

Zoning Case No. C14-2018-0088

RESTRICTIVE COVENANT

OWNER: Francisco Colop and Elizabeth Colop

OWNER ADDRESS: 5122 Pepper Lane
Austin, Texas 78744

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 are acknowledged.

PROPERTY: A tract of land containing 2.145 acres, out of Lot 4, Riverside Farms Subdivision, recorded in Volume 713, Page 93 of the Plat Records of Travis County, Texas, same being out of a 2.6286 acre tract of land conveyed to Francisco Colop and Elizabeth R. Colop, in a Warranty Deed recorded in Document No. 2000167766, of the Official Public Records of Travis County, said 2.145 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant, (the "Property").

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 ("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 Land Use Review-Transportation Section of the Development Services Department (the "Department"), dated January 16, 2019. 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 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 _____, 2019.

Owner:

Francisco Colop and Elizabeth Colop

Francisco Colop

Elizabeth R. Colop

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____day of _____2019,
by Francisco Colop.

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____day of _____2019,
by Elizabeth R. Colop.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

EXHIBIT "A"

2.145-ACRE TRACT, OUT OF
LOT 4, RIVERSIDE FARMS SUBDIVISION,
PLAT NO. 713/93
TRAVIS COUNTY, TEXAS

FIELD NOTES

FIELD NOTES FOR A TRACT OF LAND, CONTAINING 2.145 ACRES OF LAND, OUT OF LOT 4, RIVERSIDE FARMS SUBDIVISION, RECORDED IN VOLUME 713, PAGE 93, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SAME BEING OUT OF 2.6286 ACRE TRACT OF LAND CONVEYED TO FRANCISCO COLOP AND ELIZABETH R. COLOP, PER WARRANTY DEED, DOCUMENT NUMBER 2000167766, OF THE OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS. SAID TRACT OF LAND CONTAINING 2.145 ACRES OF LAND, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING POINT being a 2 1/2 inch iron pipe found in concrete on the south right of way line of East Riverside Drive, for the north corner of said 2.6286 acre tract of land, a part of said Lot 4, conveyed to Francisco Colop and Elizabeth R. Colop, per Warranty Deed, Document Number 200167766, of the Official Records of Travis County, Texas, thence S 30°12'40" E, 150.00 feet, along the common property line of Lots 4 and 5, Riverside Farms Subdivision, to a calculated point for the POINT OF BEGINNING:

- 1) THENCE S 62°22'44" E, 140.32 feet, traversing Lot 4, to a calculated point on the west right of way line of Riverside Farms Road, same being the east property line of said 2.6286-acre tract of land;
- 2) THENCE S 30°14'00" W, 670.25 feet, along the west right of way line of Riverside Farms Road, same being the east property line of said 2.6286-acre tract of land, to a 1/2' iron rod set for the south corner of said 2.6286-acre tract of land, same being the south corner of the herein described tract;
- 3) THENCE N 59°46'55" W, 139.94 feet, along the south property line of said 2.6286-acre tract of land, to a 1/2' iron rod set for the west corner of said 2.6286-acre tract of land, same being the west corner of the herein described tract;
- 4) THENCE N 30°12'40" E, 663.89 feet, along the common property line of Lots 4 and 5, to the POINT OF BEGINNING and CONTAINING 2.145 acres of land.

Date Prepared: March 12, 2019

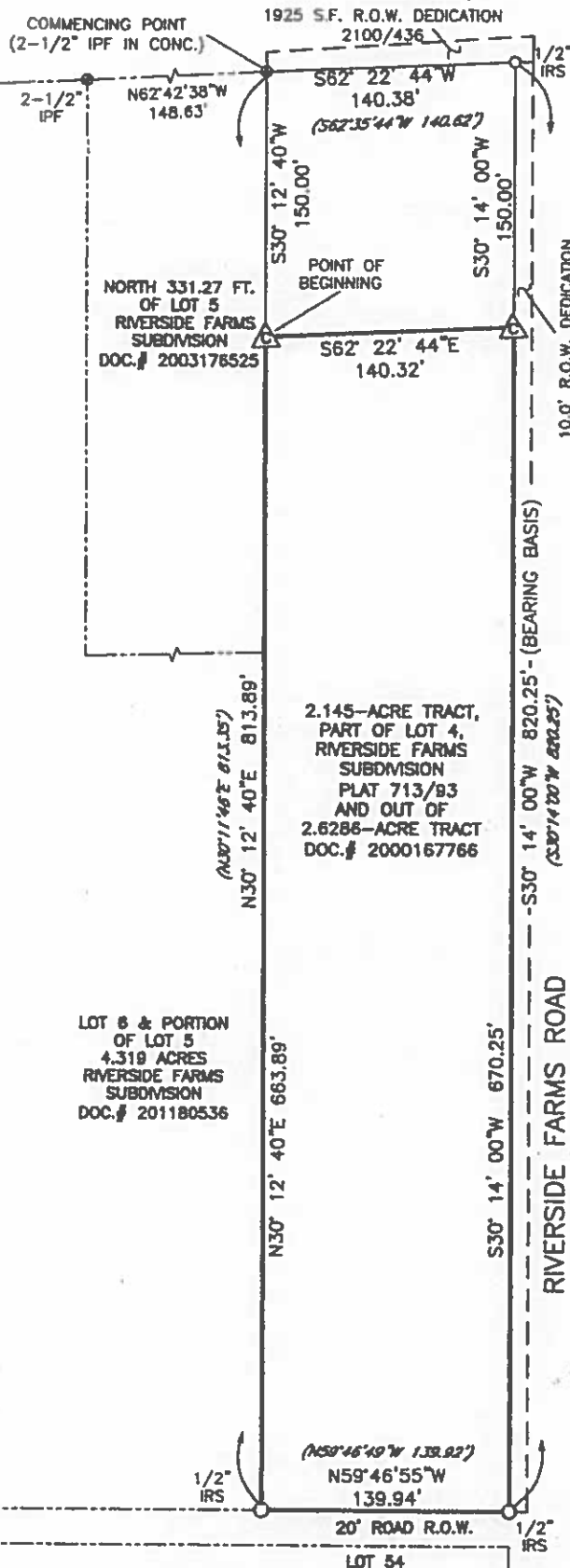


By: _____

I T Gonzalez, R.P.L.S. No. 2780
I T Gonzalez Engineers
3501 Manor Rd
Austin, Tx 78723
512-447-7400

EAST RIVERSIDE DRIVE

(120.0' R.O.W.)



LEGEND

- BOUNDARY LINE
- - - PROPERTY LINE
- x - x - EXISTING FENCE
- - - - EXISTING ASPHALT
- (XXX) PER RECORD
- IRON ROD FOUND
- ⊙ IRON PIPE FOUND
- PROPERTY CORNER SET
- △ CALCULATED POINT



SCALE: 1.0" = 100.0'

SURVEYOR'S CERTIFICATION

The undersigned does hereby certify that this boundary survey, was this day, made on the ground, on the property legally described hereon, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown here on. This survey was performed with out the benefit of a title search.



I.T. GONZALEZ
REGISTERED PROFESSIONAL
LAND SURVEYOR
REG. NO. 2780

Project No. S19.02.07.01

DATE: 03-12-2019

BOUNDARY SURVEY - 2.145-ACRE TRACT,
PART OF LOT 4, RIVERSIDE FARMS SUBDIVISION

5107 EAST RIVERSIDE DRIVE
AUSTIN, TEXAS 78741

ITG I T Gonzalez
Engineers

SURVEYING FIRM REGISTRATION No. 100573-0
3501 MANOR RD.
(512) 447-7400 AUSTIN, TEXAS 78723 FAX (512) 447-6389

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