

**RESTRICTIVE COVENANT**

OWNER: Aubrey Don Keeling

ADDRESS: 707 Jetta Court, 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 0.26 acre tract of land, more or less, out of Lot 1, Frank Stark Subdivision, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), 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 ("Agreement"). 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. Twenty-four hour commercial operations or uses are prohibited on the Property.
2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement 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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**OWNER:**

\_\_\_\_\_  
Aubrey Don Keeling

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 \_\_\_\_ day of \_\_\_\_\_,  
2010, by Aubrey Don Keeling.

\_\_\_\_\_  
Notary Public, State of Texas

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

0.26 Acre

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT 0.26 ACRE TRACT OF LAND CONVEYED TO AUBREY DON KEELING, BY DEED RECORDED IN VOLUME 6873, PAGE 1360 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE SAME BEING A PORTION OF LOT ONE (1), OF FRANK STARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 199 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at point in the West Line of Lamar Boulevard, (old U. S. Highway 81) at the Northeast Corner of said Lot 1, for the Northeast Corner hereof;

THENCE S.20°35'W., along the West Line of Lamar Boulevard, a distance of 102.00 feet to the Southeast Corner hereof;

THENCE N.61°35'W., across said Lot 1, a distance of 147.64 feet to a point in the West Line of said Lot 1 for the Southwest Corner hereof;

THENCE along the North and West Lines of said Lot 1 the following three courses:

1. N.57°17'E. a distance of 64.50 feet;
2. N.75°27'E. a distance of 83.30 feet;
3. S.45°15'E. a distance of 43.40 feet to the said Point of Beginning.

Containing 0.26 acre, more or less.

*John Kenneth Weigand Feb. 15, 2010*  
J. Kenneth Weigand  
Registered Professional Land Surveyor No. 5741  
State of Texas

RJ Surveying & Associates, Inc.  
1212 East Braker Lane  
Austin, Texas 78753



This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

WALNUT CREEK BAPTIST CHURCH

N57°17'E  
64.50'

N75°27'00"E  
83.30'

S45°15'E  
43.40'

AUBREY DON KEELING  
0.26 ACRE  
VOLUME 6873, PAGE 1360

POINT OF BEGINNING  
NE CORNER OF LOT 1,  
FRANK STARK SUBDIVISION  
PLAT BOOK 4, PAGE 199

N61°35'W  
147.64'

RESUBDIVISION OF A PORTION OF  
LOT 1 OF THE FRANK STARK  
SUBDIVISION

BEARING BASS  
S20°35'W  
102.00'

NORTH LAMAR BLVD  
(OLD U S HIGHWAY 81)  
RIGHT OF WAY VARIES

DON KEELING  
0.46 ACRE  
VOLUME 3836, PAGE 558



*John K. Weigand Feb 15, 2010*

SKETCH TO ACCOMPANY FIELD NOTE  
DESCRIPTION FOR ZONING

(SEE DESCRIPTION ON A SEPARATE ATTACHMENT)

DATE: FEB. 11, 2010

SCALE: 1" = 50'

**RJ SURVEYING & ASSOCIATES, INC.**

1212 E. BRAKER LANE, AUSTIN, TEXAS 78753

(512) 836-4793 FAX: (512) 836-4817

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