



RESTRICT 2008165326

7 PGS

Zoning Case No. C14-2008-0082

AUSTIN CITY CLERK

**RESTRICTIVE COVENANT** POSTING: DATE/TIME

2008 OCT 16 PM 1 22

OWNER 2901 Manchaca Road, Ltd , a Texas limited partnership, and  
Philip C Friday, Jr , an individual

ADDRESS (2901 Manchaca Rd) 2900 Heatherwood Dr , Austin Texas 78748  
(Friday) 307 Blue Ridge Trail, 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 is acknowledged

PROPERTY A 0 204 acre tract of land, more or less, out of Lot 14, Banister  
Heights Subdivision, the tract of land being more particularly  
described by metes and bounds in Exhibit "A" incorporated into this  
covenant

WHEREAS, the Owner (the "Owner", whether one or more) 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 If use of the Property as a day care service use or as an administrative and business  
office use is discontinued for 90 consecutive days, the Owner of the Property will not  
object to the City of Austin rezoning the Property to family residence (SF-3) zoning  
district as defined in Chapter 25-2 of the City Code. Normal seasonal cessation of a use  
or temporary discontinuance for purposes of maintenance or rebuilding of the Property  
after damage or destruction may not be used in calculating of the period of  
discontinuance
- 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


8-21-08 # 46

- 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 day of July, 2008

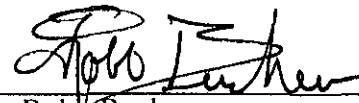
**OWNER:**

**PHILIP C. FRIDAY, JR.**

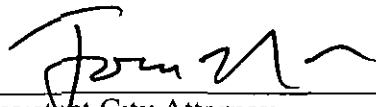
  
\_\_\_\_\_  
Philip C. Friday, Jr

**2901 MANCHACA ROAD, LTD.,  
a Texas limited partnership**

By Chimetas Group LLC,  
a Texas limited liability company,  
General Partner

By   
\_\_\_\_\_  
Robb Buchanan,  
Managing Member

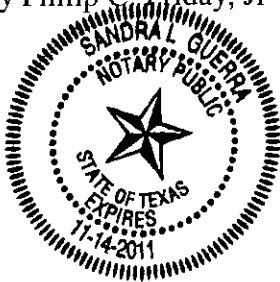
APPROVED AS TO FORM

  
\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 22nd day of July, 2008, by Philip C. Friday, Jr



Sandra L. Guerra  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 22nd day of July, 2008, by Robb Buchanan, Managing Member of Chimeras Group, LLC, a Texas limited liability company, general partner of 2901 Manchaca Road, Ltd, a Texas limited partnership, on behalf of the company and the partnership



Sandra L. Guerra  
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

EXHIBIT A

**HOLT CARSON, INC.**

1904 FORTVIEW ROAD

AUSTIN, TX 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

May 7, 2008

FIELD NOTE DESCRIPTION OF 0.204 ACRE OR 8,916 SQUARE FEET OF LAND PROPOSED FOR REZONING OUT OF LOT 14, BANISTER HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 256 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT CONVEYED TO PHILIP C. FRIDAY BY DEED RECORDED IN DOCUMENT NO. 2007143817 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 3/4 inch iron pipe found in the south right-of-way line of Morgan Lane at the north common corner of Lots 13 and 14, Banister Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 3 Page 256 of the Plat Records of Travis County, Texas, and being at the north common corner of that certain tract conveyed to Karl Haussmann by deed recorded in Document No. 2006070311 of the Travis County Official Public Records and that certain tract conveyed to Philip C. Friday by deed recorded in Document No. 2007143817 of the Travis County Official Public Records, and being the northwest corner and PLACE OF BEGINNING of the herein tract proposed for rezoning, and from which a 1/2 inch iron rod found at the northwest corner of said Lot 13 bears N 59 deg 16' 04" W 174.07 ft

THENCE with the south right-of-way line of Morgan Lane, S 59 deg. 16' 34" E 87.12 ft to a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." at the northeast corner of said Friday tract, and being the northwest corner of that certain tract conveyed to Wilbern Areland Scott as recorded in Volume 7706 Page 535 of the Deed Records of Travis County, Texas, and being the northeast corner of this tract, and from which a 3/4 inch iron pipe found bears N 82 deg 51' E 0.37 ft.,

THENCE leaving the south right-of-way line of Morgan Lane and crossing the interior of said Lot 14 with the common line of said Friday tract and said Scott tract, S 30 deg 00' 33" W 101.00 ft. to a calculated point at the southeast corner of this tract, and from which a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." in the south line of said Lot 14, and being in the north line of Lot 3B, Resubdivision of Part of Lots 1, 2, & 3, Bannister Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 19 Page 82 of the Plat Records of Travis County, Texas, and being at the southwest corner of said Scott tract, and being at an angle point of said Friday tract, bears S 30 deg 00' 33" W 148.96 ft.,

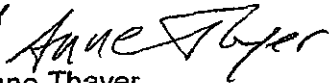
page 2 of 2  
0.204 Acre

THENCE crossing the interior of said Friday tract along a chain link fence, N 61 deg 03' 11" W 87.13 ft to a calculated point in the common line of said Lots 13 and 14, and being in the west line of said Friday tract, and being at the southwest corner of this tract, and from which a ½ inch iron rod found at the common south corner of said Lots 13 and 14, bears S 30 deg. 00' 32" W 146.23 ft ,

THENCE with the common line of said Lots 13 and 14, N 30 deg 00' 32" E 103.70 ft to the Place of Beginning, containing 0.204 Acre of land

Prepared May 7, 2008 from survey performed February 7, 2007

BY



Anne Thayer

Registered Professional Land Surveyor No. 5850

see accompanying sketch C777110a

REFERENCES

TCAD Parcel 04 0609 01 32

City Grid G19



SCALE 1"=20

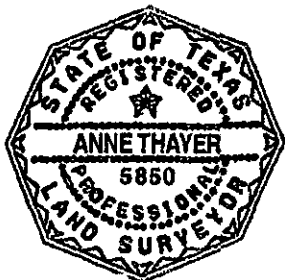
**LEGEND**

- ⊙ ½" Iron Rod Found
- ipf ⊙ ½" Iron Pipe Found
- ⊗ Calculated Point
- ⊠ ½" Iron Rod Set with Plastic Cap Marked "Holt Carson, Inc."
- Texas Department of Transportation Brass Cap Found in Concrete (Record Bearing and Distance)

**REFERENCES**

TCAD Parcel 04 0609 01 32  
City Grid G19

SKETCH TO ACCOMPANY  
FIELD NOTES TO 0.204 ACRE  
OR 8,916 SQUARE FEET OF LAND  
PROPOSED FOR REZONING OUT OF  
LOT 14, BANISTER HEIGHTS, A  
SUBDIVISION IN TRAVIS COUNTY,  
TEXAS, ACCORDING TO THE MAP  
OR PLAT THEREOF RECORDED IN  
VOLUME 3 PAGE 256 OF THE PLAT  
RECORDS OF TRAVIS COUNTY,  
TEXAS, AND BEING A PORTION OF  
THAT CERTAIN TRACT CONVEYED  
TO PHILIP C FRIDAY JR. BY DEED  
RECORDED IN DOCUMENT  
NO 2007143817 OF THE OFFICIAL  
PUBLIC OF THE TRAVIS COUNTY, TEXAS



PREPARED May 7, 2008 from survey  
performed February 7, 2007

*Anne Thayer*

Anne Thayer

Registered Professional Land Surveyor No 5850

MORGAN LANE (50 R.O.W.)

(S59°17'E)  
(174.25')  
S59°17'05"E 174.21'  
(N59°17'W 174.25')  
N59°16'04"W 174.07'  
S59°17'35"E 87.03'  
S59°16'24"E 87.03'

3/4 ipf  
PLACE OF  
BEGINNING

(S59°17'E)  
S59°16'34"E 87.12'

a 3/4 inch iron  
pipe found but  
not used bears  
N82°51'E 0.37'  
from capped rod

Karl Haussmann  
(east 1/2 of Lot 13)  
Document  
No 2006070311

0.204 Acre or  
8,916 square feet  
proposed for rezoning

LOT 13

N6°03'11"W 87.13'

chain link fence

**BANISTER  
HEIGHTS  
VOLUME 3  
PAGE 256**

Philip C Friday, Jr  
Document No 2007143817

Wilbern Areland Scott  
(east 87.12 of Lot 14)  
Volume 7706 Page 535

N59°14'00"W 87.09'

N59°15'14"W 87.12'

S59°14'38"E 103.70'

LOT 4

LOT 3B

(N59°17'W 174.25')

LOT 3A

RESUBDIVISION OF PART OF  
LOTS 1, 2, & 3, BANISTER HEIGHTS  
VOLUME 19 PAGE 82

HOLT CARSON, INC

1904 FORTVIEW ROAD AUSTIN, TX 78704

(512) 442-0990

C777110a

**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*

2008 Oct 03 10 40 AM 2008165326

SIFUENTEZY \$40 00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS