

**Zoning Case No. C14-05-0145****RESTRICTIVE COVENANT**

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

ADDRESS: 2201 North Lamar Blvd., Suite 100, Austin, Texas 78705

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: An 11.055 acre tract of land, more or less, out of Lots 1-9, Block 4, together with a 20 foot alley, Austin Heights Subdivision, in the City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "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 successors and assigns.

1. Development of the Property is subject to Ordinance No. 20060831-068 that established standards for commercial design.
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.

12-14-06 # 76

EXECUTED this the 14TH day of DECEMBER, 2006.

OWNER:

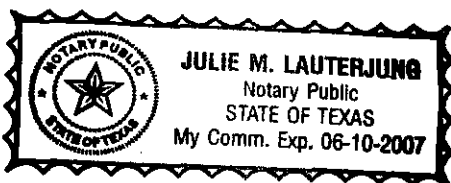
**Redeemer Presbyterian Church,  
a Texas non-profit corporation**

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

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

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

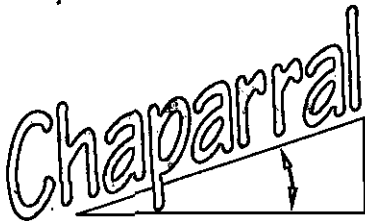


[Signature]  
Notary Public, State of Texas

APPROVED AS TO FORM:

[Signature]  
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**

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

2807 Manchaca Road  
Building One  
Austin, Texas 78704

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**11.055 ACRES**

A DESCRIPTION OF 11.055 ACRES OF LAND, MORE OR LESS, BEING OUT OF LOTS 1-9, BLOCK "4" TOGETHER WITH 20 FOOT ALLEY, AUSTIN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 153 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF OUTLOT 49, DIVISION B OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 11.055 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN A SPECIAL WARRANTY DEED TO 2900 MANOR LIMITED PARTNERSHIP DATED DECEMBER 2, 1986 AND APPEARING OF RECORDED IN VOLUME 10001, PAGE 301 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 11.055 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron pipe found at the intersection of the east right-of-way line of Alexander Avenue (right-of-way width varies) and the south right-of-way line of Manor Road (right-of-way width varies), being the northwest corner of said Lot 1, from which a 1/2" rebar found at the intersection of the west right-of-way line of Alexander Avenue and the south right-of-way line of Manor Road, being the northeast corner of Lot 6, Block No. 3, Austin Heights, bears South 78°57'01" West, a distance of 49.94 feet;

**THENCE** North 78°53'51" East, along the south right-of-way line of Manor Road, being in part, the north lines of said Lots 1-3, 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;

**THENCE** along the apparent west right-of-way line the said railroad, the following three (3) courses and distances:

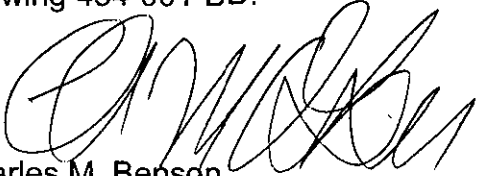
1. Along a curve to the right, having a radius of 930.37 feet, an arc length of 46.08, and a chord which bears South 27°25'47" East, a distance of 46.07 feet to a 1/2" iron pipe found;
2. Along a curve to the right, having a radius of 1248.57, an arc length of 550.29 feet, and a chord which bears South 13°01'00" East, a distance of 545.85 feet to a 1/2" iron pipe found;

3. South  $0^{\circ}23'54''$  East, a distance of 833.23 feet to a 1/2" rebar with cap set in the north right-of-way line of East Martin Luther King Boulevard (right-of-width varies), from which a 1/2" rebar found at the intersection of the north right-of-way line of East Martin Luther King Boulevard and the apparent east right-of-way line of the railroad, bears North  $78^{\circ}20'15''$  East, a distance of 50.81 feet;

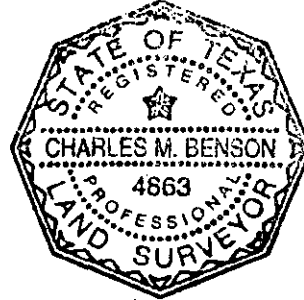
**THENCE** South  $78^{\circ}20'15''$  West, along the north right-of-way line of East Martin Luther King Boulevard, a distance of 227.36 feet to a 1/2" iron pipe found in the east right-of-way line of Alexander Avenue;

**THENCE** North  $11^{\circ}11'25''$  West, along the east right-of-way line of Alexander Avenue, being in part, the west lines of said Lots 1 and 4-9 and the said 20 foot alley, a distance of 1410.71 feet to the **POINT OF BEGINNING**, containing 11.055 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-BD.

  
Charles M. Benson  
Registered Professional Land Surveyor  
State of Texas No. 4863

*May 27, 2004*



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2006 Dec 18 03:19 PM 2006240656

CORTEZY \$28.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS