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Zoning Case No. C14-04-0134

RESTRICTIVE COVENANT

OWNER: Westlake Congregation of Jehovah's Witnesses

ADDRESS: 702 Orland Boulevard, Austin, Texas 78245-2144

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 1.732 acre tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

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. 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 memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 10, 2004.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant 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.

1-13-05

\* 66

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 subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 14<sup>th</sup> day of December, 2004.

OWNER:

Westlake Congregation of Jehovah's Witnesses

By: Tad Curtis  
Tad Curtis,  
Trustee

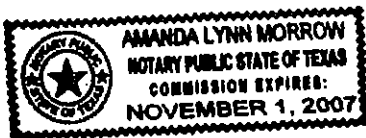
APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14<sup>th</sup> day of December 2004, by Tad Curtis, as Trustee of Westlake Congregation of Jehovah's Witnesses



[Signature]  
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, Legal Assistant

FIELD NOTES  
FOR

C14-04-0134

1.732 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CALLED 1.73 ACRES AS CONVEYED TO WESTLAKE CONGREGATION OF JEHOVAH'S WITNESSES BY INSTRUMENT RECORDED IN DOCUMENT NO. 2004121202 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron bolt found at the Northeast corner of said 1.73 acre tract, being at the Southeast corner of that certain 0.05 acre tract of land conveyed to the City of Austin for street purposes by instrument recorded in Volume 2673, Page 457 of the Deed Records of Travis County, Texas, being at the intersection of the South r.o.w. line of West St. Elmo Road and the West line of the Bergstrom Field railroad spur, for the PLACE OF BEGINNING hereof;

THENCE along the East line of said 1.73 acre tract, being along the West line of said railroad spur, S 45°03'00" W for a distance of 744.58 feet to a mag nail found at the most Southerly corner of said 1.73 acre tract, being in the East r.o.w. line of Vinson Drive;

THENCE along the West line of said 1.73 acre tract, being along the East r.o.w. line of Vinson Drive for the following courses:

Along a curve to the left whose radius is 2029.85 feet, whose arc is 333.02 feet and whose chord bears N 22°08'58" E for a distance of 332.65 feet to a ½ inch iron pin found at angle point

S 60°18'50" E for a distance of 35.68 feet to a 1 inch iron bolt found at the Southwest corner of that certain 0.594 acre tract of land conveyed to Rodney Lemmon by instrument recorded in Volume 12137, Page 1049 of the Real Property Records of Travis County, Texas;

THENCE continuing along the West line of said 1.73 acre tract, S 58°58'56" E for a distance of 12.42 feet to a ½ inch iron pin found at the Southeast corner of said 0.594 acre tract;

THENCE continuing along the West line of said 1.73 acre tract, N 29°15'39" E for a distance of 389.69 feet to a 1 inch iron bolt found at the Northwest corner of said 1.73 acre tract, being at the Northeast corner of said 0.594 acre tract, being in the South r.o.w. line of West St. Elmo Road;

EXHIBIT A

FIELD NOTES

FOR

1.732 ACRES OF LAND - Page Two

THENCE along the North line of said 1.73 acre tract, being along the South r.o.w. line of West St. Elmo Road for the following courses:

Along a curve to the right whose radius is 1372.69 feet, whose arc is 1.62 feet and whose chord bears S 59°59'48" E for a distance of 1.62 feet to a point at the end of said curve

S 59°57'48" E for a distance of 194.03 feet to the PLACE OF BEGINNING and containing 1.732 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.

*Roy D. Smith*  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094

August 13, 2004



Job No. 2960

# EXHIBIT TO ACCOMPANY FIELD NOTES FOR 1.732 ACRES OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

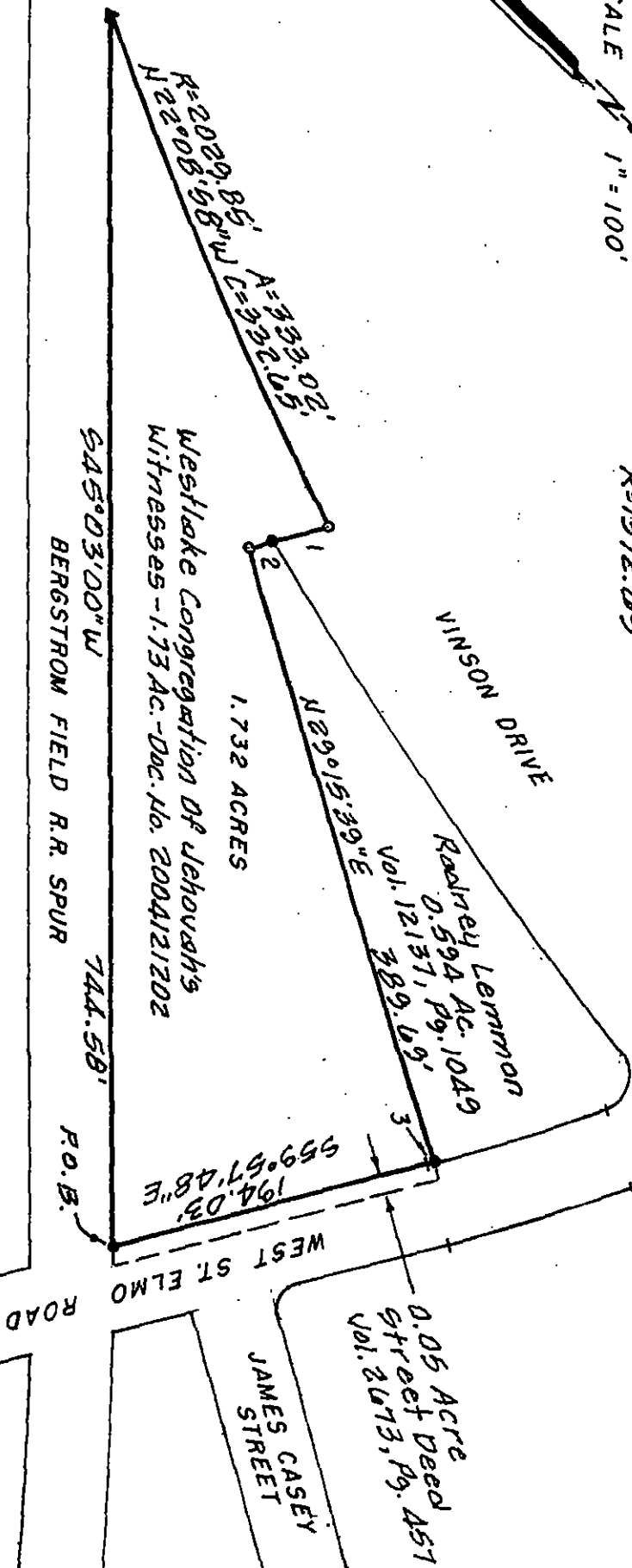
## PROPERTY LINE DATA

- 1 560°18'50"E - 35.68'
  - 2 558°58'56"E - 12.42'
  - 3 559°59'48"E - C=A=1.62'
- R=1372.69'

## LEGEND

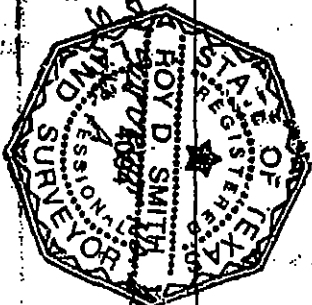
- 1" Iron Bolt Found
- 1/2" Iron Pin Found
- ▲ MAG Nail Found

SCALE 1" = 100'



SURVEYED BY  
ROY D. SMITH SURVEYORS, P.C.

*Roy D. Smith*



ROY D. SMITH  
Registered Professional Surveyor  
1214 West 5th Street  
Austin, Texas 78703  
Ph. (512) 478-9821  
August 13, 2004

Beating Basis  
Deed / Doc. No. 2004121202

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2005 Jan 14 03:40 PM 2005007743

HAYWOODK \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS