



AUSTIN CITY CLERK  
POSTING: DATE/TIME

Zoning Case No. C14-2008-0046

2008 JUN 10 AM 9 04

**RESTRICTIVE COVENANT**

OWNER Bryan Jamail

ADDRESS 151 South 1<sup>st</sup> Street, Austin, Texas 78704

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 Tract One A 0 21 acre tract of land, more or less, out of Block 48, Theodore Low Heights Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

Tract Two A 0 32 acre tract of land, more or less, out of Block 48, Theodore Low Heights Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "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 heirs, successors, and assigns

- 1 The noise level of sound equipment may not exceed 70 decibels as measured at the property line
- 2 Any redevelopment or remodel of the Property, including the remodel of the exterior of the existing building, shall comply with the sidewalk requirements for urban roadways under Chapter 25-2, Subchapter E, Article 2, Section 2 2 3 B (*Urban Roadways Sidewalks and Building Placement*) of the City Code
- 3 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

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- 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

EXECUTED this the 22<sup>nd</sup> day of April, 2008

OWNER:

Bryan Jamail  
BRYAN JAMAIL

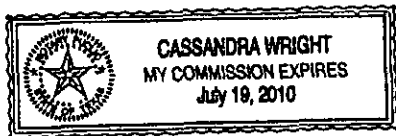
APPROVED AS TO FORM

[Signature]  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 22<sup>nd</sup> day of APRIL, 2008, by Bryan Jamail



Cassandra Wright  
Notary Public, State of Texas

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

# HOLT CARSON INC.

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

AUGUST 15, 2007

TRACT 1

FIELD NOTE DESCRIPTION OF 0.21 ACRE OF LAND OUT OF BLOCK 48, THEODORE LOW HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 445, PAGE 581 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (2.783 ACRE) TRACT CONVEYED TO OYSTER INVESTMENT CORPORATION IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 11294, PAGE 532 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING ALL OF THAT CERTAIN "TRACT ONE" CONVEYED TO M & K PROPERTIES, INC. IN DEED RECORDED IN VOLUME 5137, PAGE 1315 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½" iron rod found at the point of intersection in the West right-of-way line of Clawson Road and the North right-of-way line of Fortview Road for the Southeast corner of that certain (2 783 acre) tract conveyed to Oyster Investment Corporation in Warranty Deed with Vendor's Lien recorded in Volume 11294, Page 532 of the Real Property Records of Travis County, Texas, and also being the Southeast corner of that certain "Tract Two" conveyed to M & K Properties, Inc. in deed recorded in Volume 5137, Page 1315 of the Deed Records of Travis County, Texas, and also being the Northeast corner of that certain Easement and Right-of-way for Street Purposes conveyed to the City of Austin in deed recorded in Volume 1830, Page 80 of the Deed Records of Travis County, Texas, and from which a ½" iron rod found for an angle corner of said Oyster Investment Corporation (2 783 acre) tract, and also being the Southwest corner of said M & K Properties, Inc. ("Tract Two") tract, bears N58 deg 50' 20" W 154 08 ft.

THENCE with the West right-of-way line of Clawson Road and the East line of said Oyster Investment Corporation (2 783 acre) tract and said M & K Properties, Inc. ("Tract Two") tract, N 30 deg 28' 55" E 89 92 ft. to a ½" iron pipe found for the Northeast corner of said M & K Properties, Inc. ("Tract Two") tract, and being the Southeast corner of that certain "Tract One" conveyed to M & K Properties, Inc. by said deed recorded in Volume 5137 Page 1315 of the Deed Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract,

EXHIBIT A

page 2 of 2  
(0.21 Acre)

THENCE leaving the West right-of-way line of Clawson Road and crossing the interior of said Oyster Investment Corporation (2.783 acre) tract and with the common line of said M & K Properties, Inc. "Tract One" and "Tract Two", **N 58 deg. 50' 00" W 153.97 ft.** to a ½" iron rod set with a plastic cap imprinted with "Holt Carson Inc." in the East line of that certain (0.255 acre) tract conveyed to Terry Sayther and Deborah Stuart in Special Warranty Deed with Vendor's Lien recorded in Document No. 2006189339 of the Official Public Records of Travis County, Texas for the Southwest corner of said M & K Properties, Inc. ("Tract One") tract, and being the Northwest corner of said M & K Properties ("Tract Two") tract, and being the Southwest corner of this tract, and from which a ½" iron rod found bears **N 27 deg. 09' 11" E 154 ft.**,

THENCE with the East line of said Sayther and Stuart (0.255 acre) tract and the West line of said M & K Properties, Inc. ("Tract One") tract, **N 30 deg. 33' 12" E 59.99 ft.** to a ½" iron pipe found for the Northeast corner of said Sayther and Stuart (0.255 acre) tract, and being the Northwest corner of said M & K Properties, Inc. ("Tract One") tract, and being the Northwest corner of this tract,

THENCE with the North Line of said M & K Properties, Inc. ("Tract One"), **S 58 deg. 50' 25" E 153.61 ft.** to a ½" iron pipe found in the West right-of-way line of Clawson Road for the Southeast corner of that certain tract of land conveyed to Vivian K. Smith in Warranty Deed with Vendor's Lien recorded in Volume 6862, Page 2170 of the Deed Records of Travis County, Texas, and also being the Northeast corner of said M & K Properties, Inc. ("Tract One") tract, and also being the Northeast corner of this tract, and from which a ½" iron rod found for the Northeast of that certain tract of land conveyed to Rick C. Anderson in Warranty Deed with Vendor's Lien in Document No. 2006117262 of the Official Public Records of Travis County, Texas, bears **N 30 deg. 35' 01" E 154.94 ft.**;

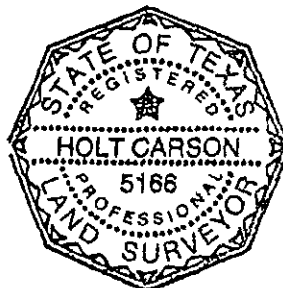
THENCE with the West right-of-way line of Clawson Road and the East line of said Oyster Investment Corporation (2.783 acre) tract and the East line of said M & K Properties, Inc. ("Tract One") tract, **S 30 deg. 12' 45" W 60.01 ft.** to the **PLACE OF BEGINNING**, containing 0.21 acre of land

Surveyed August 6, 2007

BY



Holt Carson  
Registered Professional Land Surveyor No. 5166



see survey plat A 806006

# HOLT CARSON INC.

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

AUGUST 15, 2007

TRACT 2

**FIELD NOTE DESCRIPTION OF 0.32 ACRE OF LAND OUT OF BLOCK 48, THEODORE LOW HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 445, PAGE 581 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (2.783 ACRE) TRACT CONVEYED TO OYSTER INVESTMENT CORPORATION IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 11294, PAGE 532 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN "TRACT TWO" CONVEYED TO M & K PROPERTIES, INC. IN DEED RECORDED IN VOLUME 5137, PAGE 1315 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a ½" iron rod found at the point of intersection in the West right-of-way line of Clawson Road and the North right-of-way line of Fortview Road for the Southeast corner of that certain (2 783 acre) tract conveyed to Oyster Investment Corporation in Warranty Deed with Vendor's Lien recorded in Volume 11294, Page 532 of the Real Property Records of Travis County, Texas, and also being the Southeast corner of that certain "Tract Two" conveyed to M & K Properties, Inc. in deed recorded in Volume 5137, Page 1315 of the Deed Records of Travis County, Texas, and also being the Northeast corner of that certain Easement and Right-of-way for Street Purposes conveyed to the City of Austin in deed recorded in Volume 1830, Page 80 of the Deed Records of Travis County, Texas, and being the Southeast corner and **PLACE OF BEGINNING** of the herein described tract,

THENCE with the North right-of-way line of Fortview Road and the North line of said City of Austin tract and with the South line of said Oyster Investment Corporation (2 783 acre) tract and said M & K Properties, Inc. ("Tract Two") tract, **N 58 deg. 50' 20" W 154.08 ft.** to a ½" iron rod found for an angle corner of said Oyster Investment Corporation (2 783 acre) tract, and also being the Southwest corner of said M & K Properties ("Tract Two") tract, and also being an angle corner of that certain (0 255 acre) tract conveyed to Terry Sayther and Deborah Stuart in Special Warranty Deed with Vendor's Lien recorded in Document No. 2006189339 of the Official Public Records of Travis County, Texas, and being the Southwest corner of this tract,

EXHIBIT B

page 2 of 2  
(0.32 Acre)

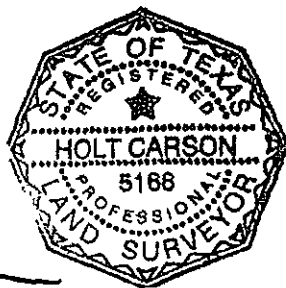
THENCE leaving the North right-of-way line of Fortview Road, and crossing the interior of said Oyster Investment Corporation (2 783 acre) tract, and with the common line of said M & K Properties, Inc. ("Tract Two") tract and said Sayther and Stuart (0 255 acre) tract, **N 30 deg. 33' 12" E 89.93 ft.** to a ½" iron rod set with a plastic cap imprinted with "Holt Carson Inc " for the Northwest corner of said M & K Properties, Inc. ("Tract Two") tract and for the Southwest corner of that certain tract of land described as "Tract One" and as conveyed to M & K Properties, Inc. by said deed recorded in Volume 5137 Page 1315 of the Deed Records of Travis County, Texas, same being the Northwest corner of this tract, and from which a ½" iron rod found bears N 27 deg. 09' 11" E 1 54' ft.,

THENCE continuing in the interior of said Oyster Investment Corporation (2 783 acre) tract, and with the common line of said M & K Properties, Inc. "Tract One" and "Tract Two", **S 58 deg. 50' 00" E 153.97 ft.** to a ½" iron pipe found in the West right-of-way line of Clawson Road for the Northeast corner of said M & K Properties, Inc "Tract Two" and for the Southeast corner of said M & K Properties, Inc "Tract One", and being the Northeast corner of this tract,

THENCE with the West right-of-way line of Clawson Road and the East line of said Oyster Investment Corporation (2 783 acre) tract and said M & K Properties, Inc. ("Tract Two") tract, **S 30 deg. 28' 55" W 89.92 ft.** to the Place of Beginning, containing 0 32 acre of land

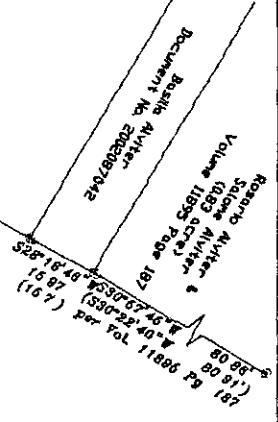
Surveyed August 6, 2007

BY



Holt Carson  
Registered Professional Land Surveyor No 5166

see survey plat A 806006



**A 806006**

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

A handwritten signature in cursive script, appearing to read "Dana DeBeauvoir", is written over the official text.

2008 Apr 29 12 49 PM 2008069654

FERGUSONLL \$44 00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS