

STATE OF TEXAS I
COUNTY OF TRAVIS I

KNOW ALL MEN BY THESE PRESENTS:

FEB 23 83 9963 * 15.00
RESTRICTIVE COVENANT

3-11 1338

*1300
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page*

WHEREAS, WALTER VACKAR AND ASSOCIATES, INC. and PHIL POKORNY AND COMPANY, INC., both Texas corporations, are the owners of the following described property, to-wit:

3.94 acres of land out of a part of the JAMES P. WALLACE SURVEY NO. 18, situated in Travis County, Texas, said 3.94 acre tract being more particularly described as being a portion of that certain 4.04 acre tract that was conveyed to Mike Williams by deed of record in Volume 727, Page 267, of the Travis County, Texas Deed Records and being more particularly described in Exhibit A attached and made a part hereof.

AND

Field notes describing a parcel of land containing 0.24 of an acre out of and a part of the J.P. Wallace Survey No. 18, situated in the City of Austin, Travis County, Texas, said parcel being more particularly described as being all of that certain tract of land that was conveyed to Preston Carlton, et ux by deed of record in Volume 3924, Page 35 of the Travis County, Texas Deed Records, said parcel being more fully described in Exhibit B attached and made a part hereof.

Such tract being the same property described in deed of record in Volume 727, Page 267, Deed Records of Travis County, Texas, as a 4.04 acre tract.

WHEREAS, the City of Austin and Walter Vackar and Associates, Inc. and Phil Pokorny and Company, Inc. have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Walter Vackar and Associates, Inc. and Phil Pokorny and Company, Inc. for and in consideration of One and No/100 Dollars (\$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, do 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 such corporations, their successors and assigns, as follows, to-wit:

1. No improvements shall be constructed on the above described property, except those indicated on a site plan approved by the Planning Commission of the City of Austin, a copy of which plan is attached hereto and made a part hereof, marked Exhibit C; or improvements subsequently approved by the Planning Commission of the City of Austin, Texas.

2. In the event apartments or other residential dwellings are constructed upon the property, they should be constructed at a density of 15.8 units or less per acre.

8001 607

DEED RECORDS
Travis County, Texas

3. 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 and to prevent said persons or entity from violating or attempting to violate such agreement or covenant.

3-11 1339

4. If any part or provisions 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.

5. 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.

6. 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above described property at the time of such modification, amendment or termination.

EXECUTED this the 2nd day of June, 1982.

WALTER VACKAR AND ASSOCIATES, INC.

PHIL POKORNY AND COMPANY, INC.

BY: [Signature]
WALTER VACKAR, President

BY: [Signature]
PHIL POKORNY, President

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 2nd day of June, 1982, by WALTER VACKAR, President of WALTER VACKAR AND ASSOCIATES, INC.

NOTARY SEAL

[Signature]
Notary Public, State of Texas



STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 2nd day of June, 1982, by PHIL POKORNY, President of PHIL POKORNY AND ASSOCIATES, INC.

NOTARY SEAL

[Signature]
Notary Public, State of Texas



8001 608

Meters and bounds description of 3.94 acres of land out of and a part of the James P. Wallace Survey No. 18, situated in Travis County, Texas, said 3.94 acre tract being more particularly described as being a portion of that certain 4.04 acre tract that was conveyed to Mike Williams by deed of record in Volume 727, Page 267, of the Travis County, Texas Deed Records:

BEGINNING at a steel pin set in the west right-of-way line of old U. S. Highway No. 183 at the northeast corner of Tract 1, Lindy Huber Subdivision, a subdivision in Travis County, Texas of record in Plat Book 14 at Page 60 of the Travis County, Texas Plat Records, for the southeast corner of the 3.94 acre tract herein described;

3-11 1340

THENCE leaving said Highway and with the north line of said Tract 1, same being the south line of said Williams Tract S 86° - 05' W 748.51 feet to a steel pin at the southeast corner of Lot 5 Block "Y", Point West of Westover Hills Section Three, a subdivision in the City of Austin, Texas found of record in Plat Book 63 at Page 98 of the Travis County, Texas Plat Records, for the southwest corner of the 3.94 acre tract herein described;

THENCE with the east line of said Lot 5 Block "Y" the following two courses:

1. N 25° - 01' E (Record N 26° - 14' E) 97.68 feet to a steel pin;
2. N 11° - 07' E (Record N 12° - 20' E) 67.91 feet to a steel pin at the southeast corner of Lot 6 Block "Y", Point West of Westover Hills Section Three, a subdivision in the City of Austin, Texas, found of record in Plat Book 44 at Page 12 of the Travis County, Texas Plat Records;

THENCE with the east line of said Point West of Westover Hills Section Three the following three (3) courses:

1. N 27° - 13' E (Record N 28° - 26' E) 54.92 feet to a steel pin;
2. N 25° - 09' E (Record N 26° - 05' E) 65.66 feet to a steel pin;
3. N 26° - 34' E (Record N 27° - 34' E) 21.62 feet to a steel pin found at a fence corner at the northwest corner of said Williams Tract for the northwest corner of the 3.94 acre tract herein described;

THENCE with the north line of said Williams tract the following two (2) courses:

1. N 34° - 08' E 368.18 feet to a steel pin found at a fence corner;
2. N 85° - 55' E 52.76 feet to a steel pin set at the northwest corner of that certain 0.23 acre tract described in Volume 3567 Page 735 of the Travis County, Texas Deed Records for the most northerly northeast corner of the 3.94 acre tract herein described;

THENCE with the west line of said 0.23 acre tract S 17° - 39' E 106.4 feet to a steel pin set at the southwest corner of said 0.23 acre tract for an interior corner of the 3.94 acre tract herein described;

THENCE with the south line of said 0.23 acre tract N 69° - 02' E 116.0 feet to a steel pin set in the curving west line of said old U. S. Highway No. 183 at the southeast corner of said 0.23 acre tract for the most easterly northeast corner of the 3.94 acre tract herein described;

THENCE with the curving west line of said Highway, said curve having a radius of 1467.05 feet, a subchord bears S 18° - 19' E a distance of 224.23 feet to the place of beginning, containing 3.94 acres of land or 171,642 square feet.

RECORDERS MEMORANDUM
ALL OR PARTS OF THE TEXT ON THIS PAGE WAS NOT
CLEARLY LEGIBLE FOR SATISFACTORY RECORDATION

EXHIBIT A

8001 609

Field Notes describing a parcel of land containing 0.74 of an acre out of and a part of the J. P. Wallace Survey No. 18, situated in the City of Austin, Travis County, Texas, said parcel being more particularly described as being all of that certain tract of land that was conveyed to Preston Carlton, et ux by deed of record in Volume 1924, Page 35 of the Travis County, Texas Deed Records, said parcel being more fully described by notes and bounds as follows;

BEGINNING at an iron pin found in the curving west line of Old U.S. Highway No. 183 (Jollyville Road), at the southeast corner of said Carlton tract, for the southeast corner of the parcel herein described;

THENCE leaving said road and with the south line of this survey S 69°-02'W 116.0 feet to an iron pin found for the southwest corner of the parcel herein described;

THENCE with the west line of this survey N 17°-30'W 106.5 feet to an iron pin found at the northwest corner of said Carlton tract for the northwest corner of the parcel herein described;

THENCE with the north line of this survey N 85°-49'E 124.5 feet to an iron pin found in the west line of the above said highway, at the northeast corner of said Carlton tract, for the northeast corner of the parcel herein described;

THENCE with the curving west line of said highway, along a curve to the left whose Radius is 1487.05 feet, a sub-chord bears S 13°-10'W a distance of 71.0 feet to the place of BEGINNING containing 0.24 of an acre of land.

3-11 1341

RECORDERS MEMORANDUM
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CLEARLY LEGIBLE FOR SATISFACTORY RECORDATION

EXHIBIT B

8001 . 610

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
 DATE 01-11-2001 BY 60322 UCBAW/STP
 EX-103

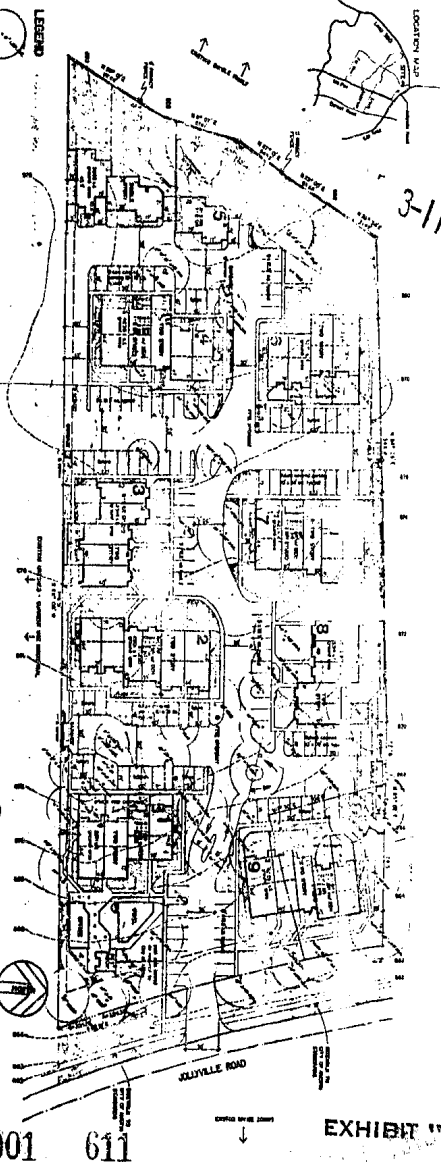


NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	11-15-61	PHIL POKORNY
2	REVISED	11-15-61	PHIL POKORNY
3	REVISED	11-15-61	PHIL POKORNY
4	REVISED	11-15-61	PHIL POKORNY
5	REVISED	11-15-61	PHIL POKORNY
6	REVISED	11-15-61	PHIL POKORNY
7	REVISED	11-15-61	PHIL POKORNY
8	REVISED	11-15-61	PHIL POKORNY
9	REVISED	11-15-61	PHIL POKORNY
10	REVISED	11-15-61	PHIL POKORNY

Project Summary

SEE 314-81-183 FOR PROJECT SUMMARY
 11-15-61
 PHIL POKORNY

Site Plan 1/32"=0'-0"



3-11 1342

RECORDERS MEMORANDUM
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 CLEARLY LEGIBLE FOR SATISFACTORY RECORDDATION

9226 Jollyville Road
 Austin, Texas
 A Division of
 Vicker Vicker Associates, Inc. 477-7246
 Phil Pokorny & Company, Inc. 478-8489
 Architects
 Phil Pokorny & Company, Inc.

C14 - 81 - 183

8001 611

EXHIBIT "C"

Phil Pokorny & Company, Inc. architects

FILED 3-11 1343
FEB 23 9 49 AM '83
Doris H. Anger
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this Instrument was FILED on the
state 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

FEB 23 1983



Doris H. Anger
COUNTY CLERK
TRAVIS COUNTY, TEXAS

8001 . 612