

RESTRICTIVE COVENANT

8

OWNER: Ray Pickard, Wayne Edward Pickard, Alvin Maurice Pickard, Jr., and
Rene Leon Pickard

ADDRESS: See Below

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 1.489 acre tract of land, more or less, out of the Walker Wilson League,
Travis County, Texas, the tract being more particularly described by
metes and bounds in Exhibit "A" attached and incorporated into this
covenant.

WHEREAS, 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. 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. Owner agrees to limit personal improvement services use to a health and fitness club use.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to
prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant 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.

7-28-05
74

EXECUTED to be effective the 22 day of July, 2005.

OWNER:



Ray Pickard, also known as
Ray J. Thompson Pickard

Wayne Edward Pickard



Ray Alvin Maurice Pickard, Jr.

Rene Leon Pickard

APPROVED AS TO FORM:




Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

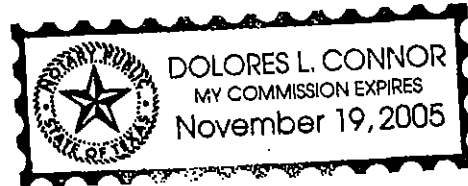
COUNTY OF Tarrant §

This instrument was acknowledged before me on this the 22 day of July, 2005 by Ray Pickard, aka Ray J. Thompson Pickard.

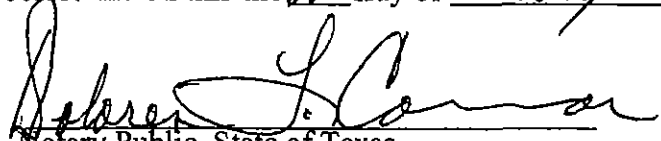

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF Tarrant §

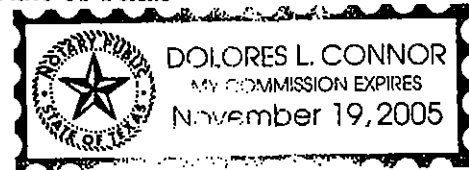


This instrument was acknowledged before me on this the 22 day of July, 2005 by Alvin Maurice Pickard, Jr.


Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §



This instrument was acknowledged before me on this the ____ day of _____, 2005 by Rene Leon Pickard.

Notary Public, State of Texas

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____, 2005 by Wayne Edward Pickard.

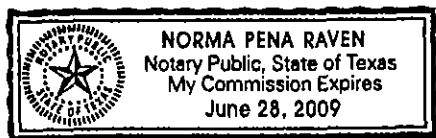
Notary Public, State of _____

OWNER:

Wayne Edward Pickard
Wayne Edward Pickard

THE STATE OF Texas §
COUNTY OF Travis §

This instrument was acknowledged before me on this the 2 day of August, 2005 by Wayne Edward Pickard.



Norma Pena Raven
Notary Public, State of Texas

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

OWNER:

Rene Leon Pickard
Rene Leon Pickard

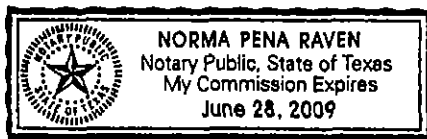
APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on this the 5 day of August, 2005 by Rene Leon Pickard.



[Signature]
Notary Public, State of Texas

FIELD NOTES
FOR

EXHIBIT A

1.489 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WALKER WILSON LEAGUE IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND CALLED 1.49 ACRES AND DESIGNATED AS TRACT ONE, AS CONVEYED TO RAY PICKARD, ET.AL. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2003257665 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron pin found at the Southwest corner of said Tract One, being at the Southeast corner of Lot 2, Block A, Olympic Heights Section 1, a subdivision recorded in Document No. 200200099 of the Official Public Records of Travis County, Texas, being in the North r.o.w. line of Marcus Abrams Boulevard, for the PLACE OF BEGINNING hereof;

THENCE along the West line of said Tract One, being along the East line of said Lot 2, N 02°35'59" W for a distance of 216.08 feet to a capped iron pin found at the Northwest corner of said Tract One;

THENCE along the North line of said Tract One, N 88°04'57" E for a distance of 300.17 feet to a ½ inch iron pin found at the Northeast corner of said Tract One, being in the West r.o.w. line of Manchaca Road;

THENCE along the East line of said Tract One, being along the West r.o.w. line of Manchaca Road, S 02°32'58" E for a distance of 216.11 feet to a capped iron pin found at the Southeast corner of said Tract One, being at the Northeast corner of Lot 1, Block A of the aforesaid subdivision;

THENCE along the South line of said Tract One, being along the North line of said Lot 1, S 88°05'16" W for a distance of 299.98 feet to the PLACE OF BEGINNING and containing 1.489 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.

Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL
December 28, 2004

1.489 ac. - W. Wilson League

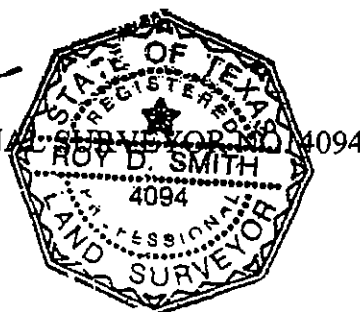
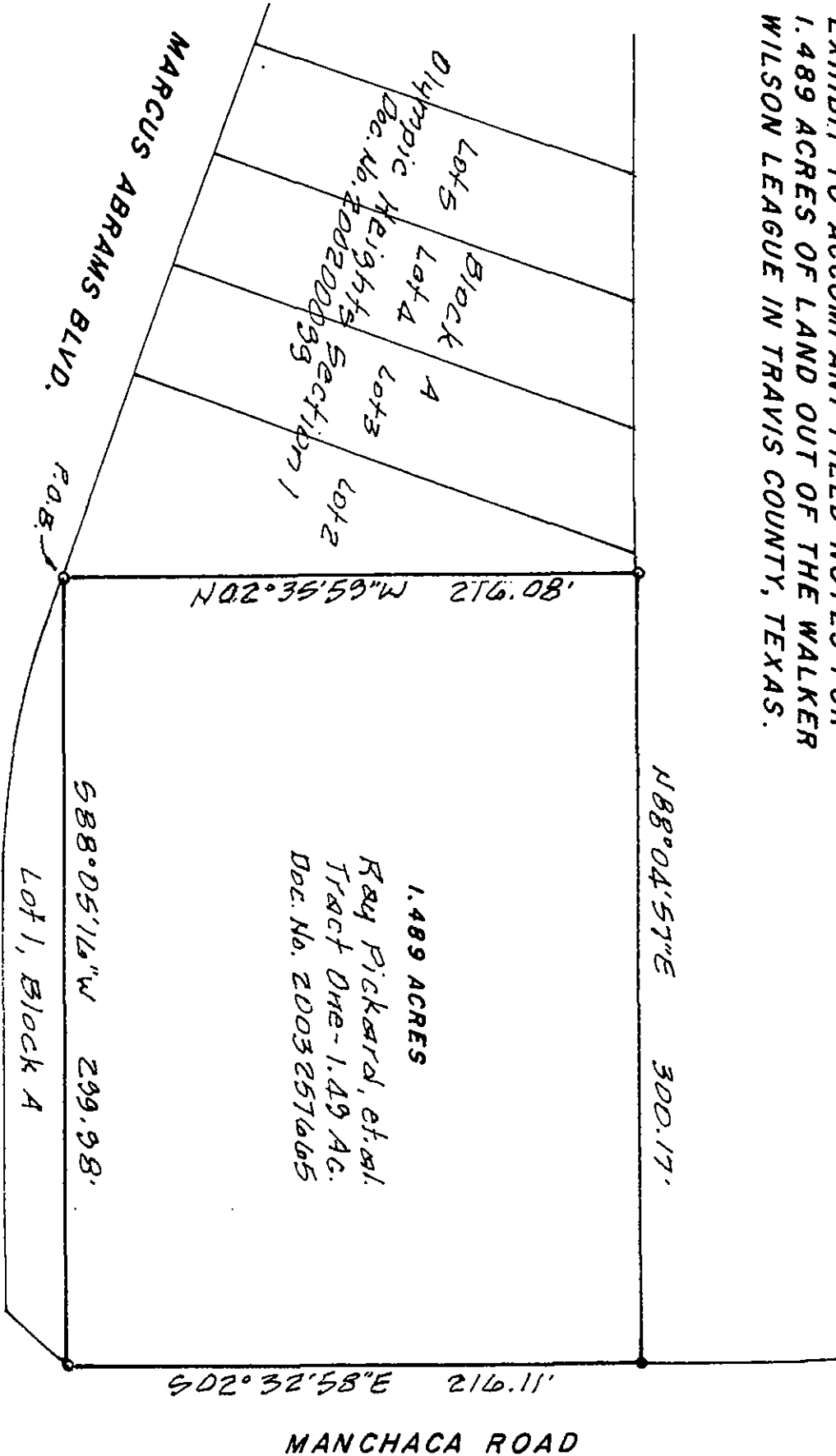
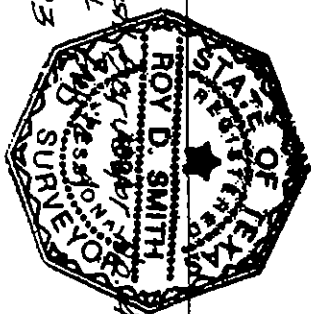


EXHIBIT TO ACCOMPANY FIELD NOTES FOR
1.489 ACRES OF LAND OUT OF THE WALKER
WILSON LEAGUE IN TRAVIS COUNTY, TEXAS.



SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith



ROY D. SMITH
Registered Professional Surveyor
214 West 5th Street
Austin, Texas 78703
Ph. (512) 478-9821
December 28, 2004

SCALE 1"=60'

LEGEND

- 1/2" Iron Pin Found
- Capped Iron Pin Found

ADDRESSES OF OWNERS:

Ray Pickard
1606 North Fielder
Arlington, TX 76012

Alvin Maurice Pickard, Jr.
2205 Park Lane
Elgin, TX 78621

Wayne Edward Pickard
799 6th St., No. 22
Los Alamos, New Mexico 87545

Rene Leon Pickard
13409 Abrahamson Road
Elgin, TX 78621

After recording please return to:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

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

2005 Aug 19 04:05 PM 2005153472

BENAVIDESV \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS