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Zoning Case No. C14-2011-0014

**RESTRICTIVE COVENANT**

OWNER: Cuong D. Tran

ADDRESS: 23832 Strathern Street, West Hills, CA 91304-6133

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 5.306 acre tract of land, more or less, out of the Theodore Bissell League, 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 Planning and Development Review Department dated April 28, 2011.
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.

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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 06 day of MAY, 2011.

OWNER:

  
Cuong D. Tran

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

THE STATE OF CALIFORNIA                   §  
COUNTY OF LOS ANGELES               §

This instrument was acknowledged before me on this the 6<sup>th</sup> day of May, 2011, by Cuong D. Tran.



  
Notary Public, State of California

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

5.306 ACRES  
NuROCK COMPANIES  
ZONING TRACT

FN. NO. 11-056(KWA)  
FEBRUARY 21, 2011  
BPI JOB NO. R0109662-10001

EXHIBIT A  
DESCRIPTION

OF 5.306 ACRES OF LAND BEING OUT OF THE THEODORE BISSELL LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN CALLED 5.303 ACRE TRACT OF LAND CONVEYED TO CUONG D. TRAN BY DEED OF RECORD IN DOCUMENT NO. 2006146463 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.306 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod found in the westerly right-of-way line of Manchaca Road (F.M. 2304) (R.O.W. varies), being the northeasterly corner of Lot 1, Cordes Corner, a subdivision of record in Book 91, Page 372 of the Plat Records of Travis County, Texas and the southernmost corner of that certain 0.037 acre tract of land conveyed to the State of Texas by deed of record in Volume 11430, Page 847 of the Real Property Records of Travis County, Texas and also being the southeasterly corner of said 5.303 acre tract, for the southeasterly corner hereof;

**THENCE**, N63°53'36"W, leaving the westerly right-of-way line of Manchaca Road, along the northerly line of said Lot 1 Cordes Corner, the northerly line of Blocks "A" and "C" Tanglewood Forest Section 5, a subdivision of record in Book 83, Page 64C, of said Plat Records, the northerly terminus of Sanger Drive (50' R.O.W.) and the northerly terminus of Sedgemoor Drive (50' R.O.W.), being a portion of the southerly line of said 5.303 acre tract, for a portion of the southerly line hereof, a distance of 892.12 feet to a 1/2 inch iron rod found at the northeasterly corner of that certain 0.422 acre tract conveyed to Jay and Rosana Roberson, by deed of record in Volume 11966, Page 1629 of said Real Property Records, being the northwesterly corner of Lot 22, Block "A" of said Tanglewood Forest Section 5, for an angle point hereof;

**THENCE**, N62°06'45"W, along the northerly line of said 0.422 acre tract, being a portion of the southerly line of said 5.303 acre tract, for a portion of the southerly line hereof, a distance of 200.17 feet to a 1/2 inch pipe found at the northeasterly corner of Lot 1, Block "M", Castlewood Forest Section 7, a subdivision of record in Book 62, Page 53 of said Plat Records, being the southwesterly corner of the easterly terminus of Comburg Castle Way (50' R.O.W.) and the northwesterly corner of said 0.422 acre tract and also being the southwesterly corner of said 5.303 acre tract, for the southwesterly corner hereof;

**THENCE**, N27°21'06"E, along the easterly terminus of Comburg Castle Way, being a portion of the westerly line of said 5.303 acre tract, for a portion of the westerly line hereof, a distance of 60.05 feet to a 1/2 inch iron rod found at the southeasterly corner of Lot 12, Block "N" of said Castlewood Forest Section 7, being the northeasterly corner of the easterly terminus of Comburg Castle Way, for an angle point hereof;

SCANNED

**THENCE**, N27°19'48"E, along the easterly line of said Lot 12, being a portion of the westerly line of said 5.303 acre tract, for a portion of the westerly line hereof, a distance of 153.37 feet to a 1/2 inch iron rod found at the common southerly corner of Lot 27 and Lot 28, Block "A", Davis Hill Estates Section One, a subdivision of record in Book 92, Page 127 of said Plat Records, being the northeasterly corner of said Lot 12, for the northwesterly corner hereof;

**THENCE**, S63°15'18"E, along the southerly line of Lot 27 of said Davis Hill Estates Section One and the southerly line of Southwest Church of Christ Subdivision, a subdivision of record in Volume 99, Page 49 of said Plat Records, being the northerly line of said 5.303 acre tract, for the northerly line hereof, a distance of 1083.55 feet to a 1/2 inch iron rod with cap found at the northwesterly corner of said 0.037 acre State of Texas tract, for the northeasterly corner hereof;

**THENCE**, along the westerly line of said 0.037 acre tract, being the easterly line of said 5.303 acre tract, for the easterly line hereof, the following two (2) courses and distances:

- 1) S27°44'48"W, a distance of 114.40 feet to a TXDOT concrete monument found for an angle point;
- 2) S21°33'14"W, a distance of 93.46 feet to the **POINT OF BEGINNING**, containing an area of 5.306 acres (231,132 sq. ft.) of land, more or less, within these metes and bounds.

**BEARING BASIS:** IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD 83(93) CENTRAL ZONE, UTILIZING THE LCRA GPS SURVEY CONTROL NETWORK.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.  
ENGINEERING SOLUTIONS  
221 WEST SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS 78701

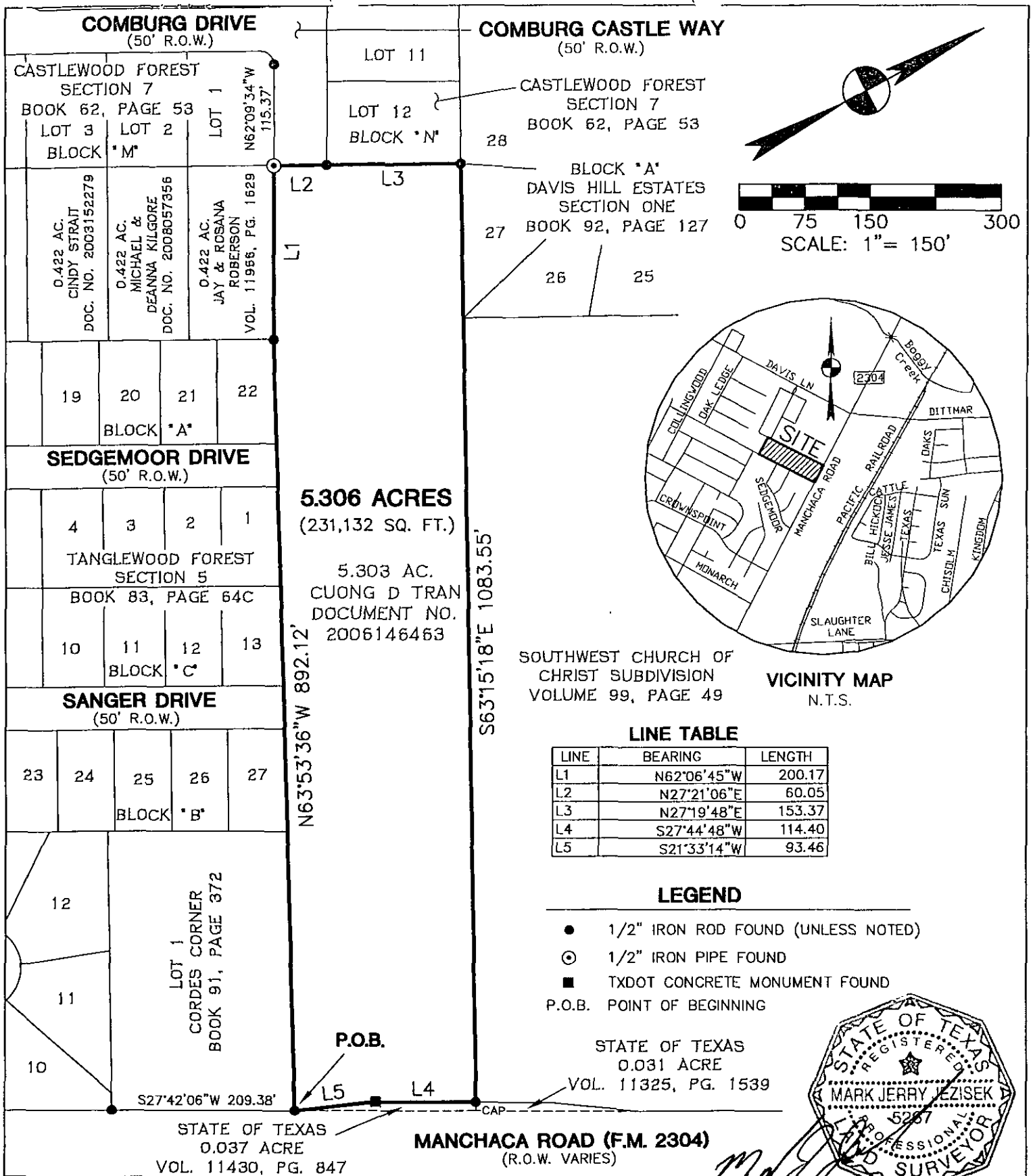
*Mark J. Jezisek*  
MARK J. JEZISEK  
R.P.L.S. NO. 5267  
STATE OF TEXAS



**REFERENCES**

TCAD NO. 0426190235

SCANNED



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*

May 16, 2011 10:50 AM

2011070116

BERNSTA: \$36.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS