

Zoning Case No. C14-2014-0103

RESTRICTIVE COVENANT

OWNER: Telvending Corp., a Nevada corporation

ADDRESS: 1617 Watchhill 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 0.159 acre tract of land out of the Charles H. Riddle Survey, Abstract No. 676, said 0.159 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Property"),

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. Hours of operation for a cocktail lounge on the Property are limited to the hours of 6:00 a.m. to 12:00 a.m.
2. Live amplified music is prohibited outdoors, including as a temporary use.
3. Live music is prohibited outdoors after 11:00 p.m.
4. 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.
5. 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.

6. 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.
7. 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 _____ day of _____, 2014.

OWNER:

TELVENDING CORP, a Nevada
corporation

GREG WILSON
President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____, 2014, by Greg Wilson, President of Telvending Corp, a Nevada corporation, on behalf of the corporation.

Notary Public, State of Texas

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



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**0.159 ACRES ZONING DESCRIPTION
CITY OF AUSTIN, TRAVIS COUNTY**

A DESCRIPTION OF 0.159 ACRES (APPROXIMATELY 6,924 SQ. FT.) IN THE CHARLES H. RIDDLE SURVEY, ABSTRACT NO. 676, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 20 AND 21, E.A. SIMS SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 295 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.159 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" rebar found in the west right-of-way line of Manchaca Road (right-of-way width varies), being the northwest corner of a 1267 square feet tract, described in Volume 2254, Page 321 of the Deed Records of Travis County, Texas, also being in the north line of said Lot 21 and being also the southeast corner of Lot 2, Harlan Addition, a subdivision of record in Volume 12, Page 48 of the Plat Records of Travis County, Texas, from which a mag nail found in the west right-of-way line of Manchaca Road, being the southwest corner of said 1267 square feet tract, also being the northwest corner of a 1344 square feet tract described in Volume 2268, Page 157 of the Deed Records of Travis County, Texas, being also the south line of said Lot 21, and also being the north line of said Lot 20, bears South 31°21'45" West, a distance of 75.71 feet;

THENCE North 77°49'35" West, crossing said Lot 21, a distance of 54.83 feet to a calculated point for the **POINT OF BEGINNING**:

THENCE continuing across said Lot 21 and said Lot 20, the following twenty-six (26) courses and distances:

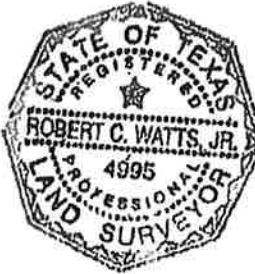
1. South 26°07'55" West, a distance of 12.84 feet to a calculated point;
2. South 63°03'39" East, a distance of 3.51 feet to a calculated point;
3. South 26°45'45" West, a distance of 22.58 feet to a calculated point;
4. North 62°32'01" West, a distance of 12.36 feet to a calculated point;
5. South 31°57'04" West, a distance of 1.72 feet to a calculated point;
6. North 63°04'03" West, a distance of 13.66 feet to a calculated point;
7. North 26°04'20" East, a distance of 1.69 feet to a calculated point;

8. North 63°16'15" West, a distance of 8.19 feet to a calculated point;
9. South 27°18'32" West, a distance of 42.75 feet to a calculated point;
10. North 62°48'33" West, a distance of 23.24 feet to a calculated point;
11. North 26°46'34" East, a distance of 10.46 feet to a calculated point;
12. North 61°54'57" West, a distance of 12.94 feet to a calculated point;
13. North 26°27'31" East, a distance of 5.59 feet to a calculated point;
14. North 62°41'59" West, a distance of 4.93 feet to a calculated point;
15. North 26°45'54" East, a distance of 11.76 feet to a calculated point;
16. North 62°39'11" West, a distance of 37.29 feet to a calculated point;
17. North 26°47'21" East, a distance of 28.64 feet to a calculated point;
18. North 29°19'19" East, a distance of 3.41 feet to a calculated point;
19. North 29°41'19" East, a distance of 26.41 feet to a calculated point, from which a 1/2" rebar found in the north line of said Lot 21, same being the south line of said Lot 2, bears North 44°20'05" West, a distance of 17.65 feet;
20. South 63°25'28" East, a distance of 57.44 feet to a calculated point;
21. North 27°26'30" East, a distance of 2.01 feet to a calculated point;
22. South 63°15'19" East, a distance of 3.70 feet to a calculated point;
23. South 26°23'59" West, a distance of 2.48 feet to a calculated point;
24. South 63°28'58" East, a distance of 35.46 feet to a calculated point;
25. South 25°52'16" West, a distance of 9.16 feet to a calculated point;
26. South 64°07'44" East, a distance of 11.28 feet to the **POINT OF BEGINNING**, containing 0.159 acres of land, more or less.

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Surveyed on the ground June 14, 2014. Bearing Basis: Grid Azimuth for Texas Central Zone state plane coordinates, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 122-004-Z1.

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Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995
T.X.B.P.L.S. Firm No. 10124500



6.17.14



ROBERT C. WATTS, JR.
RPLS. No. 4073

This Survey was prepared without the benefit of a Contract, fee, gift, and may be subject to additional comments or restrictions not shown hereon. No additional comment research was done for the purpose of this survey.

[illegible]

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