



## Zoning Case No. C14-06-0094

**RESTRICTIVE COVENANT**

OWNER: RP Preserve, Ltd., a Texas limited partnership

ADDRESS: 1011 North Lamar Blvd., Austin, Texas 78703

OWNER: Austin Christian Fellowship, a Texas non-profit corporation

ADDRESS: 6401 Riverplace Blvd., Austin, Texas 78730

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 1.180 acre tract of land, more or less, out of the R.L. Preece Survey No. 2, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owners 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 Owners 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 Owners of the Property, its heirs, successors, and assigns.

1. Development on the property may not exceed one residential unit.
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.

7-27-06  
# 136

EXECUTED this the 25<sup>th</sup> day of July, 2006.

**OWNER:**

**RP Preserve, Ltd.,  
a Texas limited partnership**

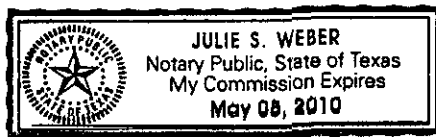
By: RP Preserve GP, Inc.,  
a Texas corporation  
its general partner

By: [Signature]  
Blake J. Magee,  
President

**THE STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

This instrument was acknowledged before me on this the 25<sup>th</sup> day of July, 2006, by Blake J. Magee, President, of RP Preserve GP, Inc., a Texas corporation, general partner of RP Preserve, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.



[Signature]  
Notary Public, State of Texas


**APPROVED AS TO FORM:**

[Signature]  
Assistant City Attorney  
City of Austin

EXECUTED this the 26th day of July, 2006.

OWNER:

Austin Christian Fellowship,  
a Texas non-profit corporation

By:   
Cordel Robinson,  
Executive Pastor and Vice President

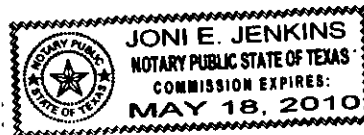
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 26th day of July, 2006, by Cordel Robinson, Executive Pastor and Vice President, of Austin Christian Fellowship, a Texas non-profit corporation, on behalf of the corporation.

  
Notary Public, State of Texas

APPROVED AS TO FORM:



\_\_\_\_\_  
Assistant City Attorney  
City of Austin

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



Professional Land Surveying, Inc.  
Surveying and Mapping

EXHIBIT A

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road

Building One

Austin, Texas 78704

**1.180 ACRES**

**THE PRESERVE AT RIVERPLACE SECTION 2**

**PROPOSED LOT 8-A**

A DESCRIPTION OF A 1.180 ACRE TRACT OF LAND IN THE R. L. PREECE SURVEY NO. 2, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 8 AND 9, BLOCK B, THE PRESERVE AT RIVERPLACE SECTION 2, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200000178 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF A 1.647 ACRE TRACT CONVEYED TO AUSTIN CHRISTIAN FELLOWSHIP BY WARRANTY DEED WITH VENDOR'S LIEN EXECUTED JANUARY 10, 2000 AND RECORDED JANUARY 13, 2000 IN DOCUMENT NO. 2000005917 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.180 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a punch mark found in the north right-of-way line of Milky Way Drive (50' right-of-way width) for the southwest corner of said Lot 8 and the southeast corner of Lot 7, Block B, The Preserve at Riverplace Section 2;

**THENCE** North  $18^{\circ}11'36''$  East, with the west line of Lot 8 and the east line of Lot 7, a distance of 277.03 feet to a  $1/2''$  rebar with cap set, from which a  $1/2''$  rebar found for the northeast corner of Lot 7 and northwest corner of Lot 8, also being in the south line of Lot 1, Austin Christian Fellowship Subdivision, a subdivision of record in Document No. 200200020 of the Official Public Records of Travis County, Texas, bears North  $18^{\circ}11'36''$  East, a distance of 21.11 feet;

**THENCE** over and across Lot 8, said 1.647 acre tract and Lot 9, the following two (2) courses:

1. South  $23^{\circ}33'39''$  East, a distance of 433.70 feet to a  $1/2''$  rebar with cap set;
2. South  $51^{\circ}11'18''$  West, a distance of 98.82 feet to a  $1/2''$  rebar with cap set in the north right-of-way line of said Milky Way Drive and the south line of Lot 9, from which a  $1/2''$  rebar with cap set in the north right-of-way line of Milky Way Drive, for the southeast corner of Lot 9 and southwest corner of Lot 10, Block B, The Preserve at Riverplace Section 2 bears South  $38^{\circ}48'29''$  East, a distance of 275.66 feet;


**THENCE** with the north right-of-way line of Milky Way Drive and the south lines of Lot 8 and 9, the following two (2) courses:

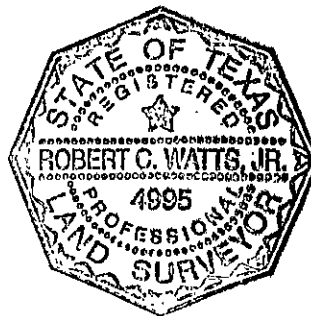
1. North  $38^{\circ}48'29''$  West, a distance of 148.24 feet to a  $1/2''$  rebar found for a point

of curvature;

2. Along a curve to the left having a radius of 375.00 feet, an arc length of 121.43 feet and chord which bears North 48°04'13" West, a distance of 120.90 feet to the **POINT OF BEGINNING**, containing 1.180 acres of land, more or less.

Surveyed on the ground December 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 014-101-8A.

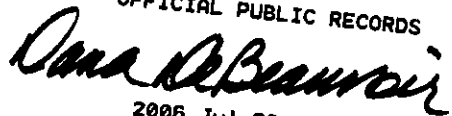
  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



7-20-06

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2006 Jul 28 01:53 PM

2006144165

BENAVIDESV \$24.00

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.