



RESTRICT 2010017600
5 PGS

Zoning Case No. C14-2009-0092
AUSTIN CITY CLERK
POSTING: DATE/TIME

2010 FEB 18 PM 2 47

RESTRICTIVE COVENANT

OWNER: Peter Barlin and Gregory H. Lahr, Individuals

ADDRESS: 3306 Windsor Road, Austin, Texas 78703

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 4.3 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, 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;

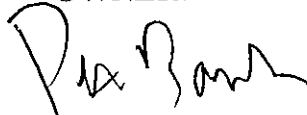
NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the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

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department (the "Department"), dated September 28, 2009. The NTA memorandum shall be kept on file at the 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(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

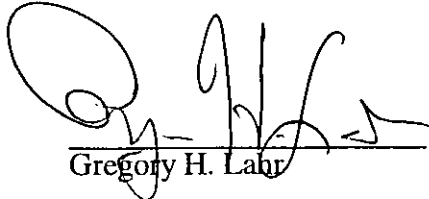
1-23-10 #46

EXECUTED this the _____ day of _____, 2010.

OWNER:

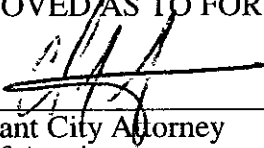


Peter Barlin



Gregory H. Lahr

APPROVED AS TO FORM:



Assistant City Attorney
City of Austin

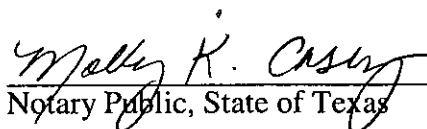
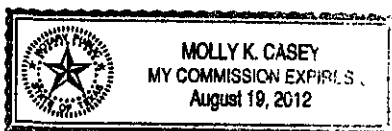
THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 14th day of January, 2010, by Peter Barlin.


Notary Public, State of Texas

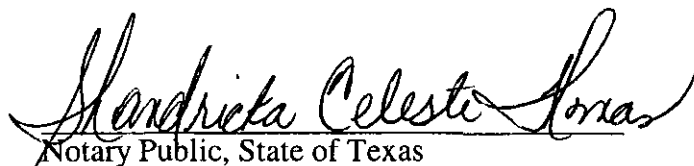
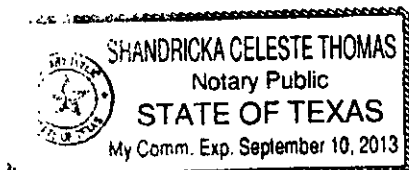
THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 15th day of January, 2010, by Gregory H. Lahr.


Notary Public, State of Texas

Montopolis Drive
at Carson Ridge Road
4.30 Acres
Travis County

FN 1661 (PJC)
May 14, 1984
EH&A Job No. 4930-32

DESCRIPTION OF A TRACT OR PARCEL OF LAND CONTAINING 4.30 ACRES OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING COMPRISED OF A PORTION OF THAT CERTAIN 2.34 ACRE TRACT OF LAND REFERRED TO AS "FIRST TRACT" AND ALL OF THAT CERTAIN 2 ACRE TRACT OF LAND REFERRED TO A "SECOND TRACT" CONVEYED TO KENNETH L. GORDET BY DAVID C. CARSON AS RECORDED IN VOLUME 1279, PAGE 489 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.30 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron pipe found for the point of intersection of the Southeasterly right-of-way line of Montopolis Drive with the Southwesterly right-of-way line of Carson Ridge Road and also being the most Northerly corner of said 2.34 acre tract;

THENCE, with the Southwesterly right-of-way line of Carson Ridge Road and the Northeasterly line of said 2.34 acre tract, S 61° 36' 12" E, a distance of 523.06 feet to a 1 inch bolt found at a point of curvature, said point being also the most Westerly corner of that certain tract of land described in a deed to the City of Austin, of record in Volume 7747, Page 464 of the Deed Records of Travis County, Texas;

THENCE, with the Southwesterly right-of-way line of said Carson Ridge Road, being also the Southwest line of said City of Austin tract the two (2) courses and distances which follow:

1. a distance of 24.23 feet along the arc of a curve to the right, the central angle of which is 106° 25' 08", the radius of which is 30.00 feet and the chord of which bears S 38° 14' 13" E, a distance of 23.58 feet to a point of reverse curvature, and
2. a distance of 80.17 feet along the arc of a curve to the left, the central angle of which is 106° 35' 34", the radius of which is 50.00 feet and the chord of which bears S 68° 30' 10" E, a distance of 80.17 feet to a point of tangency of said curve in the Northeasterly line of said 2.34 acre tract;

THENCE, S 59° 47' 12" E, with the Southwesterly right-of-way line of Carson Ridge Road and the Northeasterly line of said 2.34 acre tract a distance of 4.91 feet to a 3/4 inch iron pipe found for the most Easterly corner of said 2.34 acre tract, being also the most Northerly corner of that certain tract of land described in deed to R. B. Thrasher, of record in Volume 1785, Page 26 of the Deed Records of Travis County, Texas;

THENCE, S 30° 15' 00" W, with the Southeasterly line of said 2.34 acre tract being also the Northwestern line of said R. B. Thrasher tract, a distance of 300.14 feet to a 3/4 inch iron pipe found for the most Southerly corner of said 2 acre tract being also the Northeasterly corner of that certain tract of land referred to as "Tract No. 1" described in a deed of record in Volume 1344, Page 197 of the Deed Records of Travis County, Texas, and being also in the Northwestern line of that certain tract of land described in deed to L. & R. Rendon, of record in Volume 2606, Page 462 of the Deed Records of Travis County, Texas;

THENCE, N 61° 33' 36" W, with the Southwesterly line of said 2 acre tract and the Northeasterly line of said "Tract No. 1" a distance of 630.68 feet to a 3/4 inch iron pipe found in the Southeasterly right-of-way line of Montopolis Drive and being the most Westerly corner of said 2 acre tract, being also the most Northerly corner of said "Tract No. 1";

Montopolis Drive
at Carson Ridge Road
4.30 Acres
Travis County

FN 1661 (PJC)
May 14, 1984
EH&A Job No. 4930-32

THENCE, N 30° 32' 05" E, with the Northeasterly right-of-way line of Montopolis Drive, a distance of 299.59 feet to the POINT OF BEGINNING and containing within these metes and bounds 4.30 acres of land, more or less.

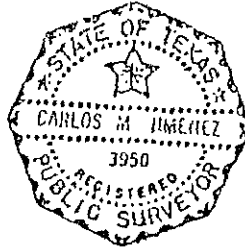
THE STATE OF TEXAS I
COUNTY OF TRAVIS I KNOW ALL MEN BY THESE PRESENTS:

That I, Carlos M. Jimenez, a Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the
15th day of MAY, 1984, A.D.

ESPEY, HUSTON & ASSOCIATES, INC.
Engineering & Environmental Consultants
P.O. Box 519
Austin, Texas 78767

Carlos M. Jimenez
Registered Public Surveyor
No. 3950 - 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

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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2010 Feb 05 11:23 AM 2010017600

GONZALES \$32.00

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