

RESTRICTIVE COVENANT

OWNER: Brentwood Oaks Church of Christ, a Texas nonprofit corporation

ADDRESS: 11908 North Lamar Boulevard, Austin, Texas 78753

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 is acknowledged.

PROPERTY: A 9.081 acre tract of land, and a 34.304 acre tract of land, more or less, out of the John G. Brooke Survey No. 59, Abstract No. 70, Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this covenant.

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

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

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated December 17, January 21, 2007.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant 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(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

3-22-07  
# 54

EXECUTED this the 22 day of March, 2007.

**OWNER:**

**Brentwood Oaks Church of Christ  
a Texas nonprofit corporation**

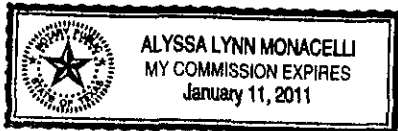
By: Wallace R. Beasley  
Wallace R. Beasley,  
President and Director

APPROVED AS TO FORM:

Deborah Thomas  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS           §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on this the 22 day of March, 2007, by Wallace R. Beasley, President and Director of Brentwood Oaks Church of Christ, a Texas nonprofit corporation, on behalf of the corporation.



Alyssa Lynn Monacelli  
Notary Public, State of Texas

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

**ZONING FIELD NOTES**

**EXHIBIT A**

JOB NO: 40236

PATH: R:\Egpt\_04\40236\_BRENTWOOD\DOCUMENTS\40236\_TRACT2\_FN\_022807.doc

DATE: JUNE 21, 2005

PAGE: 1 OF 3

**9.081 ACRES-ZONING DESCRIPTION**

All that certain tract or parcel of land situated in Travis County, Texas, out of the John G. Brooke Survey No. 59, Abstract No. 70, and being a portion of that tract of land described as 55.43 acres in a Deed granted to Brentwood Church of Christ, dated May 30, 1969, and recorded in Volume 3694, Page 511, Deed Records of Travis County, and further described by metes and bounds as follows:

BEGINNING at a 60d nail found in the south line of said Brentwood Church of Christ tract and in the north line of Lot 15, Block A Gracywood Section Two, recorded in Volume 75, Page 93, Plat Records of Travis County and for the most southerly southeast corner of said Brentwood Church of Christ tract and this tract;

THENCE, with the north line of Lots 1 through 15, Block A of said Gracywood Section Two and the northerly right-of-way line of Knollpark Drive, being the south line of said Brentwood Church of Christ tract and this tract in the following four (4) courses:

1. N 59°53' 59" W 358.19 feet to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set;
2. N 59°54'31" W 308.13 feet to a ½" iron pin found;
3. N 60°15'39" W 280.81 feet to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set;
4. N 59°57'40" W 249.59 feet to a calculated point in the northerly right-of-way line of Knollpark Drive for the southwest corner of this tract;

THENCE, over and across said Brentwood Church of Christ tract and with the west line of this tract, generally along the southerly edge of pavement of an existing driveway in the following ten (10) courses:

1. N 24°27'07" E 102.95 feet to a calculated point;
2. 37.41 feet along a non-tangent curve to the right and concave to the southeast (D= 79°23'49", r= 27.00 feet, lc bears N 81°34'39" E 34.49 feet) to a calculated point;
3. 75.74 feet along a non-tangent curve to the left and concave to the northeast (D= 09°05'51", r= 477.00 feet, lc bears S 71°05'34" E 75.66 feet) to a calculated point;
4. 204.87 feet along a non-tangent curve to the right and concave to the southwest (D= 33°55'31", r= 346.00 feet, lc bears S 62°49'17" E 201.89 feet) to a calculated point;
5. S 48°27'15" E 33.92 feet to a calculated point;
6. 287.82 feet along a non-tangent curve to the left and concave to the north (D= 67°18'31", r= 245.00 feet, lc bears S 73°25'22" E 271.55 feet) to a calculated point;
7. N 67°01'20" E 54.43 feet to a calculated point;
8. 109.08 feet along a non-tangent curve to the right and concave to the southeast (D= 14°42'18", r= 425.00 feet, lc bears N 71°38'49" E 108.78 feet) to a calculated point;
9. 98.41 feet along a non-tangent curve to the left and concave to the northwest (D= 16°20'36", r= 345.00 feet, lc bears N 70°54'18" E 98.08 feet) to a calculated point;
10. 128.52 feet along a non-tangent curve to the left and concave to the northwest (D= 41°50'20", r= 176.00 feet, lc bears N 41°11'01" E 125.68 feet) to a calculated point;

THENCE, S 63°58'33" E 435.78 feet continuing over and across said Brentwood Church of Christ tract and with the north line of this tract to the northeast corner of this tract, being the northwest corner of Lot 3B, Block A of the Resubdivision of Lot 3, Frank Stark Subdivision, Document No. 200000230 of said Plat Records, and in the approximate centerline of a creek;

THENCE, with the centerline meanders of said creek the following sixteen (16) courses:

1. S 12°41' 27" W 88.54 feet to a calculated point;
2. S 23°23'40" W 42.88 feet to a calculated point, from which a 3/8" iron pin found in the west line of said Lot 3B bears S 14°54'21" W 8.72 feet;

**ZONING FIELD NOTES**

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DATE: JUNE 21, 2005

PAGE: 2 OF 3

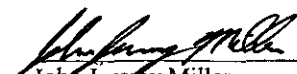
3. S 34°55'32" W 37.64 feet to a calculated point;
4. S 27°04'51" W 38.91 feet to a calculated point;
5. S 05°23'12" W 35.09 feet to a calculated point, from which a 3/8" iron pin found in the west line of said Lot 3B bears N 62°48'22" E 11.74 feet;
6. S 26°21'32" W 48.96 feet to a calculated point, from which a 1/2" iron pin found bears N 78°39'47" E 2.11 feet and a 3/8" iron pin found for the southwest corner of said Lot 3B and the northwest corner of Lot 3A, Block "A" of said Frank Stark Resubdivision bears S 63°57'18" E 5.76 feet;
7. N 89°01'11" W 21.25 feet to a calculated point;
8. S 64°07'06" W 43.94 feet to a calculated point;
9. S 37°02'20" W 54.78 feet to a calculated point;
10. S 7°29'58" W 10.97 feet to a calculated point;
11. S 16°34'40" E 54.98 feet to a calculated point;
12. S 67°47'53" W 27.35' feet to a calculated point;
13. S 63°27'04" W 24.23 feet to a calculated point;
14. S 28°53'40" W 71.30 feet to a calculated point;
15. S 10°09'52" W 4.25 feet to a calculated point for the southeast corner of said Brentwood Church of Christ tract and this tract;

THENCE, N 70°19'59" W at approximately 3.61 feet passing the most northerly northeast corner of Lot 15, Block "A" of said Gracywood Section Two, in all 37.25 feet to the point of Beginning and containing 9.081 acres of land within these metes and bounds.

Bearings cited hereon based on Grid North, Texas State Plane Coordinate System, Central Zone NAD 83.

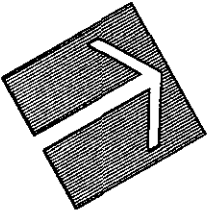
Castleberry Surveying, Ltd.  
3613 Williams Drive Ste 903  
Georgetown, Texas 78628



 6-21-2005  
John Jeremy Miller  
Registered Professional Land Surveyor No. 5720

JJM/jgt

**ZONING EXHIBIT TO ACCOMPANY FIELD NOTES DESCRIPTION OF  
9.081 ACRES OUT OF THE JOHN C. BROOKE SURVEY NO. 59,  
ABSTRACT NO. 70, TRAVIS COUNTY, TEXAS**



Scale: 1" = 200'

CITY OF AUSTIN  
TRACT 1  
VOL. 2885, PG. 537  
D.R.T.C.

(55.43 ACRES-RECORD)  
BRENTWOOD CHURCH OF CHRIST,  
VOL. 3694, PAGE 511, D.R.T.C.

(55.43 ACRES-RECORD)  
BRENTWOOD CHURCH OF CHRIST,  
VOL. 3694, PAGE 511, D.R.T.C.

RESUBDIVISION OF LOT 3,  
FRANK STARK  
SUBDIVISION  
DOC. #20000230  
P.R.T.C.

LOT 3B  
BLOCK "A"

**9.081 ACRES  
395,556 SQ. FT.**

NUMBER	DIRECTION	DISTANCE
L1	S 12°41'27" W	88.54'
L2	S 23°23'40" W	42.88'
L3	S 34°55'32" W	37.64'
L4	S 27°04'51" W	38.91'
L5	S 05°23'12" W	35.09'
L6	S 26°21'32" W	48.96'
L7	N 89°01'11" W	21.25'
L8	S 64°07'06" W	43.94'
L9	S 37°02'20" W	54.78'
L10	S 07°29'16" W	10.97'
L11	S 16°34'40" E	54.98'
L12	S 67°47'53" W	27.35'
L13	S 63°27'04" W	24.23'
L14	S 28°53'40" W	71.30'
L15	S 10°09'52" W	4.25'
L16	N 70°19'59" W	37.25'
L17	N 24°27'07" E	102.95'
L18	S 48°27'15" E	33.92'
L19	N 67°01'20" E	54.43'

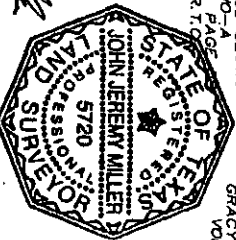
CITY OF AUSTIN  
TRACT 2  
VOL. 2885, PG. 537  
D.R.T.C.

GRACYWOOD DRIVE

GRACYWOOD SECTION  
VOL. 75, PAGE 93  
P.R.T.C.

HERNAN DRIVE

GRACYWOOD SECTION TWO  
VOL. 75, PAGE 93  
P.R.T.C.



LEGEND
● 1/2" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
○ 1/2" IRON PIN SET w/YELLOW PLASTIC CAP "CS, LTD"
▲ 60D NAIL FOUND
± CALCULATED POINT
OR/W.C. DEED RECORDS TRAVIS CO.
P.R.T.C. PLAT RECORDS TRAVIS CO.

NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	79°23'49"	27.00'	37.41'	34.49'	N 81°34'39" E
C2	09°05'51"	477.00'	75.74'	75.66'	S 71°05'34" E
C3	33°55'31"	346.00'	204.87'	201.89'	S 62°49'17" E
C4	67°18'31"	245.00'	287.82'	271.55'	S 73°25'22" E
C5	14°42'18"	425.00'	109.08'	108.78'	N 71°38'49" E
C6	16°20'36"	345.00'	98.41'	96.08'	N 70°54'18" E
C7	41°50'20"	176.00'	128.52'	125.68'	N 41°11'01" E

**CURVE TABLE**

*John Jeremy Miller*  
6.21.2005



**Castleberry Surveying, Ltd.**  
3613 Williams Drive, Suite 903 - Georgetown, Texas 78628  
(512) 830-1600/(512) 830-8388 fax  
www.castleberrysurveying.com

**ZONING FIELD NOTES**

EXHIBIT B

JOB NO: 40236

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DATE: FEBRUARY 26, 2007

PAGE: 1 OF 5

**34.304 ACRES-ZONING DESCRIPTION**

All that certain tract or parcel of land situated in Travis County, Texas, out of the John G. Brooke Survey No. 59, Abstract No. 70, and being a portion of that tract of land described as 55.43 acres in a Deed granted to Brentwood Church of Christ, dated May 30, 1969, and recorded in Volume 3694, Page 511, Deed Records of Travis County, and further described by metes and bounds as follows:

BEGINNING at a iron pin found in the monumented west line of North Lamar Boulevard, being the original southeast corner of Lot 2 of the Frank Stark Subdivision, recorded in Volume 4, Page 199, Plat Records of Travis County and the northeast corner of Lot 3B, Block "A" of the Resubdivision of Lot 3, Frank Stark Subdivision, recorded as Document No. 200000230 of said plat records and for the most easterly southeast corner of said Brentwood Church of Christ tract and this tract;

THENCE, with the south line of this tract the following two (2) courses:

1. N 63°58'33" W 584.23 feet with the south line of said Lot 2 and the north line of said Lot 3B to a point in the approximate center line of a creek branch;
2. N 63°58'33" W 435.78 feet over and across said Brentwood Church of Christ tract to a calculated point;

THENCE, continuing over and across said Brentwood Church of Christ tract and with the east line of this tract and generally along the southerly edge of pavement of an existing driveway in the following ten (10) courses:

1. 128.52 feet along a non-tangent curve to the right and concave to the northwest ( $\Delta = 41^\circ 50' 20''$ ,  $r = 176.00$  feet,  $lc$  bears S  $41^\circ 11' 01''$  W 125.68 feet) to a calculated point;
2. 98.41 feet along a non-tangent curve to the right and concave to the northwest ( $\Delta = 16^\circ 20' 36''$ ,  $r = 345.00$  feet,  $lc$  bears S  $70^\circ 54' 18''$  W 98.08 feet) to a calculated point;
3. 109.08 feet along a non-tangent curve to the left and concave to the southeast ( $\Delta = 14^\circ 42' 18''$ ,  $r = 425.00$  feet,  $lc$  bears S  $71^\circ 38' 49''$  W 108.78 feet) to a calculated point;
4. S  $67^\circ 01' 20''$  W 54.43 feet to a calculated point;
5. 287.82 feet along a non-tangent curve to the right and concave to the north ( $\Delta = 67^\circ 18' 31''$ ,  $r = 245.00$  feet,  $lc$  bears N  $73^\circ 25' 22''$  W 271.55 feet) to a calculated point;
6. N  $48^\circ 27' 15''$  W 33.92 feet to a calculated point;
7. 204.87 feet along a non-tangent curve to the left and concave to the southwest ( $\Delta = 33^\circ 55' 31''$ ,  $r = 346.00$  feet,  $lc$  bears N  $62^\circ 49' 17''$  W 201.89 feet) to a calculated point;
8. 75.74 feet along a non-tangent curve to the right and concave to the northeast ( $\Delta = 09^\circ 05' 51''$ ,  $r = 477.00$  feet,  $lc$  bears N  $71^\circ 05' 34''$  W 75.66 feet) to a calculated point;
9. 37.41 feet along a non-tangent curve to the left and concave to the southeast ( $\Delta = 79^\circ 23' 49''$ ,  $r = 27.00$  feet,  $lc$  bears S  $81^\circ 34' 39''$  W 34.49 feet) to a calculated point;
10. S  $24^\circ 27' 07''$  102.95 feet to a calculated point in the south line of said Brentwood Church of Christ tract and this tract for the southeast corner of this tract in the northerly right-of-way line of Knollpark Drive;

THENCE, with the north right-of-way line of Knollpark Drive and the south line of said Brentwood Church of Christ tract and this tract the following two (2) courses:

1. N  $59^\circ 57' 40''$  W 31.02 feet to a  $\frac{1}{2}$ " iron pin with a yellow plastic cap inscribed "CS, LTD" set in the west line of said Knollpark Drive;
2. N  $59^\circ 21' 40''$  11.20 feet to a  $\frac{1}{2}$ " iron pin with yellow plastic cap inscribed "CS, LTD" set for the southeast corner of that tract described as 38.57 acres "Tract I" in a deed granted to the City of Austin, dated December 23, 1964 and recorded in Volume 2885, Page 537 of said deed records and the northeast corner of that tract described as 3.63 acres "Tract II" in a deed granted to the City of Austin, dated December 23, 1964 and recorded in Volume 2885, Page 537 of said deed records and the northwest corner of said Gracywoods Section Two-A and the southwest corner of said Brentwood Church of Christ tract and this tract;

**ZONING FIELD NOTES**

JOB NO: 40236

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DATE: JUNE 21, 2005

PAGE: 2 OF 5

THENCE, with the west line of said Brentwood Church of Christ tract and this tract and the east line of said City of Austin "Tract I" tract in the following seven (7) courses:

1. N 28°52'53" E 256.06 feet to 60d nail found;
2. N 17°58'11" E 84.10 feet to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set;
3. N 49°03'11" E 39.08 feet to a ½" iron pin found;
4. N 28°14'25" E 258.09 feet to a 1" pipe found;
5. N 28°02'10" E 164.00 feet to a bolt found;
6. N 28°18'20" E 478.11 feet to a bolt found;
7. N 28°13'09" E 172.71 feet to an iron pipe found in the east line of said Brentwood Church of Christ tract as described for the northeast corner of said City of Austin "Tract I" tract and the southeast corner of that tract described as 77.63 acres in a deed granted to the City of Austin, dated December 6, 1965 and recorded in Volume 3058, Page 2378 of said deed records for the northwest corner of this tract;

THENCE, S 61°42'51" E 628.04 feet over and across said Brentwood Church of Christ tract as described to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set in the west line of that tract described as 14.23 acres in a deed granted to Walnut Creek Baptist Church, dated January 24, 1953 and recorded in Volume 1351, Page 536 of said deed records for the northeast corner of this tract;

THENCE, with the east line of this tract in the following fifteen (15) courses:

1. S 01°55'44" E 99.83 feet with the west line of said Walnut Creek Baptist Church tract to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set;
2. S 04°09'44" E 44.96 feet continuing with the west line of said Walnut Creek Baptist Church tract to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set in the north line of Walnut Creek Baptist Church Cemetery tract as described in said Brentwood Church of Christ deed;
3. S 78°29'51" W 75.85 feet to a fence corner post, as monumented, for the "northwest corner of a chain link fence surrounding said cemetery" as described;
4. S 17°52'44" E 272.03 feet with a chain link fence as monumented and described to a fence corner post found;
5. N 80°49'22" E 276.76 feet to a ½" iron pin found;
6. N 80°49'48" E 152.48 feet to a ½" iron pin found in the west line of said Walnut Creek Baptist Church tract;
7. S 21°34'02" E 207.53 feet with the west line of said Walnut Creek Baptist Church tract to a point in the approximate center line of a creek;
8. S 35°38'02" W 63.25 feet continuing with the approximate center line of the creek to a point;
9. S 46°18'54" W 93.72 feet to a point;
10. S 16°52'48" W 52.31 feet to a point at the approximate intersection of the original deed line of said Brentwood Church of Christ tract and said creek;
11. S 00°36'27" W 114.73 feet continuing with the east line of said Brentwood Church of Christ tract to a ½" iron with a yellow plastic cap inscribed "CS, LTD" set;
12. S 5°14'27" W 119.40 feet to a ½" iron pin with a yellow plastic cap inscribed "CS, LTD" set;
13. S 64°49'27" W 99.96 feet to cotton spindle set in a paved drive;
14. S 63°58'33" E 472.83 feet to an iron pin found in the west line, as monumented, of said North Lamar Boulevard;
15. S 18°20'48" W 199.12 feet to the point of Beginning and containing 34.304 acres of land within this metes and bounds.

**ZONING FIELD NOTES**

JOB NO: 40236

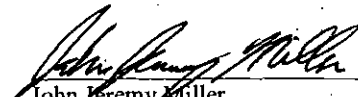
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DATE: JUNE 21, 2005

PAGE: 3 OF 5

Bearings cited hereon based on Grid North Texas State Plane Coordinate System, Central Zone  
NAD 83

Castleberry Surveying, Ltd.  
3613 Williams Drive Ste 903  
Georgetown, Texas 78628

 6-21-2007  
John Jeremy Miller  
Registered Professional Land Surveyor No: 5720

JJM/jgt





EXHIBIT TO ACCOMPANY FIELD NOTES OF  
**34.304 ACRES OUT OF THE JOHN C. BROOKE SURVEY NO. 59,**  
**ABSTRACT NO. 70, TRAVIS COUNTY, TEXAS**

**LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L1	N 63°58'33" W	435.78'
L2	S 67°01'20" W	54.43'
L3	N 48°27'15" W	33.92'
L4	S 24°27'07" W	102.95'
L5	N 59°57'40" W	31.02'
L6	N 59°21'40" W	11.20'
L7	N 28°52'53" E	256.06'
L8	N 17°58'11" E	84.10'
L9	N 48°03'11" E	39.08'
L10	N 28°14'25" E	256.09'
L11	N 28°02'10" E	164.00'
L12	N 28°13'09" E	172.71'
L13	S 01°55'44" E	99.83'
L14	S 04°09'44" E	44.96'
L15	S 78°28'51" W	75.85'
L16	S 17°52'44" E	272.03'
L17	N 80°48'22" E	276.76'
L18	N 80°49'48" E	152.48'
L19	S 21°34'02" E	207.53'
L20	S 35°38'02" W	63.25'
L21	S 46°18'54" W	83.72'
L22	S 16°52'47" W	52.31'
L23	S 00°36'27" W	114.73'
L24	S 05°14'27" W	119.40'
L25	S 64°49'27" W	99.96'
L26	S 63°58'33" E	472.83'
L27	S 18°20'48" W	199.12'

**CURVE TABLE**

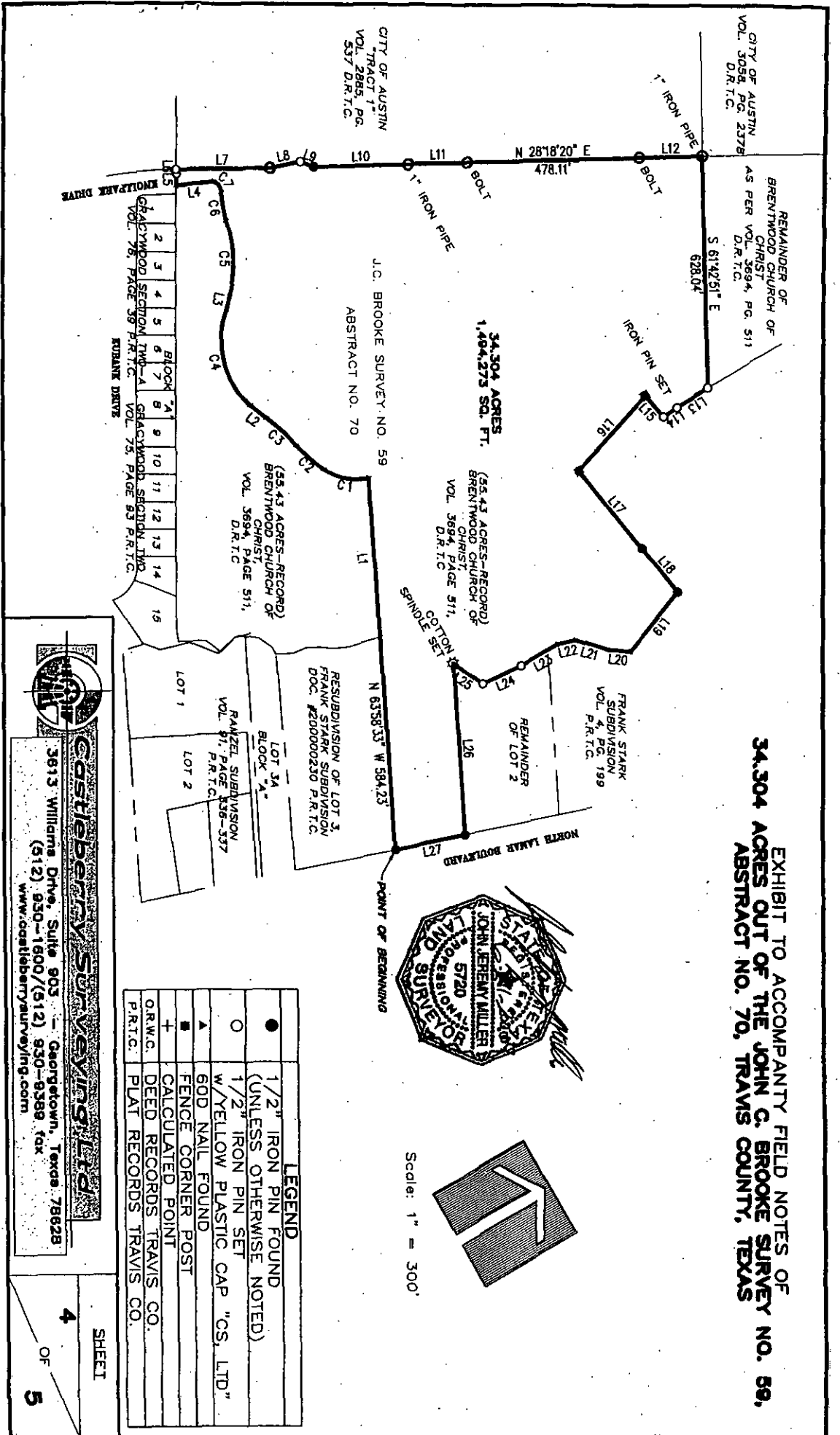
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	41°50'20"	176.00	128.52	125.68	S 41°11'01" W
C2	16°20'36"	345.00	98.41	98.08	S 70°54'18" W
C3	14°42'18"	425.00	109.08	108.78	S 71°38'49" W
C4	67°18'31"	245.00	287.82	271.55	N 73°25'22" W
C5	33°55'31"	346.00	204.87	201.89	N 62°49'17" W
C6	09°05'51"	477.00	75.74	75.66	N 71°05'34" W
C7	79°23'49"	27.00	37.41	34.49	S 81°34'39" W



*John Lerney Muller*  
 6-21-2007

**Castleberry Surveying, Ltd.**  
 3613 Williams Drive, Suite 903 - Georgetown, Texas 78628  
 (512) 930-1600/(512) 930-8388 fax  
[www.castleberrysurveying.com](http://www.castleberrysurveying.com)

EXHIBIT TO ACCOMPANY FIELD NOTES OF  
34.304 ACRES OUT OF THE JOHN C. BROOKE SURVEY NO. 59,  
ABSTRACT NO. 70, TRAVIS COUNTY, TEXAS



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**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2007 Apr 02 04:26 PM

2007058588

BENAVIDESV \$56.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

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