

**RESTRICTIVE COVENANT**

**OWNER:** Kristopher Alworth

**ADDRESS:** 27160 Peakview Road, Trinidad, CO 81082

**OWNER:** Delton Hubach

**ADDRESS:** 2814 County Road 249, Luling, TX 78648

**OWNER:** Cathy Christopherson

**ADDRESS:** 2814 County Road 249, Luling, TX 78648

**OWNER:** Jim Bula

**ADDRESS:** 2814 County Road 249, Luling, TX 78648

**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:** 7.50 acre tract of land, more or less, out of the William Cannon League, Abstract No. 6 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and;

Tract 2, Hattie M. Marx Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 55, Page 24 of the Plat Records of Travis County, Texas.

WHEREAS, the Owners (the "Owners", 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 Owners 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 Owners 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 March 2, 2012. The NTA memorandum shall be kept on file at the Department.
2. Gated vehicle access points are prohibited.
3. Owner shall construct a minimum 6-foot wide pedestrian walkway from Shallot Way to Mairo Street.
4. Owner shall construct a vehicle access point from the Property to Shallot Way.
5. 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.
6. 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.
7. 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.
8. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**OWNER:**

\_\_\_\_\_  
Kristopher Alworth

\_\_\_\_\_  
Delton Hubach



**THE STATE OF TEXAS**

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**COUNTY OF \_\_\_\_\_**

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This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_,  
2013, by Cathy Christopherson.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS**

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**COUNTY OF \_\_\_\_\_**

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This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_,  
2013, by Jim Bula.

\_\_\_\_\_  
Notary Public, State of Texas

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

**HOLT CARSON INCORPORATED  
PROFESSIONAL LAND SURVEYORS**

1904 FORTVIEW ROAD  
AUSTIN, TEXAS 787074  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

September 09, 2010

**FIELD NOTE DESCRIPTION OF 7.50 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, ABSTRACT NO. 6, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (7.51 ACRE) TRACT OF LAND AS CONVEYED TO HENRY A. HUBACH BY DEED RECORDED IN VOLUME 6605, PAGE 2194 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** 1/2" iron found in concrete at the East corner of that certain (7.51 acre) tract of land as conveyed to Henry A. Hubach by deed recorded in Volume 6605, Page 2194 of the Deed Records of Travis County, Texas, same being the North corner of that certain (1.667 acre) tract of land as conveyed to Chris Clark and Roni Clark by deed recorded in Document No. 2007180704 of the Official Public Records of Travis County, Texas, also being the North corner of that certain (7.495 acre) tract of land as conveyed to Southside Storage, Inc. by deed recorded in Document No. 2007178969 of the Official Public Records of Travis County, Texas and the East corner and **PLACE OF BEGINNING** of the herein described tract;

**THENCE** with the Southeast line of said Hubach (7.51 acre) tract and the Northwest lines of said Clark (1.667 acre) and Southside Storage (7.495 acre) tracts, **S 45 deg. 26'00" W**, at 399.03 ft. passing a 1/2" iron rod found with a plastic cap imprinted "LAI" at the West corner of said Clark (1.667 acre) tract, continuing along said bearing for a total distance of **635.66 ft.** to a 1/2" iron rod found with a plastic cap imprinted "LAI" at the most Westerly corner of said Southside Storage (7.495 acre) tract, same being a point in the North line of Lot 36, Block A, Parkridge Gardens, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200600394 of the Official Public Records of Travis County, Texas, also being the South corner of said Hubach (7.51 acre) tract and the South corner of the herein described tract, from which a 1/2" iron rod found with a plastic cap imprinted "LAI" at an interior angle corner of said Southside Storage (7.495 acre) tract, same being the Northeast corner of said Lot 36 bears, **S 61 deg. 30'25" E 271.28 ft.**;

**THENCE** with the Northeast line of said Parkridge Gardens Subdivision and the Southwest line of said Hubach (7.51 acre) tract, **N 61 deg. 38'01" W** at 154.95 ft. passing a cotton gin spindle found at the terminus of the East right-of-way line of Shallot Way a (50') fifty foot wide dedicated road, at 208.25 ft. passing a cotton gin spindle found at the terminus of the West right-of-way line of Shallot Way, continuing along said bearing for a total distance of **426.17 ft.** to a 1/2" iron pipe found at the West corner of said Hubach (7.51 acre) tract, same being an angle corner in the North line of Lot 42, Block C, Parkridge Gardens, also being an angle corner in a Southerly line of that certain (1.858 acre) tract of land as conveyed to John F. Taylor by deed recorded in Volume 12827, Page 1551 of the Real Property Records of Travis County, Texas and the West corner of the herein described tract;

**THENCE** with the Northwest line of said Hubach (7.51 acre) tract, **N 45 deg. 34'10" E**, at 184.58 ft. passing a 60D nail with a washer imprinted "Arpenteur" found in the top of a wooden fence post at the East corner of said Taylor (1.858 acre) tract, continuing along said bearing for a total distance of **365.02 ft.** to a 1/2" iron pipe found at the South corner of Trt. 2, Hattie M. Marx Subd., a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 55, Page 24 of the Plat Records of Travis County, Texas;

**THENCE** with the Southeast line of Trt. 2, Hattie M. Marx Subd. and continuing with the Northwest line of said Hubach (7.51 acre) tract, **N 46 deg. 07'29" E 252.42 ft.** to a 1/2" iron pipe found at the East corner of Trt. 2, same being the South corner of Tr. 1, Hattie M. Marx Subd., from which a 1/2" iron rod found in the Southeast right-of-way line of Peaceful Hill Lane at the West corner of Trt. 1, same being the North corner of Trt.2, Hattie M. Marx Subd. bears, **N 52 deg. 09'57" W 367.01 ft.**;

**THENCE** with the Southeast line of Trt. 1, Hattie M. Marx Subd. and continuing with the Northwest line of said Hubach (7.51 acre) tract, **N 45 deg. 55'01" E 308.65 ft.** to a 1/2" iron pipe found at the West corner of Trt. 1, Hattie M. Marx Subd, same being the most Southerly corner of that certain (6.98 acre) tract of land as conveyed to Agape Christian Ministries, Inc. by deed recorded in Document No. 2002132796 of the Official Public Records of Travis County, Texas, from which a 1/2" iron rod found in the Southeast right-of-way line of Peaceful Hill Lane at the North corner of Trt. 1, Hattie M. Marx Subd. bears, **N 52 deg. 05'57" W 410.86 ft.**;

**THENCE** continuing with the Northwest line of said Hubach (7.51 acre) tract, which deviates from the Southeast line of said Agape Christian Ministries (6.98 acre) tract, **N 45 deg. 02'27" E 52.52 ft.** to a 1/2" iron rod found for the North corner of said Hubach (7.51 acre) tract, same being the North corner of the herein described tract;

**THENCE** with the Northeast line of said Hubach (7.51 acre) tract, **S 16 deg. 04'02" E** at 14.00 ft. passing a 1/2" iron pipe found at the most Westerly corner of that certain (3.84 acre) tract of land as conveyed to Rob Ormand by deed recorded in Document No. 2010057618 of the Official Public Records of Travis County, Texas, at 46.22 ft. passing a 1/2" iron rod found at the Southwest corner of said Ormand (3.84 acre) tract, same being the Northwest corner of that certain (2.546 acre) tract of land as conveyed to Rob Ormand by deed recorded in Volume 11090, Page 1465 of the Real Property Records of Travis County, Texas, at 358.67 ft. passing a 1/2" iron rod found at the Southwest corner of said Ormand (2.546 acre) tract, same being the Northwest corner of that certain (2.891 acre) tract of land as conveyed to Asset Reverse Exchange, Inc. by deed recorded in Document No. 2007039286 of the Official Public Records of Travis County, Texas, continuing along said bearing for a total distance of **456.57 ft.** to the **PLACE OF BEGINNING** and containing **7.50 acres** of land.

**SURVEYED: September 9<sup>th</sup>, 2010**



**Holt Carson**

**Registered Professional Land Surveyor No. 5166**

**reference map no. B 863046**

