

RESTRICTIVE COVENANT

OWNER: Felix Michael Estrada and Felix A. Estrada

ADDRESS: 5509 Blue Bird Lane, Austin, Texas 78745

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 0.35 acre tract of land, (15,233 sq. ft.) more or less, out of Lot 25, Block 1, Pleasant Hill Addition in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant; and

Lot 26, Block 1, Pleasant Hill Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 7, of the Plat Records of Travis County.

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. If use of the Property as an automotive repair use or an automotive sales use is discontinued for 90 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the Property to limited office (LO) district as defined in Chapter 25-2 of the City Code. Normal seasonal cessation of a use, or temporary discontinuance for purposes of maintenance or rebuilding of the Property after damage or destruction may not be used in calculating of the period of discontinuance.
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.

11-18-04

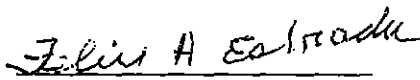
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5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.


EXECUTED this the 2ND day of NOVEMBER, 2004.

OWNER:


Felix Michael Estrada


Felix A. Estrada

APPROVED AS TO FORM:

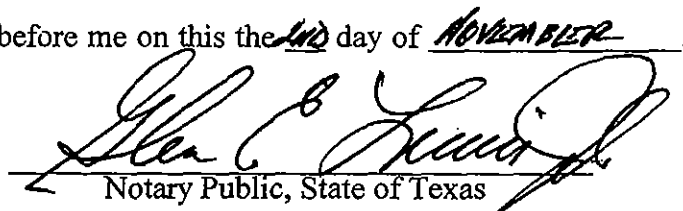

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 2ND day of NOVEMBER, 2004, by Felix Michael Estrada.

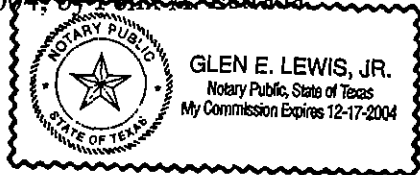



Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 2nd day of NOVEMBER,
2004, by Felix A. Estrada



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, Legal Assistant

EXHIBIT "A"

RE-ZONING

LEGAL DESCRIPTION

BEING A PORTION OF LOT 25, BLOCK 1, PLEASANT HILL ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS DEPICTED BY THE INSTRUMENT RECORDED IN VOLUME 4, PAGE 7, OF THE PLAT RECORDS OF SAID COUNTY, SAME BEING AS CONVEYED TO FELIX MICHAEL ESTRADA IN VOLUME 11347, PAGE 1710, (BEING THE SOUTH 118 FEET OF LOT 25, BLK. 1), AND BEING A PORTION OF THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOTS 24 AND 25, AS CONVEYED TO FELIX ESTRADA, (NO RECORDING INFORMATION AVAILABLE, TRAVIS CENTRAL APPRAISAL DISTRICT), SAID PORTION BEING APPROXIMATELY 0.35 OF AN ACRE (15,233 sq.ft) OF LOT 25, OF SAID SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at a ½" iron rod found for the northwest corner of the remaining portion Lot 24, of the aforementioned Pleasant Hill Addition, as conveyed to Daniel Perez, Jr. and Irene V. Perez, Trustees, in Volume 13189, Page 48, of the Real Property Records, of Travis County, Texas, same at a point of intersection of West Stassney Lane and Blue Bird Lane;

THENCE, along the south line of the aforementioned Perez tract, and along the south line of a portion of the aforementioned Lot 24, as conveyed to Oscar McNabb, in Volume 4094, Page 1603 of the Deed Records of Travis County, Texas, same being the north r-o-w line of the aforementioned West Stassney Lane, S 56° 11' 15" E, for a distance of 85.04 feet to a ½" iron rod set, for the southeast corner of said McNabb tract, same being the southwest corner of the aforementioned Lot 25, same being the southwest corner of the aforementioned portions of the said Lot 25, same being the southwest corner and PLACE OF BEGINNING hereof;

THENCE, leaving the aforementioned r-o-w line and following the dividing line between the aforementioned Lots 24 and 25, same being the dividing line between said McNabb and Estrada tracts, N 33° 52' 46" E, for a distance of 117.80 feet to a ½" rebar set, being a point in said line, same being the most westerly northwest corner hereof;

THENCE, leaving the aforementioned dividing line between Lots 24 and 25, and traversing through the interior of the said Lot 25, the following three (3);


- 1.) S 56° 07' 16" E, for a distance of 30.95 feet to a ½" rebar set;
- 2.) N 33° 52' 46" E, for a distance of 50.00 feet to a ½" rebar set, said rod being in the north line of the aforementioned portions of Lot 25, same being the south line of a portion of the said Lot 25, as conveyed to Michael F. Estrada, in Volume 12772, Page 2249 of the Real Property Records of Travis County, Texas;
- 3.) Along said line, S 56° 07' 16" E, for a distance of 69.08 feet to a ½" rebar set, said rod being the southeast corner of the said Michael Estrada tract and being in the

west line of Lot 26, of the aforementioned Addition, same being in the east line of the said Lot 25 and the northeast corner of the aforementioned portions of Lot 25, for the northeast corner hereof;

THENCE, along the dividing line between the aforementioned Felix Estrada portions of Lot 25, and the west line of the aforementioned Lot 26, S 33° 52' 30" W, passing a 1/2" iron rod set on line, at a distance of 50.00 feet and continuing for a total distance of 167.68 feet to a 1/2" rebar set, in the aforementioned north r-o-w line of West Stassney Lane, said rod being the southwest corner of the aforementioned Lot 26, and the southeast corner of the said Lot 25 same being the southeast corner hereof;

THENCE, along the south line of the aforementioned Lot 25, same being the north r-o-w line of the aforementioned West Stassney Lane, N 56° 11' 15" W, for a distance of 100.04, to the PLACE OF BEGINNING.

This Legal description is to be used in conjunction with the accompanying survey plat only.


VICTOR M. GARZA R.P.L.S. NO. 4740

8-4-04
DATE (REVISED)

B & G SURVEYING, INC.

1404 W. NORTH LOOP BLVD.

AUSTIN, TEXAS 78756

(512) 458 - 6969

6/23/2004 REVISED 08/04/04

JOB. NO.B0611804

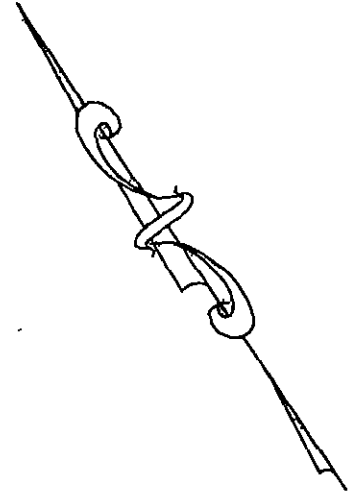


SURVEY OF 15,233 SQUARE FOOT PORTION OF LAND FOR RE-ZONING PURPOSE

- ⑤ S 33°52'30" W 50.00'
- ⑥ S 33°52'30" W 117.68'
- ⑦ S 56°07'16" E 30.95'
- ⑧ S 56°07'16" E 69.08'
- ⑨ N 33°52'46" E 30.95'
- ⑩ N 33°52'46" E 50.00'



Victor M. Garza



BLUE BIRD LANE

DANIEL PEREZ JR. & IRENE V. PEREZ
V.13189 P.48
W. 50' OF THE S. 118' FT. LOT 24,
BLK.1, LESS SW. TRIANGLE,
PLEASANT HILL ADD. (V.4 P.7)

MICHAEL F. ESTRADA
V.12772 P.2249
N. 50' OF LOTS 24 & 25 BLK.1,
PLEASANT HILL ADD. (V.4 P.7)

FELIX ESTRADA
(NO RECORDING INFORMATION
AVAILABLE)
S. 50' OF THE N. 100' OF LOTS 24
& 25, BLK. 1 PLEASANT HILL ADD.
(V.4 P.7)

LOT 28
PLEASANT HILL ADD. (V.4 P.7)

FELIX MICHAEL ESTRADA
V.11347 P.1710 TRACTS 1 & 2
S. 118' LOT 25, BLK. 1 PLEASANT
HILL ADD. (V.4 P.7)

OSCAR MCNABB
V.4004 P.1603
E. 50' OF S. 118' 24, BLK. 1
PLEASANT HILL ADD. (V.4 P.7)

PLACE OF
COMMENCEMENT

PLACE OF
BEGINNING

S 56°11'15" E 85.04' N 56°11'15" W 100.04'

WEST STASSNEY LANE

60 0 60 120 180 Feet



REVISED 08-04-04

B0611894_TA DATED 6-22-04

ALAND_TBLK

CALCULATIONS	JA	6-18-04
FIELD WORK	BOB	6-16-04
DRAFTING	WYUE	6-18-04

SCALE: 1" = 60'

B&G Surveying, Inc.
Victor M. Garza R.P.L.S.

Office 512*458-6860
Fax 512*458-9845

404 West North Loop Blvd.
Austin, Texas 78756

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2004 Nov 24 02:17 PM 2004220257

BENAVIDESV \$26.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

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.