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Zoning Case No. C14-2010-0021

RESTRICTIVE COVENANT

OWNER: Aubrey Don Keeling

ADDRESS: 707 Jetta Court, Austin, TX 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 0.46 acre tract of land, more or less, out of Lot 1, Frank Stark Subdivision, 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. Twenty-four hour commercial operations or uses are prohibited on the Property.
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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 11 day of May, 2010.

OWNER:

Aubrey Don Keeling
Aubrey Don Keeling

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

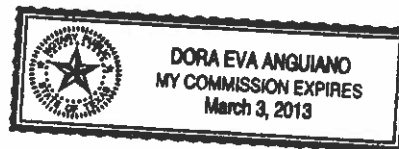
THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 11 day of May, 2010, by Aubrey Don Keeling.

Dora E. Anguiano
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



0.46 Acre

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT 0.46 ACRE TRACT OF LAND CONVEYED TO AUBREY DON KEELING, BY DEED RECORDED IN VOLUME 3836, PAGE 558 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE SAME BEING A PORTION OF LOT ONE (1), OF FRANK STARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at point in the West Line of Lamar Boulevard, (old U. S. Highway 81) at the Northeast Corner of said Lot 1;

THENCE S.20°35'W., along the West Line of Lamar Boulevard, a distance of 202.00 feet to the Point of Beginning and the Northeast Corner hereof;

THENCE continue S.20°35'W. along said West Line of Lamar Boulevard, a distance of 105.00 feet to the Southeast Corner hereof;

THENCE N.61°35'W., across said Lot 1, a distance of 215.00 feet to the West Line of said Lot 1 and the Southwest Corner hereof;

THENCE along the West Line of Lot 1 the following two courses:

1. N.47°30'E. a distance of 63.89 feet;
2. N.26°32'E. a distance of 43.66 feet to the Northwest Corner hereof;

THENCE S.61°35'E., across said Lot 1, a distance of 181.24 feet to the said Point of Beginning.

Containing 0.46 acre, more or less.

J. Kenneth Weigand Feb. 15, 2010

J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas



RJ Surveying & Associates, Inc.
1212 East Braker Lane
Austin, Texas 78753

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



REFERENCE POINT
NE CORNER OF LOT 1,
FRANK STARK SUBDIVISION
PLAT BOOK 4, PAGE 199

WALNUT CREEK BAPTIST CHURCH

AUBREY DON KEELING
0.26 ACRE
VOLUME 6873, PAGE 1360

RESUBDIVISION OF A PORTION OF
LOT 1 OF THE FRANK STARK
SUBDIVISION

BEARING BASIS
S20°35'W 202.00'

NORTH LAMAR BLVD
(OLD U S HIGHWAY 81)
RIGHT OF WAY VARIES

N26°32'E
43.66'

N47°30'E
63.89'

S61°35'E
181.24'

DON KEELING
0.46 ACRE
VOLUME 3836, PAGE 558

POINT OF
BEGINNING

S20°35'W
105.00'

N61°35'W
215.00'

LAVERA B. WILKES
PART OF LOT 1
FRANK STARK SUBDIVISION
VOLUME 6574, PAGE 1172



John K. Weigand Feb. 15, 2010

SKETCH TO ACCOMPANY FIELD NOTE
DESCRIPTION FOR ZONING
(SEE DESCRIPTION ON A SEPARATE ATTACHMENT)

DATE: FEB. 11, 2010 SCALE: 1" = 50'

RJ SURVEYING & ASSOCIATES, INC.
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753
(512) 836-4793 FAX: (512) 836-4817

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