

31-81 200
RESTRICTIVE COVENANT 21.00

19.00
2.00
21.00

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

2-76-0700

WHEREAS, LARRY PEEL, of Travis County, Texas, is the owner of the real property

Described on Exhibit "A" and attached hereto for all intents and purposes and made a part hereof; and,

WHEREAS, the City of Austin and Larry Peel have agreed that a portion of the above described property described hereinafter as the "Restricted Area" should be impressed with certain covenants and restrictions running with the land to ensure the "Restricted Area" shall remain in its most natural state and desire to set forth such agreement in writing;

NOW THEREFORE, Larry Peel, for and in consideration of One and No/100 (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on him, his successors and assigns, as follows, to-wit:

RESTRICTIONS:

1.
 - a. No use or occupation other than the hereinafter permitted use shall hereafter be established or maintained upon or within the Restricted Area, except, if necessary, discharge from a swimming pool.
 - b. No dump of ashes, trash, rubbish, sawdust, garbage or offal, or any other unsightly or offensive material shall hereafter be placed upon the Restricted Area.
 - c. No depositing, dumping or abandoning of any land-fill or solid wastes, or liquid refuse wastes shall hereafter be placed upon the Restricted Area, except for liquid waste from the swimming pool discharge, which swimming pool discharge will not have a negative effect on the flora and cause harmful soil erosion.
 - d. No signs, billboards, outdoor advertising structures or advertisements of any kind shall hereafter be erected, displayed, placed or maintained upon or within the Restricted Area.

DEED RECORDS
Travis County, Texas

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- e. No trees or shrubs shall be destroyed, cut or removed from the Restricted Area, except as may required for reasons of safety, sanitation and disease control, or as prescribed by written permit from the office of Environmental Resource Management.
- f. No pathways, trails, private roads, driveways or parking lots or other impervious areas of any kind or character shall be constructed within the Restricted Area.
- g. No quarrying, excavation or removal of rock, minerals, gravel, sand, topsoil or other material from the Restricted Area, except as such excavation-cutting, filling and grading-is required to maintain the adjacent lands in their current stable condition.
- h. No construction of buildings, structures, fences, tables, shelters or works within the Restricted Area.
- i. No vehicular traffic of any kind, with or without power, including bicycles of any type or form within the Restricted Area.
- j. The Neely Canyon Home Owners Association (in formation) or its successors, will be responsible to remove at least annually any unsightly rubbish or materials and will be responsible to initiate any legal action against others identified of dumping such materials within the Restricted Area.

2-76-0701

2. PERMITTED USE OR OCCUPATION OF RESTRICTED AREA

- a. Installation of sanitary or storm sewers or water lines.
- b. Entry upon the land to inspect for violation of the provisions of this easement and remove or eliminate any unauthorized junk, refuse or construction therein and to perform such restoration as may be deemed necessary by the City of Austin Engineering Department to restore the land to the condition it was in before said violation.
- c. This easement does not grant the public the right to enter upon the Restricted Area for any purpose.
- d. It is agreed and understood that Grantor, its successors and assigns, shall be permitted to use the above described land encumbered by said Non-Development Easement for all purposes, present and future, not inconsistent with said grant, including specifically the right to use said land for the purposes of meeting front, side and rear yard density, and minimum lot area requirements of relevant municipal zoning or subdivision ordinances.

3. DEFINITION

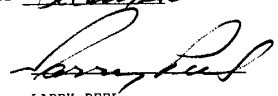
The "Restricted Area" is that portion of the described tract constituting the area not intended for development and to remain in its natural state. The "Restricted Area" is to begin fifteen feet (15) from the furthest point of any permanent structure in the area intended for development.

In addition, Owner, his successors or assigns, may clear underbrush in the "Restricted Area" up to thirty feet (30) from the furthest point of any permanent structure in the area intended for development.

2-75-0702

4. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant.
5. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.
6. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.
7. This agreement may be modified, amended or terminated only by action of a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin.

EXECUTED, this 15th day of December 1981.


LARRY PEEL

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

2-76-0703

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared LARRY PEEL, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 1st day of December, 1981.

Carolyn Davidson

NOTARY SEAL

Notary Public in and for
Travis County, Texas

My Commission expires: 9/24/85

METCALFE ENGINEERING CO., INC.

4800 SOUTH CONGRESS
PHONE 442-5383 — 476-1878
AUSTIN, TEXAS 78745

2-76-0704

FIELD NOTES OF A SURVEY OF 23.3618 ACRES OF LAND, BEING COMPOSED OF THE FOLLOWING TRACTS OF LAND, ALL BEING A PORTION OF THE JAMES H. MITCHELL SURVEY NO. 17, ABSTRACT NO. 521 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 1.973 ACRE TRACT AS DESCRIBED IN A DEED FROM LEROY NEELY, ET AL TO THOMAS B. COOPWOOD, ET UX IN VOLUME 6208, PAGE 913, TRAVIS COUNTY DEED RECORDS; BEING ALL OF THAT 0.21 OF ONE ACRE TRACT AS DESCRIBED IN A DEED FROM OPAL STARK TO PAULINE BOATRIGHT IN VOLUME 4416, PAGE 1988, TRAVIS COUNTY DEED RECORDS; BEING A PORTION OF THAT 1.198 ACRE TRACT AS DESCRIBED IN A DEED FROM A. L. NEELY, ET UX TO TOMMIE WILLIAMS, ET UX IN VOLUME 3829, PAGE 1133, TRAVIS COUNTY DEED RECORDS; BEING ALL OF TRACT I & II AS DESCRIBED IN A DEED FROM THOMAS L. NEELY, ET UX TO ELBERT DWIGHT LAW IN VOLUME 2227, PAGE 345, TRAVIS COUNTY DEED RECORDS; BEING A PORTION OF A 9.75 ACRE TRACT AS DESCRIBED IN A DEED FROM BAKER-JONES-CROW #3 TO CROW & ASSOCIATES, INC. IN VOLUME 5063, PAGE 1751, TRAVIS COUNTY DEED RECORDS; BEING A PORTION OF TRACT 1 OF 147.89 ACRES AS DESCRIBED IN A DEED FROM J. MAURICE SMITH, TRUSTEE TO SAN ANTONIO SAVINGS ASSOCIATION IN VOLUME 5697, PAGE 2122, TRAVIS COUNTY DEED RECORDS; BEING A PORTION OF A THREE ACRE TRACT AS DESCRIBED IN A DEED FROM ELLIE MAE COLEMAN, ET VIR TO CLYDE V. NEELY IN VOLUME 822, PAGE 447, TRAVIS COUNTY DEED RECORDS; BEING ALL OF A 6.56 ACRE TRACT AS DESCRIBED IN A DEED FROM R. H. GLISMANN TO HENRY J. ADAMS, ET UX IN VOLUME 4054, PAGE 1392, TRAVIS COUNTY DEED RECORDS; BEING A PORTION OF THE IRA NEELY DRIVEWAY, ALSO KNOWN AS BURLESON LANE; AND BEING A PORTION OF THOSE STRIPS OF LAND DEDICATED FOR RIGHT-OF-WAY BY MESA VILLAGE, AS SHOWN ON A MAP OR PLAT OF RECORD IN PLAT BOOK 75, PAGE 198, TRAVIS COUNTY DEED RECORDS, AS SURVEYED FOR LARRY PEEL BY METCALFE ENGINEERING COMPANY, INC., 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Beginning at an iron pipe found in the southeast line of the Ira Neely Driveway, also known as Burleson Lane, said iron pipe being the north corner of a one-half acre tract, a portion of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Hyde Park Baptist Church, Inc. to Calvary Southern Baptist Church in Volume 4187, Page 1161, Travis County Deed Records, being also a west corner of Lot 2, Block A of Mesa Village, a subdivision of a portion of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as shown on a map or plat of record in Plat Book 75, Page 198, Travis County Plat Records;

(1) THENCE with the northerly prolongation of the east line of the said Calvary Southern Baptist Church one-half of one acre tract, and a west line of said Lot 2 of Mesa Village, N 20° 20' W

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6.98 feet to an iron pipe set in the approximate centerline of the
Ira Neely Driveway;

2-76-0705

(2) THENCE N 53° 57' W 6.90 feet to an iron pipe set in the northwest line of said Ira Neely Driveway and in the southeast line of a 1.973 acre tract, a portion of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from LeRoy Neely, et al to Thomas B. Coopwood, et ux in Volume 6208, Page 913, Travis County Deed Records;

(3) THENCE with the northwest line of said Ira Neely Driveway and the southeast line of the said Coopwood 1.973 acre tract, S 51° 49' W 156.71 feet to a concrete monument set in the proposed northeast line of Spicewood Springs Road, for the most southerly southeast corner of the herein described tract;

(4) THENCE with the proposed northeast line of Spicewood Springs Road, N 54° 28' W 41.21 feet to a steel pin set;

(5) THENCE N 54° 43' E 166.74 feet to a steel pin set;

(6) THENCE N 53° 57' W 212.97 feet to a steel pin found in the northwest line of the said Coopwood 1.973 acre tract, being also the east corner of Lot A of Frank Boatright's Addition, a subdivision of a portion of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, of record in Plat Book 51, Page 52, Travis County Plat Records, being also the south corner of a 0.21 of one acre tract out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Opal Stark to Pauline Boatright in Volume 4416, Page 1988, Travis County Deed Records;

(7) THENCE with the north or northeast line of said Lot A of Frank Boatright's Addition, being also the south or southwest line of the said Pauline Boatright 0.21 of one acre tract, N 59° 13' W 73.65 feet to a 60^d nail set in rock at the north corner of Lot A of said Frank Boatright's Addition, and the west corner of the said Pauline Boatright 0.21 of one acre tract, said 60^d nail set in rock being in a southeast line of a 1.198 acre tract out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from A. L. Neely, et ux to Tommie Williams, et ux in Volume 3829, Page 1133, Travis County Deed Records, for an interior corner of the herein described tract;

(8) THENCE with the northwest line of said Lot A and a southeast line of the said Williams 1.198 acre tract, S 44° 28' W 160.79 feet to a steel pin set in the proposed curving north line of Spicewood Springs Road;

(9) THENCE with the proposed curving north line of Spicewood Springs Road an arc distance of 25.97 feet, said curve having a radius of 665.00 feet and a chord of which bears, N 66° 38' W 25.97 feet to a concrete monument set in the south line of the said Williams 1.198 acre tract and in the present north line of Spicewood Springs Road;

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(10) THENCE with the south line of the said Williams 1.198 acre tract, and with the south line of a 0.27 of one acre tract designated as Tract II and being a portion of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Thomas L. Neely, et ux to Elbert Dwight Law, et ux in Volume 2227, Page 345, Travis County Deed Records, and being also the north line of Spicewood Springs Road, N 61° 35' W at 15.78 feet passing an iron pipe set for the most southerly west corner of the said Williams 1.198 acre tract, and the most southerly or southeast corner of said Tract II of 0.27 of one acre, in all 110.10 feet to a steel pin found at the most westerly or southwest corner of the said Law Tract II of 0.27 of one acre, being also in an east line of a 9.75 acre tract, a portion of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Baker-Jones-Crow #3 to Crow & Associates, Inc. in Volume 5063, Page 1751, Travis County Deed Records;

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(11) THENCE with an east line of the said Crow & Associates, Inc. 9.75 acre tract, S 28° 25' W 20.00 feet to an iron pipe set being more or less in the centerline of an abandoned county road known as Turn Hill County Road;

(12) THENCE with the most southerly south line and a west line of the said Crow & Associates, Inc. 9.75 acre tract, and more or less with the centerline of the abandoned Turn Hill County Road, N 60° 35' W 29.73 feet to a steel pin set;

(13) THENCE N 13° 38' E 20.78 feet to a steel pin set;

(14) THENCE N 60° 35' W 130.11 feet to a steel pin set;

(15) THENCE N 7° 16' W 249.10 feet to a steel pin set;

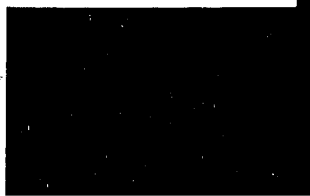
(16) THENCE N 1° 09' W 342.44 feet to a steel pin set;

(17) THENCE N 33° 19' E 50.75 feet to a steel pin set;

(18) THENCE N 60° 10' W 129.87 feet to a steel pin set in a west line of the said Crow & Associates, Inc. 9.75 acre tract, and being in the east line of a 0.45 of one acre tract out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Jerrell D. Smith, et ux to Henry C. Miller, et ux in Volume 6469, Page 435, Travis County Deed Records;

(19) THENCE with a west line of the said Crow & Associates, Inc. 9.75 acre tract, and with the east line of the Miller 0.45 of one acre tract, N 20° 33' E 39.77 feet to an iron pipe found at the northeast corner of the said Miller 0.45 of one acre tract, being also at a southeast corner of a 25.20 acre tract out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Floyd C. Cantwell, et ux, et al to Joseph Binford and Richard Haberman, Trustees in Volume 3795, Page 2171, Travis County Deed Records;

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(20) THENCE with a west line of the said Crow & Associates, Inc. 9.75 acre tract, and with a west line of Tract 1 of 147.89 acres out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from J. Maurice Smith, Trustee to San Antonio Savings Association in Volume 5697, Page 2122, Travis County Deed Records, and with an east line of the said Binford 25.20 acre tract, N 20° 30' E at 417.35 feet passing a steel pin found at the northwest corner of the said Crow & Associates, Inc. 9.75 acre tract, said steel pin being a southwest corner of the said Tract 1 of 147.89 acres, in all 456.04 feet to an iron pipe set at or near the southwest corner of Lot 3, Block C, as shown on a map or plat of Amended Plat Great Hills IV, out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, a subdivision of record in Plat Book 75, Page 41, Travis County Plat Records;

2-16-0701

(21) THENCE with the south line of said Lot 3, N 86° 03' E 136.29 feet to a 60^d nail set in rock at an angle point in the south line of said Lot 3, being also the most westerly corner of Lot 44, Great Hills "A", Planned Unit Development No. 1A, out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, a subdivision of record in Plat Book 58, Page 98, Travis County Plat Records;

(22) THENCE with a southwest line of said Lot 44, S 45° 16' E 447.06 feet to an iron pipe found in a south line of said Tract 1 of 147.89 acres, said iron pipe being at an angle point of said Lot 44, being also the most northerly northeast corner of the said Crow & Associates, Inc. 9.75 acre tract, said iron pipe being also the northwest corner of a three acre tract out of the James H. Mitchell Survey No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, as described in a deed from Ellie Mae Coleman, et vir to Clyde V. Neely in Volume 822, Page 447, Travis County Deed Records;

THENCE with the north line of the said Neely three acre tract, being also with the south line of said Lot 44, and with the south line of Lots 5, 4, 3, 2 and 1 of said Great Hills "A", and with a portion of the south line of Neeley Drive, courses numbered 23-24, inclusive as follows:

(23) S 60° 20' E 455.64 feet to a steel pin found;

(24) S 59° 52' E 86.92 feet to a steel pin set in a curving line of the proposed cul-de-sac at the west end of Neeley Drive;

(25) THENCE with the curving south line of the said proposed cul-de-sac an arc distance of 185.44 feet, said curve having a radius of 50.00 feet and a chord of which bears, S 38° 46' E 96.01 feet to a point in the curving west line of Lot 2, Block A of said Mesa Village, being also in the east line of those strips of land dedicated for right-of-way on a map or plat of said Mesa Village;

THENCE with the west line of Lot 2, Block A of said Mesa Village, being also the east line of those strips of land dedicated for right-of-way by said Mesa Village, courses numbered 26-29 inclusive as follows:

(26) an arc distance of 104.99 feet, said curve having a radius of 225.00 feet and a chord of which bears, S 21° 37' W 104.04 feet to a steel pin set at point of tangency;

(27) S 8° 08' W 305.00 feet to an iron pipe set at point of curve;

(28) an arc distance of 333.88 feet, said curve having a radius of 363.00 feet and a chord of which bears, S 34° 29' W 322.24 feet to an iron pipe set at point of tangency;

(29) S 60° 50' W 142.15 feet to the place of the beginning, containing 23.3618 acres of land.

Survey Completed November 9, 1981.
Field Notes Prepared May 13, 1981.
Field Notes Revised November 10, 1981.

METCALFE ENGINEERING COMPANY, INC.



By *George L. Sanders*
George L. Sanders
Registered Public Surveyor #1838

Plan 8902A
Plan 7806B
FB 580, P 1

2-76-0708

NOTE: All of the tracts within the above described parcel are now in the name of Larry Peel by virtue of the following deeds of record, Travis County Deed Records:

- 0.7614 acres, Volume 7489, Page 395
- 9.2916 acres, Volume 7413, Page 262
- 3.1200 acres, Volume 7346, Page 273
- 6.6749 acres, Volume 7583, Page 549
- 1.1864 acres, Volume 7185, Page 1813
- 0.1903 acres, Volume 7187, Page 742
- 0.5458 acres, Volume 7229, Page 1834
- 1.3014 acres, Volume 7441, Page 31
- 0.0472 acres, Volume 7441, Page 35
- 0.0480 acres, Volume 7441, Page 35
- 0.2330 acres, Volume 7387, Page 405
- 0.1234 acres, Volume 7534, Page 198

FILED

1981 DEC 31 AM 8 38

Debbie...
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this Instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as stamp hereon by me, on

DEC 31 1981



Debbie Angerlin
COUNTY CLERK
TRAVIS COUNTY, TEXAS

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