVEYED BY:  
DOUG-SEELIG LAND SURVEYORS, P.C.

Douglas A. Seelig  
DOUGLAS A. SEELIG  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1908  
3802 MANCHACA ROAD  
AUSTIN, TEXAS 78704



Consort, Inc.  
301 Second Ave. / Austin, TX 78701 / (512) 478-2002

CB-91-0143.0A