



TRV
4 PGS

2010188558

Zoning Case No. C14-2010-0164

478

RESTRICTIVE COVENANT

OWNER: Stephen Whatley

ADDRESS: 15875 Lomita Springs Dr., San Antonio, Texas 78247

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 0.973 acre (42,399 sq. ft.) tract of land, more or less, out of the James P. Wallace Survey No. 18, 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;

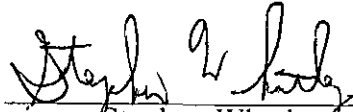
NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Hours of operation of a business on the Property are prohibited from 10:00 p. m. through 6:00 a. m.
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.

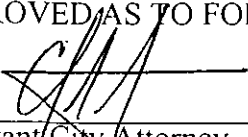
12-9-10 #66

EXECUTED this the 7 day of December, 2010.

OWNER:



Stephen Whatley

APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF Bexar §

This instrument was acknowledged before me on this the 7 day of December, 2010, by Stephen Whatley.


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



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS

Zoning Request
LR-CO

LEGAL DESCRIPTION

BEING 42,399 SQUARE FEET (0.973 ACRES) OF LAND SITUATED IN AND BEING A PORTION OF THE JAMES P. WALLACE SURVEY NO. 18 AND BEING A PORTION OF THAT CERTAIN 384 ACRE TRACT OF LAND CONVEYED TO JOHN WHATLEY BY DEED RECORDED IN VOLUME 769, PAGE 295 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS; SAID 42,399 SQUARE FEET (0.973 ACRES) OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON, REGISTERED PROFESSIONAL LAND SURVEYOR IN APRIL 1991:

BEGINNING at an iron rod found at the southeast corner of Lot 2, Block B, Westover Hills Section One a subdivision in Travis County, Texas as recorded in Plat Book 17, Page 22 of the Travis County, Texas Plat Records, same being the southwest corner of that certain tract of land conveyed to Milburn Malcolm by deed recorded in Volume 4388, Page 2367 of the Travis County, Texas Deed Records, for the northwest corner hereof;


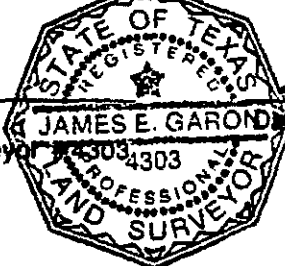
THENCE S 59°44'16" E, 194.37 feet to an iron rod set in the westerly right-of-way line of Loop 1 (Mopac), for the northeast corner hereof;

THENCE S 17°40'00" W, 222.32 feet along the said westerly right-of-way line of Loop 1 (Mopac) to a 60d nail found at the intersection of the said westerly right-of-way line of Loop 1 (Mopac) with the northerly right-of-way (60') line of Cima Serena Drive, for the southeast corner hereof;

THENCE N 60°25'46" W, 193.86 feet along the said northerly right-of-way (60') line of Cima Serena Drive to a point, for the southwest corner hereof;

THENCE N 17°40'00" E, 224.71 feet along the west line of the herein described tract to the POINT OF BEGINNING and containing 42,399 square feet of land, more or less.

SURVEYED BY:


James E. Garon
Registered Professional Land Surveyor
 4-30-1991

1101 CAPITAL OF TEXAS HIGHWAY, SOUTH • BLDG E, SUITE 230 • AUSTIN, TEXAS 78746 • (512) 328-9302

906 MAIN STREET • BASTROP, TEXAS 78602 • (512) 321-4185

"EXHIBIT A"

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dec 17, 2010 11:18 AM

2010188558

PEREZTA: \$28.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS