



## Zoning Case No. C14-05-0033

RESTRICTIVE COVENANT

OWNER: Gene Charlesworth Payne

ADDRESS: 809 Newport Avenue, Austin, TX 78753

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 2.139 acre tract of land, more or less, out of the Isaac Decker 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 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.

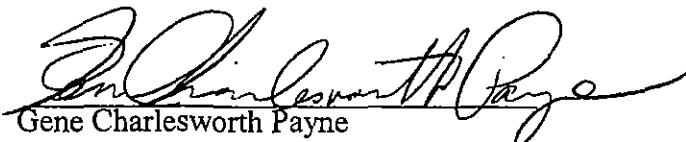
1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated April 27, 2005.
2. If any person or entity shall violate or attempt to 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.

12-15-05

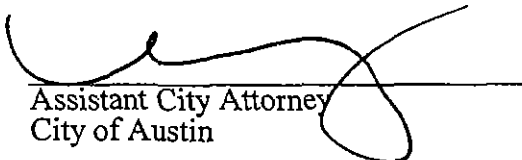
#81

EXECUTED this the 15 day of December, 2005.

OWNER:

  
Gene Charlesworth Payne

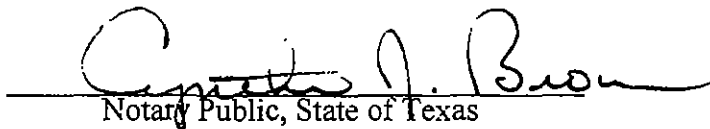
APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

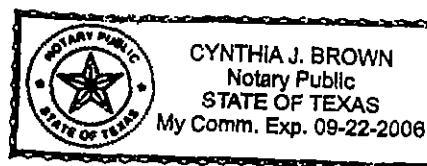
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 15 day of December, 2005  
by Gene Charlesworth Payne.

  
Notary Public, State of Texas

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



**EXHIBIT A**  
**FIELD NOTES FOR ZONING**  
**2.139 ACRE OF LAND**  
**ISAAC DECKER LEAGUE**  
**CITY OF AUSTIN**  
**TRAVIS COUNTY, TEXAS**  
**(PROPOSED LOT 3, BLUEBONNET TACO SUBDIVISION)**

FIELD NOTES DESCRIPTION OF 2.139 ACRES OF LAND OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 4 AND LOT 6, THEODORE LOW HEIGHTS, A SUBDIVISION OF RECORD IN VOLUME 445, PAGE 561 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN 1.558 ACRE TRACT CONVEYED TO GENE CHARLESWORTH PAYNE BY DEED OF RECORD IN VOLUME 9178, PAGE 206 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF THAT CERTAIN TRACT CONVEYED TO GENE CHARLESWORTH PAYNE BY DEED OF RECORD IN VOLUME 12881, PAGE 515 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 2.139 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a point in the south line of the said tract conveyed to Payne of record in Volume 12881, Page 515, also being in the north line of El Rancho Subdivision, a subdivision of record in Book 89, Page 376 of the Plat Records of Travis County, Texas, and being at the southerly most corner of that certain 1.117 acre tract described in a deed to Maria Corbalan recorded in Document Number 2005005016 of the Official Public Records of Travis County, Texas and proposed Lot 1, Bluebonnet Taco Subdivision, and westerly most corner of proposed Lot 3, Bluebonnet Taco Subdivision;

THENCE, traversing the interior of the said tract conveyed to Gene Charlesworth Payne by deed of record in Volume 12881, Page 515 and the said 1.1556 acre tract conveyed to Gene Charlesworth Payne of record in Volume 9178, Page 206, the following three (3) courses and distances:

- 1) N 29°17'24" E, 274.20 feet to an angle point in the common line between the said proposed Lots 1 and 3;
- 2) N 52°00'11" E, 357.24 feet to a point at the northerly most corner of the said proposed Lot 3, the same being the easterly most corner of proposed Lot 2, Bluebonnet Taco Subdivision, and being on the west line of a proposed 10 foot wide strip of land to be dedicated for additional right-of-way along the west side of Bluebonnet Lane;
- 3) S 26°15'30" E, 105.25 feet along the west line of the said 10 foot wide strip of land, to a point at the easterly most corner of the said proposed Lot 3;

THENCE, S 35°59'22" W, a distance of 550.71 feet along the common line between the said proposed Lot 3 and that certain tract described in a deed to Linda Wong Luther and Ellen Kay Wong of record in Volume 13187, Page 699 of the Real Property Records of Travis County, Texas, to a point at the westerly most corner of the said Luther and Wong tract on the north line of the said El Rancho Subdivision, at the southerly most corner of the said proposed Lot 3;

Proposed Lot 3  
Bluebonnet Taco Subdivision  
Page 2 of 2

THENCE, N 59°43'39" W, a distance of 160.50 feet along the common line between the said El Ranch Subdivision and the said proposed Lot 3 to the PLACE OF BEGINNING, containing 2.139 acres of land, more or less.

THIS DESCRIPTION WAS PREPARED FOR ZONING PURPOSES ONLY BASED ON A PROPOSED PLAT OF BLUEBONNET TACO SUBDIVISION, PREPARED BY DOUCET & ASSOCIATES, AUSTIN, TEXAS, AND INFORMATION FROM PUBLIC RECORDS. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE ON THE GROUND.

  
TIMOTHY A. LENZ, R.P.L.S. NO. 4393

Lenz & Associates, Inc.

1714 Fort View Road, Suite 101

Austin, Texas 78704

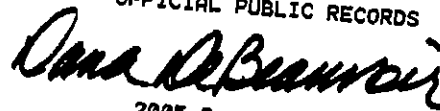
(512) 443-1174

(2005-0144.doc)



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2005 Dec 21 01:43 PM

2005234896

BENAVIDESV \$28.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS