

**Zoning Case No. C14-2014-0036RC**

**RESTRICTIVE COVENANT**

**OWNER:** Korean United Presbyterian Church, a Texas non-profit corporation

**ADDRESS:** 2000 Justin Lane, Austin, Texas 78757

**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:** **Tract 1:**  
2.006 acre tract of land, more or less, out of and a part of the George W. Spear Survey No. 7, Abstract No. 697 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and,

**Tract 2:**  
Lot 2, C.E. Brown Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 18, Page 17 of the Plat Records of Travis County, Texas, SAVE AND EXCEPT the north 5 feet of Lot 2, C.E. Brown Subdivision, both tracts are cumulatively referred to as 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 Zoning Department (the "Department"), dated June 27, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**OWNER:**

KOREAN UNITED PRESBYTERIAN CHURCH,  
a Texas non-profit corporation

By: \_\_\_\_\_  
Roy M. Kim  
Elder and Building Committee Chair

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 \_\_\_\_ day of \_\_\_\_\_, 2015, by Roy M. Kim, Elder and Building Committee Chair of Korean United Presbyterian Church, a Texas non-profit corporation, on behalf of the corporation.

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Notary Public, State of Texas

State of Texas  
County of Travis

2.006 Acre Tract

EXHIBIT " \_\_\_\_\_ "

**LEGAL DESCRIPTION TRACT 1**

LEGAL DESCRIPTION OF A 2.006-ACRE (87,398 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE GEORGE W. SPEAR SURVEY NO. 7, ABSTRACT NO. 697, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF BLOCK 17, CRESTVIEW ADDITION, AS RECORDED IN BOOK 4, PAGE 335, PLAT RECORDS, AND BEING ALL OF TRACT 1, AS DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN TO GLAD TIDINGS ASSEMBLY OF GOD, INC. IN VOLUME 11588, PAGE 823 REAL PROPERTY RECORDS, SAID TRACT 1 ACTUALLY BEING COMPRISED OF TWO TRACTS, A CALLED 1.655 ACRES TRACT DESCRIBED IN VOLUME 5577, PAGE 1034, DEED RECORDS, AND AN 81 FOOT BY 200 FOOT TRACT DESCRIBED IN VOLUME 4523 PAGE 1096, DEED RECORDS, LESS AND EXCEPT A 5 FOOT RIGHT-OF-WAY ACQUISITION STRIP CONVEYED TO THE CITY OF AUSTIN, RECORDED IN VOLUME 2619, PAGE 560, DEED RECORDS, ALL OF TRAVIS COUNTY, TEXAS; SAID 2.006-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod set with cap in the north right-of-way line of Justin Lane, (right-of-way varies) at the southwest corner of said called 1.655 acre tract, and for the southwest corner and **POINT OF BEGINNING** of this tract;

**THENCE**, N 29°18'00"E, passing at a distance of 15.00 feet, a ½" iron rod found at a jog in said north R.O.W. line, for the southeast corner of Lot A, of the Amended Plat of Lots 1 and 2, Campbell and Francis Subdivision and Lot A, First Resubdivision of Resurrection Addition, as recorded in Book 89, page 70, Plat Records, Travis County, Texas, and then continuing with the common line between said Lot A and said called 1.655 acre tract, for a total distance of **240.41 feet** to a ½" iron rod found for the northeast corner of said Lot A; said ½" iron rod also being the southeast corner of Lot 2, C.E. Brown Subdivision, as recorded in Book 18, page 16, Plat Records, Travis County, Texas;

**THENCE**, with the common line of said 1.655 acre tract and said Lot 2, C.E. Brown Subdivision, N29°16'37"E, passing at a distance of 209.75 the northeast corner of the remainder of said Lot 2, and continuing for a total distance of **214.75 feet** to a ½" iron rod set in the south R.O.W. line of Cullen Lane (R.O.W. varies), same being the southwest corner of that certain City of Austin right of way acquisition parcel as described in Volume 2619, page 560, Deed Records, Travis County, Texas, from which a ½" iron rod found at the northwest corner of said 1.655 acre tract bears N 29°16'37"E a distance of 5.00 feet;

**THENCE**, with said north R.O.W. line of Cullen Avenue, and with the remainder of said 1.655 acre tract, S59°58'29"E, passing at a distance of 110.91 feet a calculated point, from which a ½"

FLUGEL LAND SURVEYING

iron rod found at the northwest corner of said 81 by 200 foot tract bears N 29°19'00"E a distance of 5.00 feet, and continuing for a total distance of **191.95 feet** to a ½" iron rod set at the intersection of said north R.O.W. line of Cullen Avenue and the west R.O.W. line of Hardy Drive (50 foot R.O.W.) for the northeast corner of this tract, from which a ¾ inch iron pipe found at the northeast corner of said 81 foot by 200 foot tract bears N29°19'00"E a distance of 5.00 feet;

**THENCE**, with said west right-of-way line of Hardy Drive, and with the east line of this tract, for the following two courses:

- 1) **S29°19'00"W** a distance of **195.00 feet** to a ½" iron rod set with cap for the southeast corner of said 81 foot by 200 foot tract, same being an outside ell easterly corner of said 1.655 acre tract,
- 2) **S29°19'00"W** a distance of **261.18 feet** to a ½" iron rod set at the intersection of the west R.O.W line of Hardy Drive and the north R.O.W. line of said Justin Lane for the southeast corner of this tract;

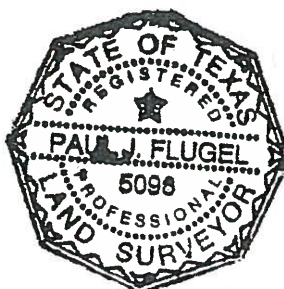
**THENCE**, with said north right-of-way line of Justin Lane and with the south line of said 1.655 acre tract and this tract, **N59°40'00"W** a distance of **191.74 feet** to the **POINT OF BEGINNING** and containing 2.006-acres (87,398 square feet) of land, more or less.

**BEARING BASIS NOTE**

The bearings described herein are based on the southerly west line of said 1.655 acre tract as described in Volume 11588, page 827, Real Property Records, Travis County, Texas; being N29°18'00"E.

I do hereby certify that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by  
Flugel Land Surveying,  
Firm Registration No. 10193837



*Paul J. Flugel*

Paul J. Flugel  
Registered Professional Land Surveyor No. 5096

*6-28-13*

Date of Field Survey  
6-10-2013



●	IRON ROD FOUND (SEE NOTE)
●	IRON PIPE FOUND (SEE NOTE)
○	1/2" IRON ROD SET WITH CAP
○	SURVEY CONTROL POINT /B/M
△	CALCULATED POINT
▢	CONCRETE
⊗	CROWN OUT
W/O	WATER MANHOLE
W/B	WATER METER
— —	WOOD FENCE
— —	ASPHALT
— —	CHAINLINK FENCE
— —	POWER POLE
— —	OUT ANCHOR
— —	OVERGROUND CLEVERING
— —	CROWNOUT
— —	PIPE HYDRANT
— —	RIGHT-OF-WAY
— —	BUILDING LINE
— —	PUE PUBLIC UTILITY EIGHTH
— —	THINK COUNTY PLAT RECORDS
— —	THINK COUNTY DEED RECORDS
— —	THINK COUNTY REAL PROPERTY RECORDS

**SCALE**  
1"=20'

**CULLEN AVENUE**  
(R.O.W. VARIES)

U.S. R.O.W. DEDICATION  
VOL. 2512, PG. 582  
T.C.R.

LOT 1  
C.E. BROWN SUBMISSION  
BOOK 18, PAGE 17  
P.A.T.C.

TRACT 1 SURV.  
2.008 ACRES  
GLAD TIDINGS ASSEMBLY  
OF GOD, INC.  
VOLUME 11588, PAGE 8  
R.P.R.T.C.T.

— PORTION OF TRACT  
0.363 ACRES SURVEYED  
GLAD THINGS ASSEMBLY  
OF GOD CORPORATION  
VOLUME 4523, PAGE 1098, T.C.D.R.  
(REMAINDER OF 81' X 200')

—PORTION OF TRACT 1  
1.644 ACRES SURVEYED  
(REMAINDER OF 1.635 ACRES)  
GLAD TIDINGS ASSEMBLY  
OF GOD, INC.  
VOLUME 1577, PAGE 103  
T.C.D.R.

LEGAL DESCRIPTION:

**TRACT 1:**  
100 ACRES OF LAND, MORE OR LESS, OUT OF THE  
EAST 1/2 OF SPUR 32745 NO. 7, ABSTRACT NO. 497,  
IN TAYLOR COUNTY, BEING A PORTION OF BLOCK 17,  
GEORGETOWN ADDITION, RECORDED IN PAGE 332,  
333, PLAT RECORDS, AND BEING ALL OF TRACT 1 AS  
DESCRIBED IN DEED TO GAO TRWARDS ASSEMBLY OF GOD,  
CHURCH, VOLUME 11, PAGE 623, REAL PROPERTY  
RECORDS, SAID TRACT 1 ACTUALLY BEING COMPOSED OF  
TWO TRACTS, A CALLED 1.80 ACRES TRACT DESCRIBED IN  
VOLUME 10, PAGES 1034, DEED RECORDS, AND AN  
1.00 FT BY 1.00 FT TRACT DESCRIBED IN VOLUME 10,  
PAGE 1044, DEED RECORDS, LESS AND EXCEPT A  
TRACT ABOUT 0.5-ACRE ACQUISITION PARCEL, CONVEYED  
TO THE STATE OF TEXAS BY DEED, VOLUME 2819,  
PAGE 840, DEED RECORDS, ALL OF TAYLOR COUNTY,

AMENDED PLAT OF LOTS 1 & 2  
CAMPSHILL AND FRANCIS  
SUBDIVISION AND LOT A, FIRST  
RESUBDIVISION OF RESURRECTION  
ADDITION  
BOOK 89, PAGE 70  
P.L.C.

0.570 ACRES OF LAND, MORE OR LESS, BEING ALL OF LOT 2, C.E. BROWN SUBDIVISION, AS RECORDED IN BOOK 18, PAGE 18, PLAT RECORDS, LESS AND EXCEPT THAT CERTAIN 8-FOOT RIGHT-OF-WAY ACQUISITION PARCEL CONVEYED TO THE CITY OF AUSTIN AS RECORDED IN VOLUME 3843, PAGE 431, DEED RECORDS, AND VOLUME 3843, PAGE 431, DEED RECORDS, 2.5 ACRES DESCRIBED IN DEED TO GLAD THINGS ASSOCIATES OF COO, INC. IN VOLUME 11588, PAGE 623, REAL PROPERTY RECORDS, ALL OF TRAVIS COUNTY, TEXAS.

TITLE COMMITMENT NOTE

THIS SURVEY CONTAINS THE INFORMATION SHOWN IN SCHEDULE B OF CHICAGO TITLE INSURANCE COMPANY TITLE REPORT OF# 1111710, EFFECTIVE DATE JUNE 11, 2013, WITH THE FOLLOWING CLARIFICATIONS:

1. RESTRICTIVE COVENANTS AND EASEMENTS RECORDED IN BOOK 4, PAGE 355, PLAT RECORDS, AND VOLUME 17589, PAGE 823, AND OF THE REAL PROPERTY RECORDS, ALL OF TARRANT COUNTY, TEXAS DO AFFECT THE SUBJECT TRACT.

1DA. REAR FIVE-FOOT PUBLIC UTILITY EASEMENT  
RECORDED IN BOOK 4, PAGE 333, PLAT RECORDS, TRAVIS  
COUNTY, TEXAS DOES NOT AFFECT THE SUBJECT TRACT,  
AS THE SUBJECT TRACT ENCOMPASSES A PORTION OF THE  
ORIGINAL, BLOCK 17, NOT INDIVIDUAL LOTS, WHICH THE  
DEDICATED EASEMENT PORTIONS TO.

101. NOTICE OF POSSIBLE FUTURE ACQUISITION OF THE SUBJECT PROPERTY FOR R.O.M. PURPOSES AS SET OUT IN VOLUME 4378, PAGE 1781, DEED RECORDS, TARRANT COUNTY, TEXAS DOES AFFECT THE SUBJECT TRACT.

104. ELECTRIC LINE EASEMENT RECORDED IN VOLUME  
4078, PAGE 1204, DEED RECORDS, TARRANT COUNTY, TEXAS  
DOES AFFECT THE SUBJECT TRACT.

**NOTES**

1. ANY EASEMENTS AND BUILDING LINES AS FOR TITLE COMMITMENT OF 1111710, AS REFERENCED ABOVE. NO ADDITIONAL RESEARCH WAS DONE BY FLUGEL, LAND SURVEYING FOR ANY EASEMENTS, RESTRICTIONS, OR CONDITIONS OF RECORD WHICH MAY AFFECT THIS PROPERTY.

FOR COLINA WEST AND/OR ASSIGNEE, CHICAGO TITLE INSURANCE COMPANY AND INDEPENDENCE TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II LAND TITLE SURVEY.

AS SURVEYED BY  
FLUOR LAGO SURVEYING

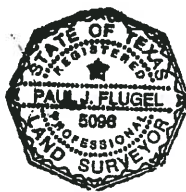
PAUL J. FLISSEL  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 8098  
PRLM NO. 10103837

7-13-2013

PAUL J. FLAHERTY  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6098  
FIRM NO. 10193837

**FLUGEL LAND  
SURVEYING**  
14910 DORIA DRIVE  
AUSTIN, TX 78728  
(512) 633-3996

CLIENT: WGA ENGINEERING  
FIELD BOOK: 3, PAGE 51-54  
DRAWN BY: P.J.P.  
PROJECT NO: PRJ # 029-2013  
DATE: 8-17-13  
FILE: KOREAN CHURCH TITLE



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