

**Zoning Case No. C14-2014-0045**

**RESTRICTIVE COVENANT**

**OWNER:** Swenson Family Trust, a Texas Revocable Living Trust

**ADDRESS:** C/O Deborah Swenson Hamilton, 4105 Convict Hill Road, Austin, Texas 78749 and C/O Thomas E. Swenson, Jr., 471 Eskew Ranch Road, Rosanky, Texas 78953

**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:** 0.44 acre tract of land being all of Lots 5 and 6, Block A, Ford Place Number One Subdivision, said 0.44 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Property"),

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. 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 (the "Department"), dated May 20, 2014. The NTA memorandum shall be kept on file at the Department.
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 20 day of August, 2014.

OWNER:

SWENSON FAMILY TRUST, a Texas  
Revocable Living Trust

Deborah Swenson Hamilton  
Deborah Swenson Hamilton  
Co-Trustee

Thomas E. Swenson Jr.  
Thomas E. Swenson Jr.  
Co-Trustee

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 20 day of August, 2014, by Deborah Swenson Hamilton, Co-Trustee of Swenson Family Trust, a Texas Revocable Living Trust, on behalf of the trust.



Sandra M#  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 20 day of August, 2014, by Thomas E. Swenson Jr., Co-Trustee of Swenson Family Trust, a Texas Revocable Living Trust, on behalf of the trust.



Sandra M#  
Notary Public, State of Texas

FIELD NOTES TO ACCOMPANY MAP OF SURVEY  
0.44 ACRE  
PART OF LOTS 5 & 6, BLOCK A  
FORD PLACE NUMBER ONE  
TRAVIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION OF 0.44 ACRE OF LAND, BEING ALL OF LOTS 5 AND 6, BLOCK A, FORD PLACE NUMBER ONE, A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 265 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, **SAVE AND EXCEPT** THE WEST TWENTY (20) FEET OF THE SAID LOTS 5 AND 6 CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 4354, PAGE 1001 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 0.44 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½ inch diameter steel pin found at the intersection of the present east right-of-way line of Manchaca Road with the present south right-of-way line of Redd Street at the northeast corner of the said west twenty (20) feet of lots 5 and 6 conveyed to the City of Austin;

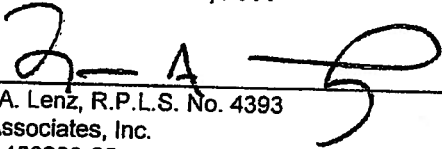
**THENCE**, S 60°50'09" E, a distance of 161.40 along the south right-of-way line of Redd Street to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the northeast corner of the said Lot 6, the same being the northwest corner of Lot 7, from which a ½ inch diameter steel pin found on the south right-of-way line of Redd Street bears S 60°50'09" E, 230.70 feet;

**THENCE**, S 29°18'00" W, a distance of 119.86 feet along the east line of the said Lots 5 and 6, the same being the west line of Lots 7 and 8, to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc at the southeast corner of the said Lot 5, from which a ½ inch diameter steel pin found at the southeast corner of Lot 4 bears S 29°18'00" W, 59.93 feet;

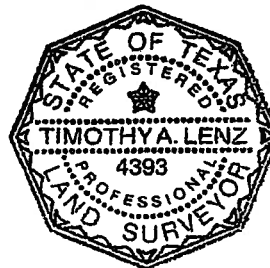
**THENCE**, N 60°45'28" W, a distance of 161.40 feet along the common line between the said Lots 4 and 5 to a ½ inch diameter steel pin found on the present east right-of-way line of Manchaca Road at the southeast corner of the said west twenty (20) feet of Lots 5 and 6 conveyed to the City of Austin;

**THENCE**, N 29°18'00" E, a distance of 119.65 feet along the present east right-of-way line of Manchaca Road to the **PLACE OF BEGINNING**, containing 0.44 acre of land, more or less.

DATE OF SURVEY JUNE 3, 2014

  
\_\_\_\_\_  
Timothy A. Lenz, R.P.L.S. No. 4393  
Lenz & Associates, Inc.  
Firm No. 100290-00  
4303 Russell Drive  
Austin, Texas 78704  
(512) 443-1174

2014-0287.doc



THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THIS TRACT MAY BE SUBJECT TO EASEMENTS, CONDITIONS, OR RESTRICTIONS OF RECORD NOT SHOWN OR NOTED HEREON.

## MAP TO ACCOMPANY FIELD NOTES

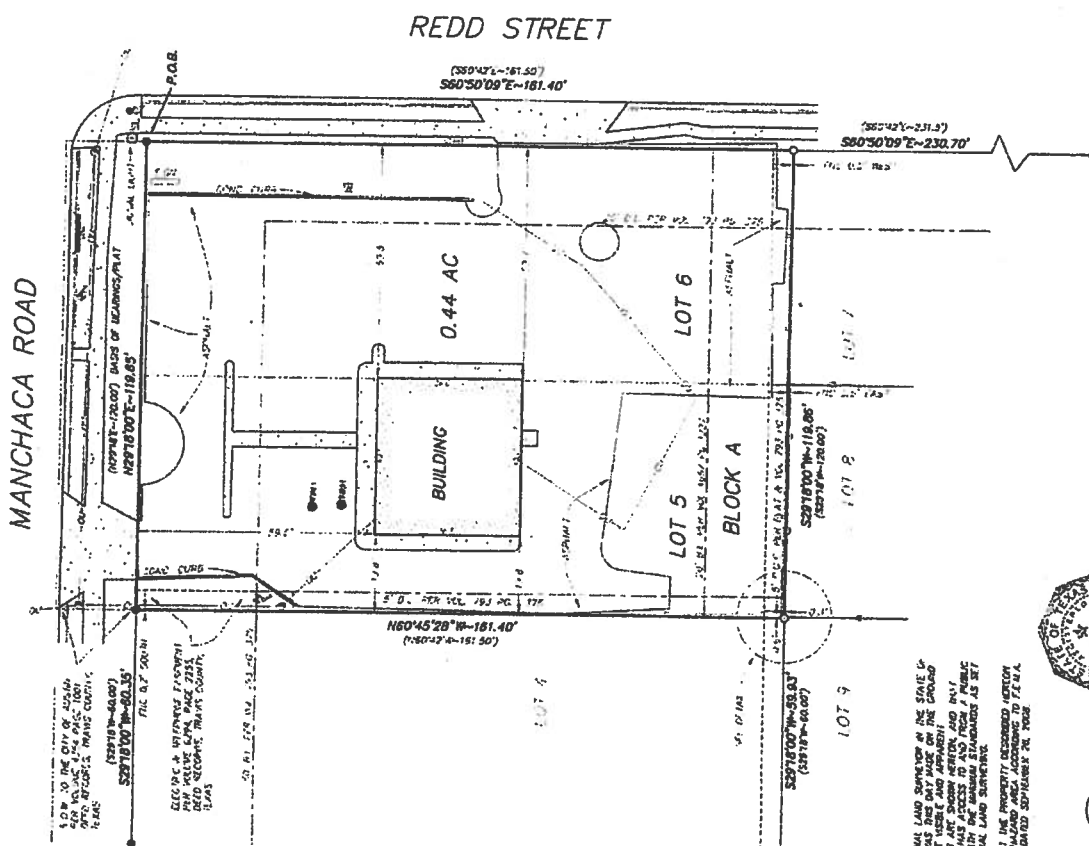
REFERENCE: 11 CMC  
117 110  
ADDRESS: 4531 WINDHAM ROAD  
LOCAL DESK: 101 S. AND C. BACK A. 7000 S.E. 11<sup>TH</sup> AVENUE ONE  
MAY 2000, 2001, 2002, THAT RECORD OF PLANS, 2003, 2004, 2005  
WAS SENT TO THE CITY OF AUSTIN, TEXAS, 2006, 2007, 2008, 2009,  
2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020,  
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**LENZ & ASSOCIATES, INC.**

FIGURE NO. 100070-00  
COMPLETE PROFESSIONAL LAND SURVEYING SERVICES

(512) 443-1174  
4303 RUSSELL DRIVE  
AUSTIN, TEXAS 78704  
SURVY #: 2014-0287

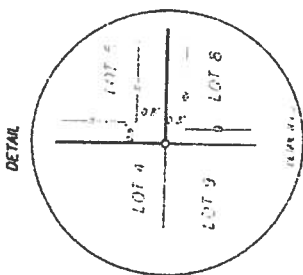
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DATE OF SURVEY JAN 1 1914

7-A-2  
TIMOTHY A. LENZ R.P.L.S. #4593

WIMOTHY A. LENZ, R.P.L.S. 14593



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