



TRV  
6 PGS

2010127508

Zoning Case No. C14-2010-0077

ben

**RESTRICTIVE COVENANT**

FILED IN THE OFFICE OF CITY CLERK  
ON 29 DAY OF SEP 20 10  
10 05 AM  
[Signature]  
JOY DEPUTY CITY CLERK

OWNER: Woodlawn Baptist Church of Austin

ADDRESS: 4600 Manchaca Road, Austin, Texas 78745

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 4.840 acre tract of land, more or less, out of certain lots in Western Trails Section 1 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 Owners (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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Planning and Development Review Department dated June 22, 2010.
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.

8-26-10

# 7b

EXECUTED this the 17<sup>th</sup> day of August, 2010.

**OWNER:**

Woodlawn Baptist Church of Austin

By: Lane Northcut  
Lane Northcut, Registered Agent

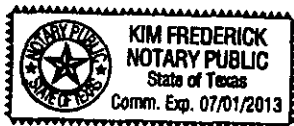
APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 17<sup>th</sup> day of August, 2010, by Lane Northcut, a registered agent of Woodlawn Baptist Church of Austin, a non-profit corporation, on behalf of the corporation.



Kim Frederick  
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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

BEING 4.840 ACRES OF LAND OUT OF PORTIONS OF LOTS 5, 14, 15, AND ALL OF LOT 32, BLOCK A, WESTERN TRAILS SECTION 1; A SUBDIVISION RECORDED IN BOOK 7 PAGE 63 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF THAT CERTAIN 4.154 ACRE TRACT OUT OF THE JAMES TRAMMEL SURVEY, NUMBER 4, BEING DESCRIBED IN INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2008141729 OF THE OFFICIAL PUBLIC RECORDS AND BEING COMPRISED OF THOSE CERTAIN FOUR TRACTS OF LAND DESCRIBED AS 1.00 ACRE TRACT DESCRIBED IN VOLUME 1212 PAGE 366 OF SAID DEED RECORD, 1.85 ACRE TRACT DESCRIBED IN VOLUME 1447 PAGE 199, 1.71 ACRE TRACT DESCRIBED IN VOLUME 1823 PAGE 90 AND 0.03 ACRE TRACT DESCRIBED IN VOLUME 2678 PAGE 377 ALL OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAVE AND EXCEPT THOSE CERTAIN TWO TRACTS OF LAND DESCRIBED AS 0.27 ACRE RECORDED IN VOLUME 1849 PAGE 115; AND 0.16 ACRE RECORDED IN VOLUME 1914 PAGE 488 BOTH OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.840 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY A METES AND BOUNDS DESCRIPTION IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEGINNING at a ½" iron pipe found at the intersection of the present south right of way of Cimarron Trail and the present east right of way of Cactus Lane, same being the northern most corner of the aforementioned 4.154 acre tract, same being the northern most corner and PLACE OF BEGINNING hereof;

THENCE with the present south right of way of Cimarron Trail, S 62°12'37" E a distance of 451.05 feet to a ½" iron rebar found and S 62°19'58" E a distance of 20.00 feet to a calculated point at the intersection of the present south right of way of Cimarron Trail and the west right of way of Manchaca Road for the northeast corner hereof;

THENCE with the west right of way of Manchaca Road and the east line of said 4.154 acre tract, S 27°31'58" W a distance of 375.21 feet to a calculated point for the southeast corner of said 4.154 acre tract and the southeast corner hereof;

THENCE with the south line of said 4.154 acre tract, N 62°28'02" W a distance of 20.00 feet to a concrete monument found at the intersection of the west right of way of said Manchaca Road and the south line of said 4.154 acre tract, same being the northeast corner of the aforementioned Lot 32 and an interior ell corner hereof;

THENCE with the west line of said Manchaca Road, same being the east line of said Lot 32, S 27°32'24" W a distance of 79.99 feet to a ½" iron rebar found at the common east corner of said Lot 32 and Lot 31 Block A of said subdivision for the southern most corner hereof;

THENCE with the common line of said Lots 32 and 31, N 62°14'27" W a distance of 140.00 feet to a 60D nail found at the common corner of said Lots 15, 32, 31 and Lot 16, Block A of said subdivision for an angle point hereof;

THENCE over and across said Lots 15, 14 and 5 the following four (4) courses:

1. N 67°37'09" W a distance of 68.60 feet to a fence post for an angle point hereof;
2. N 48°30'49" W a distance of 104.75 feet to a 60D nail set in the common line of said Lots 15 and 14 for an angle point hereof;
3. N 52°05'19" W a distance of 72.62 feet to a ½" iron rebar set in the common line of said Lots 14 and 5 for an angle point hereof;
4. N 28°38'40" W a distance of 88.44 feet to a ½" iron rebar set in the common line of said Lot 5 and said 4.154 acre tract for an angle point hereof;

THENCE with the south line of said 4.154 acre tract, N 62°11'35" W a distance of 29.08 feet to a ½" iron rebar set for an angle point hereof, and from which a concrete monument found in the current southeasterly right of way of Cactus Lane at the northern most corner of said Lot 5 bears: N 62°11'35" W a distance of 36.24 feet;

THENCE leaving the common line of said Lot 5 and said 4.154 acre tract, over and across said 4.154 acre tract, N 26°28'50" W a distance of 28.90 feet to a ½" iron rebar set in the current southeasterly right of way of said Cactus Lane for the southwest corner hereof;

THENCE with the current southeasterly right of way of said Cactus Lane the following two (2) courses:

1. along a curve to the left an arc distance of 185.37 feet to a ½" iron rebar found at a point of tangency hereof, said curve having a radius of 296.28 feet and a chord that bears: N 45°30'58" E a distance of 182.36 feet.
2. N 27°31'55" E a distance of 184.77 feet to the PLACE OF BEGINNING hereof, containing a calculated area of 4.840 acres of land, more or less.

THIS LEGAL DESCRIPTION IS TO BE USED WITH THE ATTACHED SURVEY MAP ONLY.

BEARING BASIS: STATE PLANE COORDINATE SYSTEM: TX CENTRAL ZONE

  
Victor M. Garza R.P.S.S. 4740

5-5-10

Date

B & G Surveying, Inc.  
1404 W. North Loop Blvd.  
Austin, Texas 78756  
Phone (512) 458-6969  
Fax (512) 569-1129

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**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Aug 31, 2010 04:34 PM

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HOLMC: \$36.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS