



Zoning Case No. C14-07-0017

RESTRICTIVE COVENANT

OWNER: Clifford P. McDaniel

ADDRESS: 8914 Cardwell, Houston Texas 77055

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 3.46 acre tract of land, and a 1.71 acre tract of land, more or less, out of the William Cannon League Survey No. 19, Abstract No. 6, 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.

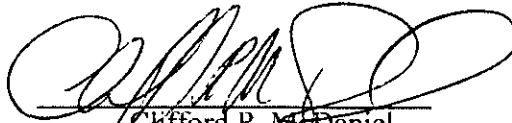
1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated April 25, 2007.
2. If any person or entity shall violate or attempt to 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.

6-21-07

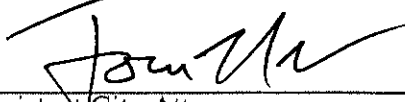
#140

EXECUTED this the 11 day of June, 2007.

OWNER:


Clifford P. McDaniel

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF TRAVIS §



This instrument was acknowledged before me on this the 11 day of June, 2007, by Clifford P. McDaniel.


Natalie Bechtol
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

PROFESSIONAL SURVEYORS, INC.

1904 FORTVIEW ROAD
AUSTIN, TEXAS 787074
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

February 22, 2001

DESCRIPTION OF 3.46 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE ABSTRACT NO. 6 SURVEY NO. 19 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MARNATHA BAPTIST TEMPLE BY DEED RECORDED IN DOCUMENT NO. 2000031251 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the south right-of-way line of West Stassney Lane at the Northeast corner of that certain tract of land conveyed to Mamatha Baptist Temple by deed recorded in Document No. 2000031251 of the Official Public Records of Travis County, Texas, and being the Northeast corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE with the east line of said Marantha tract, S 29 deg. 40' 15" W 312.24 ft. to the Southeast corner of this tract, and from which the Southeast corner of said Mamatha tract bears S 29 deg. 40' 15" W 181.68 ft.;

THENCE crossing the interior of said Mamatha tract, N 60 deg. 19' 45" W 521.68 ft. to a point in the east right-of-way line of Gobi Lane, at the Southwest corner of this tract, and from which a point of curvature bears S 30 deg. 00' 00" W 45.50 ft.;

THENCE with the east right-of-way line of Gobi Lane, the following two courses:

1) N 30 deg. 00' 00" E 253.03 ft. to a point of curvature;

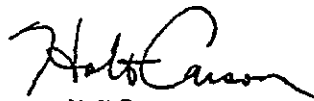
2) with a curve to the right, having a radius of 15.00 ft., an arc length of 21.16 ft., and a chord bearing N 72 deg. 20' 00" E 20.20 ft. to a point in the south right-of-way line of Stassney Lane at the Northwest corner of said Mamatha tract, and being the Northwest corner of this tract;

THENCE with the south right-of-way line of West Stassney Lane, S 65 deg. 20' 00" E 508.47 ft. to the Place of Beginning, containing 3.46 Acre of land.

SURVEYED: November 1982 by J. Leroy Bush, Registered Professional Land Surveyor No. 1828, Bush Surveying, Inc.

PREPARED: February 22, 2001

BY:



Holt Carson

Registered Professional Land Surveyor No. 5166

see sketch c285036

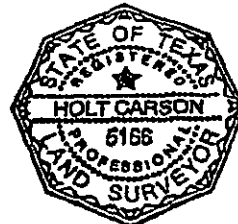


EXHIBIT A

010329-7
C14-07-0017
TRACT 2

1904 FORTVIEW ROAD
AUSTIN, TEXAS 787074
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

February 22, 2001

DESCRIPTION OF 1.71 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE ABSTRACT NO. 6 SURVEY NO. 19 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MARNATHA BAPTIST TEMPLE BY DEED RECORDED IN DOCUMENT NO. 2000031251 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point at the Southeast corner of that certain tract of land conveyed to Mamatha Baptist Temple by deed recorded in Document No. 2000031251 of the Official Public Records of Travis County, Texas, and being the Southeast corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE with the south line of said Mamatha tract the following four courses

- 1) N 52 deg. 43' 00" W 251.27 ft.;
- 2) N 37 deg. 10' 35" W 75.43 ft.;
- 3) N 19 deg. 01' 00" W 48.89 ft.;
- 4) N 88 deg. 41' 00" W 149.97 ft. to a point in the curving east right-of-way line of Gobi Lane at the Southwest corner of said Mamatha tract, and being the Southwest corner of this tract;

THENCE with the right-of-way line of Gobi Lane, the following three courses;

- 1) with a curve to the right, having a radius of 279.23 ft., an arc length of 46.80 ft. and a chord bearing N 03 deg. 01' 00" E 46.75 ft. to a point of compound curvature;
- 2) with a curve to the right, having a radius of 180.06 ft., an arc length of 72.24 ft., and a chord bearing N 18 deg. 32' 00" E 71.76 ft.;
- 3) N 30 deg. 00' 00" E 45.50 ft. to the Northwest corner of this tract, and from which the most westerly northwest corner of said Mamatha tract bears N 30 deg. 00' 00" E 253.03 ft.

THENCE crossing the interior of said Mamatha tract, S 60 deg. 19' 45" E 521.68 ft. to a point in the east line of said Mamatha tract at the Northeast corner of this tract, and from which the Northeast corner of said Mamatha tract bears N 29 deg. 40' 15" E 312.24 ft.;

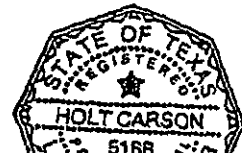
THENCE with the east line of said Mamatha tract, S 29 deg. 40' 15" W 181.68 ft. to the Place of Beginning, containing 1.71 Acres of land.

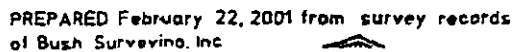
SURVEYED: November 1982 by J. Leroy Bush, Registered Professional Land Surveyor No. 1828, Bush Surveying, Inc.

SURVEYED: November 1982 by J. Leroy Bush, Registered Professional Land Surveyor No. 1828, Bush Surveying, Inc.

PREPARED: February 22, 2001

Holt Carson
EXHIBIT B





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.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Jun 27 03:19 PM 2007118412

RANEYJ \$36.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS