

RESTRICTIVE COVENANT
Zoning Case No. C814-2024-0001

OWNER: 500 South Congress Owner LLC., a Delaware limited liability company
OWNER ADDRESS: 30 Hudson Yards, 72nd Floor
New York, New York, 10001

OWNER: Riverside Partners SW, LLC., a Texas limited liability company
OWNER ADDRESS: 2710 Bee Caves Road
Austin, Texas, 78746

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

PROPERTY: A 6.0123 acre tract of land out of the Isaac Decker League, Abstract No. 8, in Travis County, Texas, being all of a called 6.0102 acre tract conveyed by deed recorded in Document No. 2022159125 of the Official Public Records Of Travis County, Texas, said 6.0123 acres of land being more particularly described by metes and bounds in **Exhibit “A-1”** incorporated into this ordinance, and

A 0.4733 acre tract of land out of the Isaac Decker League, Abstract No. 8, in Travis County, Texas, being all of a called 0.472 acre tract of land conveyed by deed recorded in Document No. 2020142997 of the Official Public Records of Travis County, Texas, said 0.4733 acre being more particularly described by metes and bounds in **Exhibit “A-2”** incorporated into this ordinance, (collectively, the “Property”), and generally identified in the map attached as **Exhibit “B”**.

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

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis (“TIA”) prepared by BOE dated November 6, 2024 and approved by the Director of the Transportation and Public Works Department. All development on the Property is subject to the Transportation and Public Works Department’s staff memorandum dated August 26, 2025 (“memorandum”) and any amendments to the

memorandum that address subsequent TIA updates for the Property. The TIA and memorandum shall be kept on file at the Transportation and Public Works Department.

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

(Remainder of page intentionally left blank)

EXECUTED this the _____ day of _____, 2025.

OWNER:

500 South Congress Owner LLC.,
a Delaware limited liability company

By: _____
Michael Iannacone, Vice President

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Michael Iannacone, as Vice President of 500 South Congress Owner LLC, a Delaware limited liability company, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____, 2025.

[Seal]

Notary Public, State of _____

OWNER:

Riverside Partners SW, LLC.,
a Texas limited liability company

By: _____
Scott William Broaddus Jr., President

STATE OF _____ §
COUNTY OF _____ §

Before me, the undersigned notary, on this day personally appeared Scott William Broaddus Jr., as President of Riverside Partners SW, LLC., a Texas limited liability company, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____, 2025.

[Seal]

Notary Public, State of _____

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

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

EXHIBIT "A-1"

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 6.0123 ACRE (261,895 SQUARE FEET), OUT OF THE ISAAC DECKER LEAGUE, ABSTRACT NO. 8, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 6.0102 ACRES TRACT CONVEYED TO 500 SOUTH CONGRESS OWNER, LLC IN DOCUMENT NO. 2022159125 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 6.0123 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wardls.com
www.4wardls.com

BEGINNING, at a cotton spindle found in the south right-of-way of Riverside Drive (right-of-way varies), being in common north corner of said 500 South Congress Owner tract and a called 0.472 acre tract conveyed to Riverside Partners SW, LLC in Document No. 2020142997 (O.P.R.T.C.T.), and being the most northerly northeast corner and **POINT OF BEGINNING** hereof, from which an "X" cut in concrete found in the south right-of-way line of said Riverside Drive, being the common north corner of said Riverside Partners SW tract and the remainder of a called 1,453 square foot tract conveyed to Kathrin L. Gann, Trustee of the Leigh Family Trust in Volume 11485, Page 278 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), said 1,453 square foot tract described in Volume 3919, Page 1932 of the Deed Records of Travis County, Texas (D.R.T.C.T.) bears, S47°12'04"E, a distance of 61.49 feet;

THENCE, leaving the south right-of-way line of said Riverside Drive, with the common line of said 500 South Congress Owner tract and said Riverside Partners SW tract the following two (2) courses and distance:

- 1) **S16°33'00"W**, a distance of **241.30** feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) **S73°24'29"E**, a distance of **120.10** feet to a broken nail found for the most southerly northeast corner hereof, being in the west right-of-way line of South Congress Avenue, and being the common east corner of said 500 South Congress Owner tract and said Riverside Partners SW tract;

THENCE, leaving the south line of said Riverside Partners SW tract, with the west right-of-way line of said South Congress Avenue and the east line of said 500 South Congress Owner tract, **S16°36'41"W**, passing at a distance of 49.96 feet a Mag nail with washer stamped "6598" found, in all a distance of **297.55** feet to a 1-inch iron pipe found for the southeast corner hereof, being the common east corner of said 500 South Congress Owner tract and a called 61.855 acres tract conveyed to Texas Public Finance Authority in Volume 11133, Page 532 (R.P.R.T.C.T.);

THENCE, leaving the west right-of-way of said South Congress Avenue, with the common line of said 500 South Congress Owner tract and said Texas Public Finance Authority tract the following three (3) courses and distances:

- 1) **S75°52'53"W**, a distance of **118.63** feet to a calculated point for an angle point hereof,
- 2) **N81°41'07"W**, a distance of **250.31** feet to a calculated point for an angle point hereof,
- 3) **N45°56'07"W**, a distance of **141.79** feet to an iron rod with "RPLS 5593" cap found for the southwest corner hereof, being the common south corner of said 500 South Congress Owner tract and Lot 1, Texas Center Subdivision, a subdivision recorded in Volume 83, Page 186D-187A of the Plat Records of Travis County, Texas (P.R.T.C.T.), said Lot 1 conveyed to City of Austin in Volume 12922, Page 1301 (R.P.R.T.C.T.), from which a 1-inch iron pipe found for an angle point in the common line of said Texas Public Finance Authority tract and said Lot 1 bears, N46°00'57"W, a distance of 149.41 feet;

THENCE, leaving the north line of said Texas Public Finance Authority tract, with the common line of said 500 South Congress Owner tract and said Lot 1 the following two (2) courses and distances:

- 1) **N26°00'02"E**, a distance of **344.50** feet to a 1/2-inch iron pipe found for an angle point hereof,
- 2) **N64°03'37"W**, a distance of **83.81** feet to a 1/2-inch iron pipe found (from which a 60d nail found bears, S10°20'43"E, a distance of 1.01') for an angle point hereof, and being the southeast corner of Haywood Avenue (80' right-of-way), from which a 1/2-inch iron pipe found for an angle point in the east line of said Lot 1 and being the southwest corner of said Haywood Avenue bears, N64°03'24"W, a distance of 82.45 feet;

THENCE, leaving the east line of said Lot 1, with the west line of said 500 South Congress Owner tract and the east right-of-way line of said Haywood Avenue, **N40°04'34"E**, a distance of **378.65** feet to a 1/2-inch iron pipe found (from which a 1/2-inch iron rod found bears, N62°45'53"W, a distance of 0.15') for the northwest corner point hereof, being the northwest corner of said 500 South Congress Owner tract, and being the intersection of the east right-of-way line of said Haywood Avenue and the south right-of-way line of said Riverside Drive;

THENCE, leaving the east right-of-way line of said Haywood Avenue, with the south right-of-way line of said Riverside Drive and the north line of said 500 South Congress Owner tract the following two courses and distances:

- 1) **S42°43'51"E**, a distance of **191.38** feet to a cotton spindle found (from which a nail found bears, N28°23'35"W, a distance of 0.04') for an angle point hereof,
- 2) **S46°52'07"E**, a distance of **74.02** feet to the **POINT OF BEGINNING** and containing 6.0123 Acre (261,895 Square Feet) of land, more or less.

Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000023207213. See attached sketch (reference drawing: 01757.dwg.)

References:

TCAD #188629
COA GRID #J-21

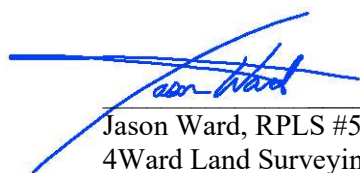

10/31/2023
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



EXHIBIT "A-2"

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.4733 ACRE (20,619 SQUARE FEET), OUT OF THE ISAAC DECKER LEAGUE, ABSTRACT NO. 8, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 0.472 ACRES TRACT CONVEYED TO RIVERSIDE PARTNERS SW, LLC IN DOCUMENT NO. 2020142997 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.4733 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wardls.com
www.4wardls.com

BEGINNING, at a cotton spindle found in the south right-of-way of Riverside Drive (right-of-way varies), being common north corner of said Riverside Partners SW tract and a called 6.0102 acres tract conveyed to 500 South Congress Owner, LLC in Document No. 2022159125 (O.P.R.T.C.T.) and being the northwest corner and **POINT OF BEGINNING** hereof, from which a cotton spindle found (from which a nail found bears, N28°23'35"W, a distance of 0.04') being an angle point in the south right-of-way line of said Riverside Drive bears, N46°52'07"E, a distance of 74.02 feet;

THENCE, leaving the east line of said 500 South Congress Owner tract, with the south right-of-way line of said Riverside Drive and the north line of said Riverside Partners SW tract, **S47°12'04"E**, a distance of **61.49** feet to an "X" cut in concrete found for the most northerly northeast corner hereof, being the common north corner of said Riverside Partners SW tract and a called 1,453 square feet tract conveyed to Kathrin L. Gann, Trustee of the Leigh Family Trust in Volume 11485, Page 278 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), said 1,453 square feet tract described in Volume 3919, Page 1932 of the Deed Records of Travis County, Texas (D.R.T.C.T.), from which a punch hole in concrete found for the northeast corner of said Leigh Family Trust tract, being the intersection of the south right-of-way line of said Riverside Drive and the west right-of-way line of South Congress Avenue (120' right-of-way) bears, **S47°14'04"E**, a distance of 72.63 feet;

THENCE, leaving the south right-of-way line of said Riverside Drive, with the common line of said said Riverside Partners SW tract and said Leigh Family Trust tract, the following two (2) courses and distances:

- 1) **S16°37'48"W**, a distance of **90.13** feet to a Mag nail with washer stamped "RPLS 5907" found for an angle point hereof,
- 2) **S73°28'12"E**, a distance of **65.21** feet to a Mag nail with washer stamped "RPLS 5907" found for the most southerly northeast corner hereof, being in the west right-of-way line of said South Congress Avenue, and being the common east corner of said Riverside Partners SW tract and said Leigh Family Trust tract;

THENCE, leaving the south line of said Leigh Family Trust tract, with the west right-of-way line of said South Congress Avenue and the east line of said Riverside Partners SW tract, **S16°36'41"W**, a distance of **124.09** feet to a broken nail found for the southeast corner hereof, being the common east corner of said Riverside Partners SW tract and said 500 South Congress Owner tract;

THENCE, leaving the west right-of-way line of said South Congress Avenue, with the common line of said Riverside Partners SW tract and said 500 South Congress Owner tract the following two (2) courses and distances:

- 1) **N73°24'29"W**, a distance of **120.10** feet to a 1/2-inch iron rod found for an angle point hereof,

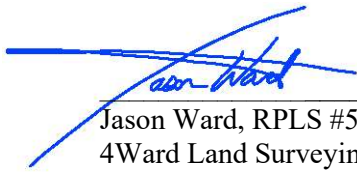
- 2) **N16°33'00"E**, a distance of **241.30** feet to the **POINT OF BEGINNING** and containing 0.4733 Acre (20,619 Square Feet) of land, more or less.

Notes:

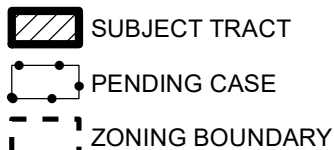
All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000023207213. See attached sketch (reference drawing: 01757.dwg.)

References:

TCAD #188628
COA GRID #J-21

 **10/31/2023**
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC





This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

