

RESTRICTIVE COVENANT

C14-05-0145

OWNER: Redeemer Presbyterian Church, a Texas non-profit corporation

ADDRESS: 2201 North Lamar Boulevard, Suite 100, Austin, Travis County, Texas  
78704

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

TRACT 1: 0.498 acres of land more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this Restrictive Covenant; and

TRACT 2: Approximately 3.00 acres of land more particularly described by metes and bounds in Exhibit "B" attached and incorporated into this Restrictive 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. In the event Tract 1 as described in Exhibit "A" or Tract 2 as described in Exhibit "B" are final platted as lots in accordance with the subdivision regulations of the City of Austin, a note shall be placed on the final plat of such lot as follows:

All uses allowed with the zoning district applicable to this lot are permitted uses except that Religious Assembly is not a permitted use.

2. If the terms of this covenant are construed in any way that results in (a) the loss of the tax exemption normally available to religious organizations, or (b) any other unfavorable tax event applicable to a religious organization, this covenant shall automatically terminate and be of no force or effect.

3. 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.

4. 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.

5. 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.

6. This agreement may be modified, amended, or terminated by only a 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

12-14-06 # 76

subject to the modification, amendment or termination at the time of such modification, amendment or termination.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 14<sup>TH</sup> day of DECEMBER, 2006.

OWNER:

**REDEEMER PRESBYTERIAN CHURCH,**  
a Texas non-profit corporation

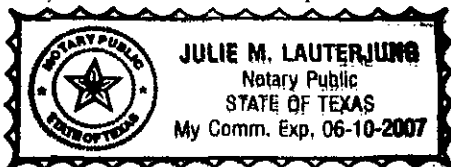
By: [Signature]  
Name: BARRY D. MCBEE  
Title: TRUSTEE

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney  
City of Austin

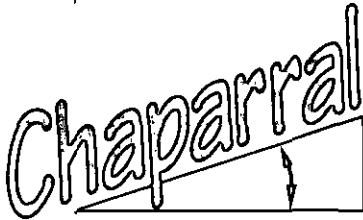
THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14<sup>TH</sup> day of DECEMBER, 2006, by BARRY MCBEE, Trustee of Redeemer Presbyterian Church, a Texas non-profit corporation, on behalf of said corporation.



[Signature]  
Notary Public Signature  
(Seal)

**AFTER RECORDING,  
PLEASE RETURN TO:**  
City of Austin  
Department of Law  
P.O. Box 1546  
Austin, Texas 78767-1546  
Attn: Diana Minter



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

**0.498 ACRE (60' STRIP)  
ZONING DESCRIPTION**

A DESCRIPTION OF 0.498 ACRES (APPROXIMATELY 21,713 SQ.FT.) OF LAND, BEING A PORTION OF A 11.055 ACRE TRACT OF LAND CONVEYED TO REDEEMER PRESBYTERIAN CHURCH IN A WARRANTY DEED WITH VENDOR'S LIEN DATED NOVEMBER 04, 2004 AND RECORDED IN DOCUMENT NO. 2004209626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.498 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at 1/2" iron pipe found at the northwest corner of the 11.055 acre tract, being also at the intersection of the south line of Manor Road (right-of-way width varies) and the east line of Alexander Avenue (right-of-way width varies);

**THENCE** North 78°53'51" East, with the north line of the 11.055 acre tract and the south line of Manor Road, a distance of 353.08 feet to a 1/2" iron pipe found in the apparent west right-of-way line of the A. & N. W. Railroad (right-of-way width varies) being conveyed to the City of Austin in a Quitclaim Deed dated August 14, 1986 and appearing of record in Volume 9837, Page 414 of the Real Property Records of Travis County, Texas, for the northeast corner of the 11.055 acre tract;


**THENCE** with the east line of the 11.055 acre tract and the west line of the A. & N. W. Railroad, the following two (2) courses:

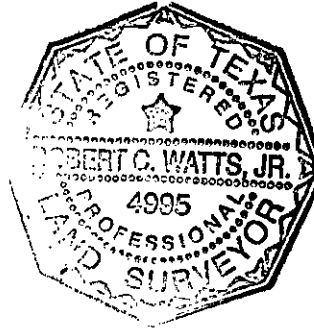
1. Along a curve to the right, an arc length of 46.08 feet, with a radius of 930.37 feet, a delta angle of 02°50'16", and a chord which bears South 27°25'47" East, a distance of 46.07 feet to a 1/2" iron pipe found;
2. Along a curve to the right, an arc length of 16.28 feet, with a radius of 1248.57 feet, a delta angle of 00°44'49", and a chord which bears South 25°16'10" East, a distance of 16.28 feet to a calculated point;

**THENCE** South 78°53'51" West, crossing the 11.055 acre tract, a distance of 369.93 feet to a calculated point in the west line of the 11.055 acre tract, being also in the east line of Alexander Avenue, from which a 1/2" iron pipe found at the southwest corner of the 11.055 acre tract bears South 11°11'25" East, a distance of 1350.71 feet;

**THENCE** North 11°11'25" West, with the west line of the 11.055 acre tract and the east line of Alexander Avenue, a distance of 60.00 feet to the **POINT OF BEGINNING**, containing 0.498 acre of land, more or less.

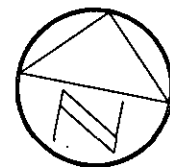
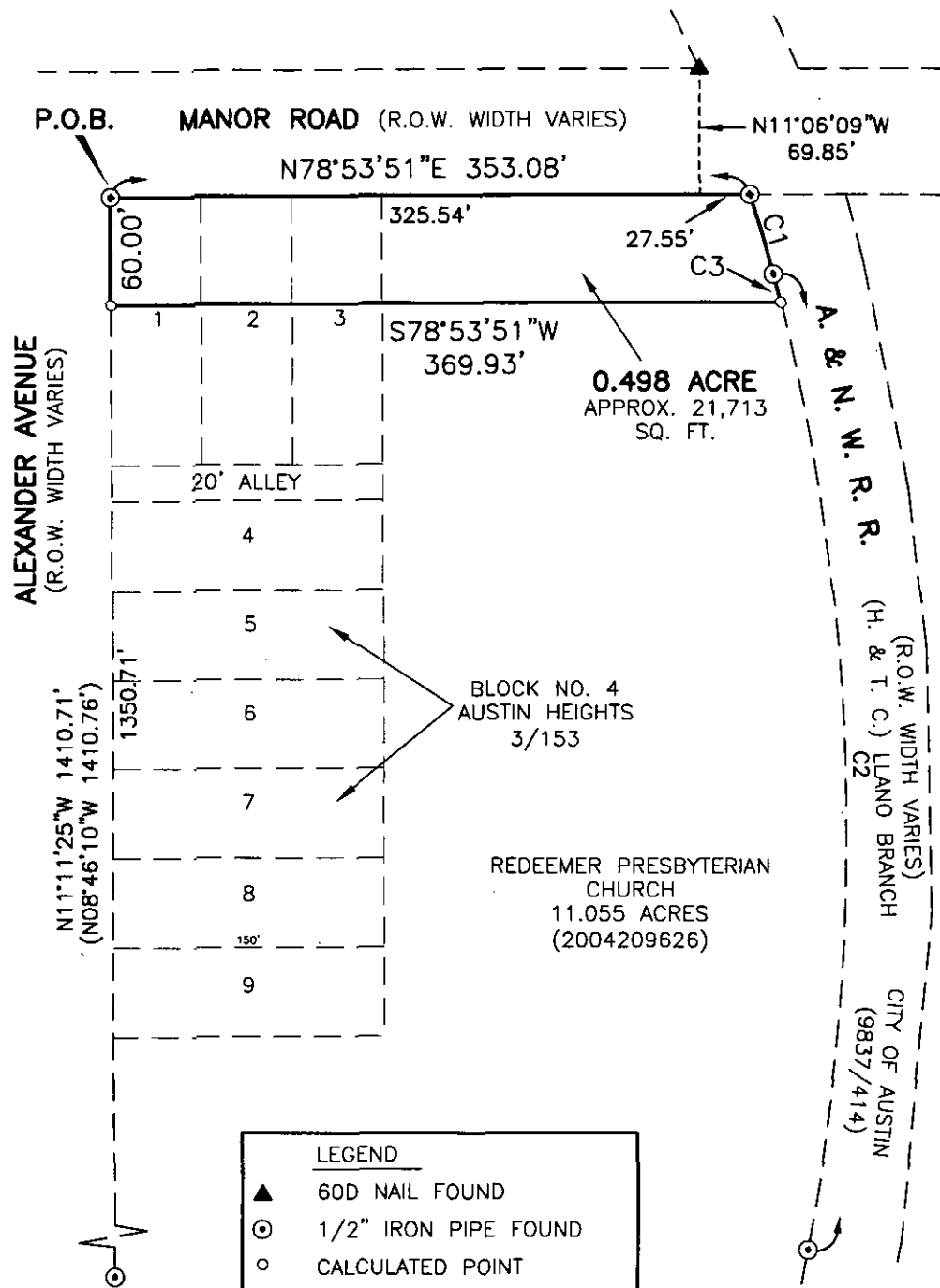
Surveyed on the ground May 25, 2004. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 434-001-Z2.

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



12-14-06

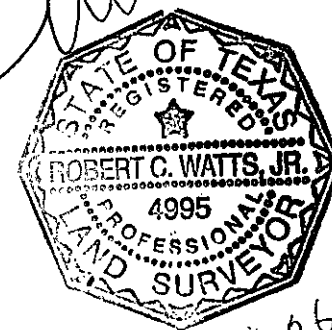
A SKETCH TO ACCOMPANY A DESCRIPTION OF 0.498 ACRE (APPROXIMATELY 21,713 SQ.FT.) OF LAND, BEING A PORTION OF A 11.055 ACRE TRACT OF LAND CONVEYED TO REDEEMER PRESBYTERIAN CHURCH IN A WARRANTY DEED WITH VENDOR'S LIEN DATED NOVEMBER 04, 2004 AND RECORDED IN DOCUMENT NO. 2004209626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



1"=100'

BEARING BASIS: GRID  
AZIMUTH FOR TEXAS  
CENTRAL ZONE, 1983/93  
HARN VALUES FROM LCRA  
CONTROL NETWORK.

ATTACHMENTS: METES AND  
BOUNDS DESCRIPTION  
434-001-Z2



DATE OF SURVEY: MAY 25, 2004  
PLOT DATE: 11/14/2006  
DRAWING NO.: 434-001-Z2  
PROJECT NO.: 434-001  
SHEET 1 OF 1

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD CHORD
C1	2°50'16"	930.37'	23.04'	46.08'	46.07'	S27°25'47"E	(S24°39'10"E 46.04')
C2	25°15'09"	1248.57'	279.69'	550.29'	545.85'	S13°01'00"E	(S10°36'30"E 545.80')
C3	0°44'49"	1248.57'	8.14'	16.28'	16.28'	S25°16'10"E	

Chaparral



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Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

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**3.000 ACRES  
ZONING DESCRIPTION**

A DESCRIPTION OF 3.000 ACRES (APPROXIMATELY 130,680 SQ.FT.) OF LAND, BEING A PORTION OF A 11.055 ACRE TRACT OF LAND CONVEYED TO REDEEMER PRESBYTERIAN CHURCH IN A WARRANTY DEED WITH VENDOR'S LIEN DATED NOVEMBER 04, 2004, AND RECORDED IN DOCUMENT NO. 2004209626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at 1/2" iron pipe found at the southwest corner of the 11.055 acre tract, being also at the intersection of the north line of E. Martin Luther King Boulevard (right-of-way width varies) and the east line of Alexander Avenue (right-of-way width varies);

**THENCE** North 11°11'25" West, with the west line of the 11.055 acre tract and the east line of Alexander Avenue, a distance of 479.90 feet to a calculated point from which a 1/2" iron pipe found for the northwest corner of the 11.055 acre tract bears North 11°11'25" West, a distance of 930.81 feet;

**THENCE** North 78°48'35" East, crossing the 11.055 acre tract, a distance of 318.49 feet to a calculated point in the apparent west right-of-way line of the A. & N. W. Railroad (right-of-way width varies) being conveyed to the City of Austin in a Quitclaim Deed dated August 14, 1986 and appearing of record in Volume 9837, Page 414 of the Real Property Records of Travis County, Texas, from which a 1/2" iron pipe in said line bears North 00°23'54" West, a distance of 346.59 feet;

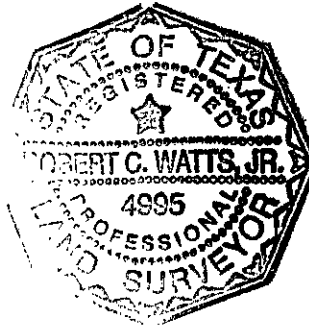
**THENCE** South 00°23'54" East, with the east line of the 11.055 acre tract and the west line of the A. & N. W. Railroad, a distance of 486.64 feet to a 1/2" rebar with cap set in the North line of E. Martin Luther King Boulevard, for the southeast corner of the 11.055 acre tract;

**THENCE** South 78°20'15" West, with the south line of the 11.055 acre tract and the north line of E. Martin Luther King Boulevard, a distance of 227.36 feet to the **POINT OF BEGINNING**, containing 0.498 acres of land, more or less.

Surveyed on the ground May 25, 2004. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 434-001-Z3.

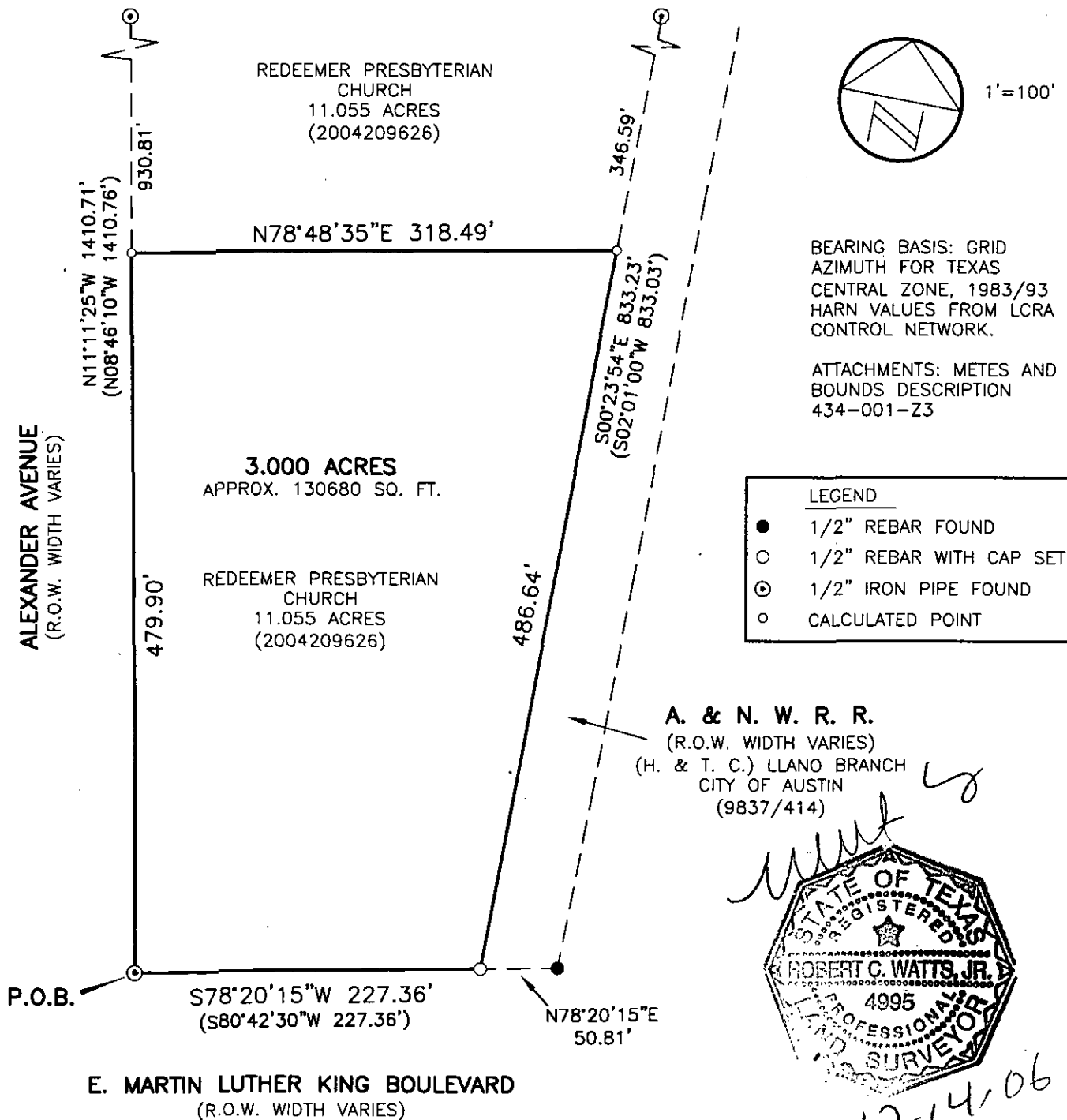
*Robert C. Watts, Jr.*

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



12-14-06

A SKETCH TO ACCOMPANY A DESCRIPTION OF 3.000 ACRES (APPROXIMATELY 130,680 SQ.FT.) OF LAND, BEING A PORTION OF A 11.055 ACRE TRACT OF LAND CONVEYED TO REDEEMER PRESBYTERIAN CHURCH IN A WARRANTY DEED WITH VENDOR'S LIEN DATED NOVEMBER 04, 2004 AND RECORDED IN DOCUMENT NO. 2004209626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



DATE OF SURVEY: MAY 25, 2004  
PLOT DATE: 12/14/2006  
DRAWING NO.: 434-001-Z3  
PROJECT NO.: 434-001  
SHEET 1 OF 1

*Chaparral*



# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2006 Dec 18 03:19 PM 2006240655

CORTEZY \$48.00

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.