



RESTRICT 2006139285

4 PGS

Zoning Case No. C14-05-0201

RESTRICTIVE COVENANT

OWNER: FS Ventures LP, a Texas limited partnership

ADDRESS: 107 Ranch Road 620, South, PMB#15-F, Austin, Texas 78734

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 2.125 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, the tract being more particularly described by metes and bounds in Exhibits "A" attached and 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. A site plan or building permit for the Property may not be approved, released, or issued if the site plan provides for the removal of a protected tree. A protected tree is defined under Section 25-8-602 of the City Code as a tree having a circumference of 60 inches or more, measured four and one-half feet above natural grade.
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.

4-27-06
43

EXECUTED this the 26th day of April, 2006.

OWNER:

**FS Ventures LP,
a Texas limited partnership**

By: Silverton Custom Homes, Inc.,
a Texas corporation,
its sole general partner

By: 
Jim Cummings,
President

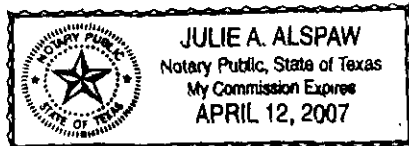
APPROVED AS TO FORM:

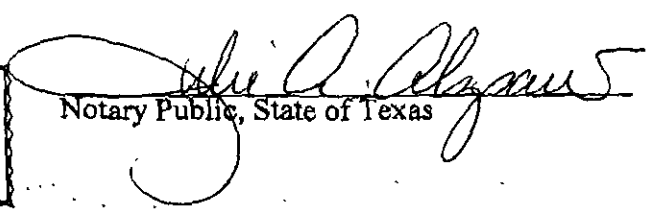

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 26th day of April, 2006, by Jim Cummings, President of Silverton Custom Homes, Inc., a Texas corporation, general partner of FS Ventures, LP, a Texas limited partnership, on behalf of the corporation and the partnership.




Notary Public, State of Texas

FIELD NOTES
FOR

EXHIBIT A

2.125 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, SOUTH SIDE ADDITION, A SUBDIVISION RECORDED IN VOLUME X, PAGE 576 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 2.125 ACRE TRACT OF LAND CONVEYED TO DAVID R. BELLE-ISLE BY INSTRUMENT RECORDED IN VOLUME 13234, PAGE 3221 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pin found at the Northwest corner of said 2.125 acre tract, being at the Northeast corner of Lot 2, Block B, South Gate Terrace Section One, a subdivision recorded in Plat Book 25, Page 17 of the Plat Records of Travis County, Texas, being in the South r.o.w. line of Windoak Drive for the PLACE OF BEGINNING hereof;

THENCE along the North line of said 2.125 acre tract, being along the South r.o.w. line of Windoak Drive for the following courses:

S 58°48'23" E for a distance of 436.26 feet to a ½ inch iron pin found at a point of curve

Along a curve to the right whose radius is 15.00 feet, arc is 23.29 feet and whose chord bears S 14°30'28" E for a distance of 21.02 feet to a ½ inch iron pin found at the intersection of the South r.o.w. line of Windoak Drive and the West r.o.w. line of Parker Lane, being at the Northeast corner of said 2.125 acre tract;

THENCE along the East line of said 2.125 acre tract, being along the West r.o.w. line of Parker Lane, S 29°59'32" W for a distance of 187.10 feet to a ½ inch iron pipe found at the Southeast corner of said 2.125 acre tract;

THENCE along the South line of said 2.125 acre tract, N 58°37'06" W for a distance of 470.80 feet to a ½ inch capped iron pin set at the Southwest corner of said 2.125 acre tract, being at the Southeast corner of said Lot 2, Block B, South Gate Terrace Section One;

THENCE along the West line of said 2.125 acre tract, N 35°38'26" E for a distance of 200.80 feet to the PLACE OF BEGINNING and containing 2.125 acres of land or 92,583 square feet of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.


ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR

April 4, 2005



Bell-Isle Tracts

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

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Jul 21 03:22 PM 2006139285

BENAVIDESV \$28.00

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.