

RESTRICTIVE COVENANT

OWNER: Jack D. Clearley

ADDRESS: 19265 Clearley Street, Cleveland TX 77328-2703

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 5.032 acre tract of land out of the William B. Harrison Survey No. 86, in Travis County, said 5.032 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and 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 (the "Department"), dated August 30, 2011. The NTA 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, 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 14th day of September, 2011.

OWNER:

Jack D. Clearley
Jack D. Clearley

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 14 day of September, 2011, by Jack D. Clearley.

Name	Officer Code	03879
Ph#		Loc #
	T5691-011	
Wells Fargo Bank, N.A.	COID 808	
Parmer & Scofield Farms Office	AU 63420	

[Signature]
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

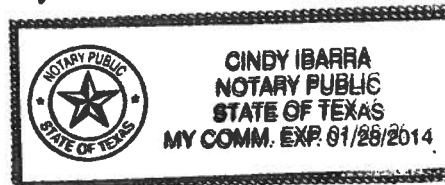


EXHIBIT A
FIELD NOTES TO ACCOMPANY MAP OF SURVEY
PREPARED FOR ZONING PURPOSES
5.032 ACRE OF LAND
WILLIAM B. HARRISON SURVEY NO. 86
TRAVIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION OF 5.032 ACRES OF LAND OUT OF THE WILLIAM B. HARRISON SURVEY NO. 86, TRAVIS COUNTY, TEXAS, BEING A PORTION OF TRACT 'A' AND EASEMENT 1 DESCRIBED IN AN AFFIDAVIT OF PARTITION RECORDED IN VOLUME 2840, PAGE 212 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, JAMES ERWIN CEARLEY RECEIVING TRACTS 'A' AND 'C' ACCORDING TO THE SAID AFFIDAVIT. OTHER DOCUMENTS APPARENTLY CONVEYING INTEREST IN THE HEREIN DESCRIBED TRACT ARE 1) LAST WILL AND TESTAMENT OF J.E. CEARLEY, VOLUME 717, PAGE 331 (CAUSE 72759) PROBATE RECORDS OF TRAVIS COUNTY, TEXAS, AND 2) LAST WILL AND TESTAMENT OF WILLIAM EDMUND CEARLEY, CAUSE C-1-PB-09-000248 PROBATE RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 5.032 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a nail found in the west side of a fence corner post at the northwest corner of the said Tract 'A', the same being the northeast corner of Cedar Bend Subdivision, a subdivision recorded in Document Number 200600116 of the Official Public Records of Travis County, Texas and being on the south line of Valley View Estates, a subdivision of record in Book 59, Page 81 of the Plat Records of Travis County, Texas;

THENCE, S 62°54'19" E, a distance of 283.04 feet along a north line of the said Tract 'A' and south line of the said Valley View Estates, to an iron pipe found at the northerly most northeast corner of the said Tract 'A', the same being on the west line of Lot 1, Block C, Village at River Oaks Section One, a subdivision of record in Book 89, Page 155 of the Plat Records of Travis County, Texas;

THENCE, S 28°18'38" W, along the northerly most east line of the said Tract 'A', the same being the west line of the said Village at River Oaks, Section One subdivision, at 225.26 feet passing a ½ inch diameter steel pin found at the southerly most corner of the Scofield Farms Drive right-of-way, called Cedar Bend Drive as dedicated by the plat of the said Village at River Oaks, Section One subdivision, continuing for a **total distance of 263.89 feet** to an iron pipe found at the southwest corner of the said Village at River Oaks, Section One subdivision, the same being the northwest corner of the said Easement No. 1;

THENCE, S 62°40'35" E, a distance of 243.77 feet along the north line of the said Easement No. 1 and south line of the said Village at River Oaks, Section One subdivision, to a computed point, from which a fence corner post found on the north line of the said Easement No. 1 bears S 62°40'35" E, 927.25 feet;

THENCE, S 70°30'52" W, 762.23 feet, to a computed point on the west line of the said Tract 'A', the same being the east line of Lot 12-A, Tanglewild Redubdivision No. 2, a subdivision of record in Book 77, Page 3 of the Plat Records of Travis County, Texas, from which a ½ inch diameter steel pin found at the southwest corner of the said Tract 'A' bears S 27°10'01" W, 318.65 feet;

5.032 Acres
Page 2 of 2

THENCE, N 27°10'01" E, a distance of 291.37 feet along the west line of the said Tract 'A', the same being the east line of the said Lot 12-A and Lot 13 of Tanglewild Estates, a subdivision of record in Book 60, Page 56 of the Plat Records of Travis County, Texas, to a ½ inch diameter steel pin found at the southeast corner of Cedar Bend Drive, as dedicated by the plat of the said Tanglewild Estates subdivision;

THENCE, N 27°20'56" E, a distance of 527.08 feet along the west line of the said Tract 'A' the same being the east line of the said Cedar Bend Drive and Cedar Bend Subdivision, to the **PLACE OF BEGINNING**, containing 5.032 acres of land, more or less;

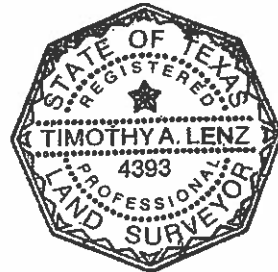
BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83, CENTRAL ZONE.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES ONLY.

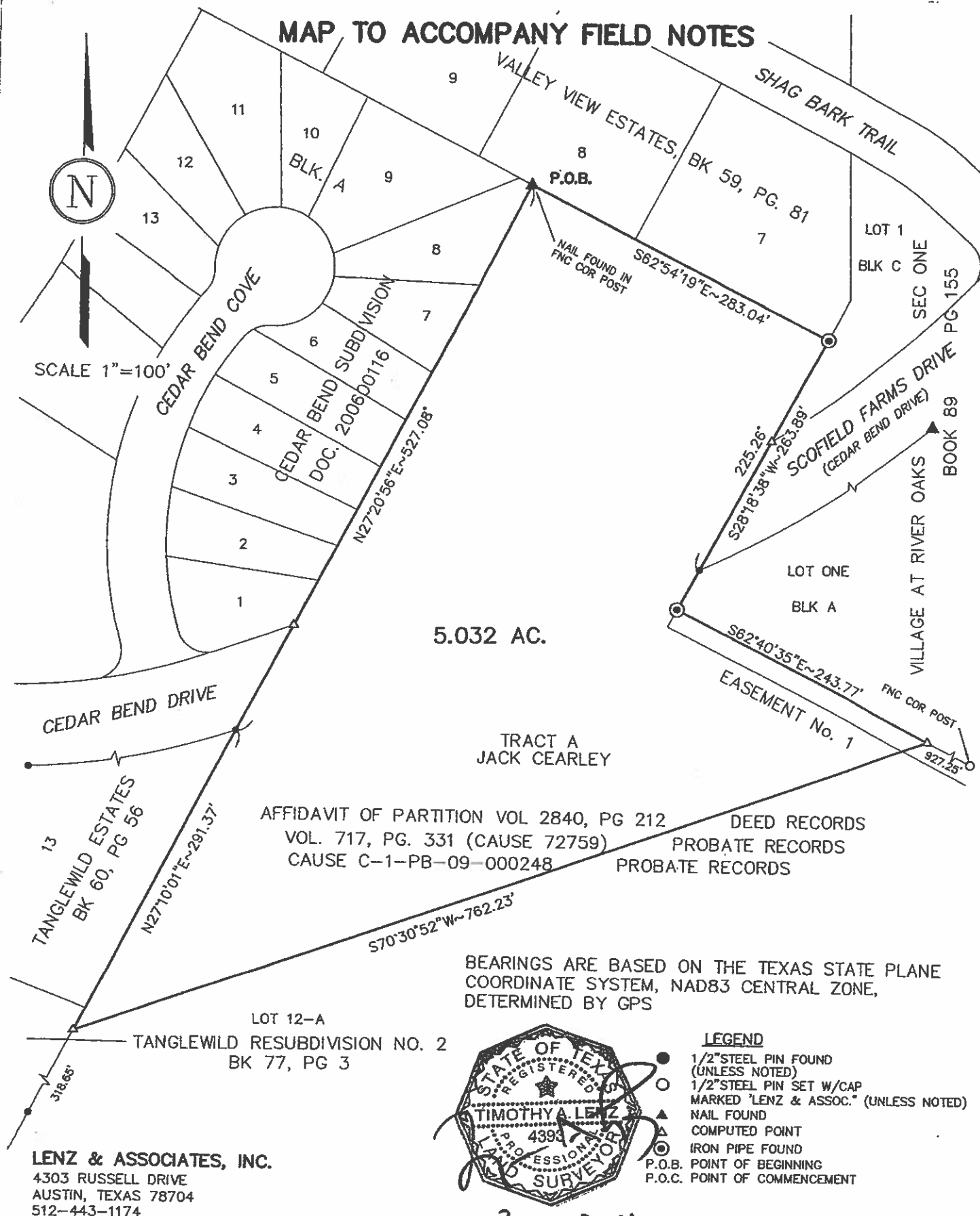

TIMOTHY A. LENZ, R.P.L.S. No. 4393
Lenz & Associates, Inc
4303 Russell Drive
Austin, Texas 78704

3-9-2011
DATE

2011-0050(5.032ac).doc



MAP TO ACCOMPANY FIELD NOTES



3-9-2011

MAP TO ACCOMPANY FIELD NOTES

LEGEND

- 1/2" STEEL PIN FOUND
(UNLESS NOTED)
- 1/2" STEEL PIN SET W/CAP
MARKED "LENZ & ASSOC." (UNLESS NOTED)
- ▲ NAIL FOUND
- △ COMPUTED POINT
- ⊙ IRON PIPE FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARINGS ARE BASED ON THE TEXAS STATE PLANE
COORDINATE SYSTEM, NAD83 CENTRAL ZONE,
DETERMINED BY GPS

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S28°18'38"W	125.30
L-2	S70°30'52"W	66.84
L-3	S19°29'08"E	175.00
L-4	S70°30'52"W	120.00
L-5	N19°29'08"W	175.00
L-6	S70°30'52"W	91.77
L-7	S27°20'56"W	102.32
L-8	S28°18'38"W	99.96
L-9	S28°18'38"W	38.64

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	11°33'33"	880.00	89.07	177.54	177.24	S64°44'05"W
C2	05°02'38"	950.00	41.84	83.63	83.60	S67°59'33"W
C3	90°00'00"	25.00	25.00	39.27	35.36	S25°30'52"W
C4	90°00'00"	25.00	25.00	39.27	35.36	N64°29'08"W
C5	55°07'16"	950.00	495.82	913.94	879.10	N37°54'36"E
C6	48°46'01"	566.41	256.74	482.10	467.68	N85°10'22"W

LENZ & ASSOCIATES, INC.

4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704
512-443-1174

S:\Land Projects 3\SCOFFIELD FARMS ROAD TO CEDAR BEND DRIVE\dwg\Zoning Sketches.dwg, 3/8/2011 3:37:47 PM, Tim

PAGE 2 OF 2