

attached hereto, and which is described by metes and bounds in Exhibit "A-2" attached hereto.

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, 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 person or entity from 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 any agreement by the City, 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 joint action of both (a) a majority of the members of the City Council of the City, or such other governing body as may succeed the City Council of the City, and (b) by the owners of the above-described property at the time of such modification, amendment or termination.

EXECUTED this the 1st day of November, 1995.

Daniel W. Nelson

Daniel W. Nelson, Independent
Executor of the Estate of Georgia B.
Lucas, Deceased

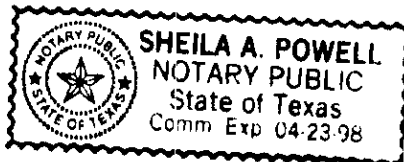
THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 1st day of November, 1995 by Daniel W. Nelson, Independent Executor of the Estate of Georgia B. Lucas, Deceased.

(SEAL)

Sheila A. Powell
Notary Public Signature



55744.1/SPA/LLP/1061/103095

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12751 0447

FIELD NOTES

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 18, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND BEING THE REMAINING PORTION OF TRACT 4A, SUBDIVISION OF THE MRS. A.B. PAYTON ESTATE, AS RECORDED IN BOOK 3, PAGE 259 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID TRACT 4A BEING 23 ACRES AS CONVEYED TO ADDIE LUCAS BY DEED RECORDED IN VOLUME 825, PAGE 475 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete right-of-way monument with brass disk found on the south right-of-way line of Research Boulevard (U.S. Highway 183) at the northeast corner of the remaining portion of Lot A, Wigginton Addition, a subdivision as recorded in Book 81, Page 58 of the Plat Records of Travis County, Texas, said monument found also being at the northwest corner of the remaining portion of the above described Tract 4A, for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the south right-of-way line of Research Boulevard (U.S. Highway 183), S55°49'58"E a distance of 507.02 feet to a concrete right-of-way monument with brass disk found at the northwest corner of Lot A-1, The Resubdivision of Lots A and B Out Of The Resubdivision Of Lots 2 and 3 McCann Annex No. 2, as recorded in Book 76, Page 303 of the Plat Records of Travis County, Texas for the northeast corner of this tract;

THENCE, with the west line of said Lot A-1, S28°55'45"W a distance of 264.99 feet to a 1/2" iron rod found at the northwest corner of Lot 4, McCann Annex No. 2, a subdivision as recorded in Book 63, Page 79 of the Plat Records of Travis County, Texas;

THENCE, with the west line of said Lot 4, S29°22'48"W a distance of 247.10 feet to a 1/2" iron rod found at the northwest corner of Lot 5 of said McCann Annex No. 2;

THENCE, with the west line of said Lot 5, S29°09'39"W a distance of 109.52 feet to a 1/2" iron rod found on the north right-of-way line of Thrushwood Drive at the southwest corner of said Lot 5;

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

EXHIBIT A - 1

12751 0448

THENCE, with the west line of Northwest Terrace Section Three, a subdivision as recorded in Book 45, Page 40 of the Plat Records of Travis County, Texas, the following five (5) courses:

- 1) S29°19'26"W a distance of 130.00 feet to a 1/2" iron rod found at the southwest corner of Lot 12, Block E of said Northwest Terrace Section Three;
- 2) S29°16'03"W a distance of 279.74 feet to a 1/2" iron rod found at the southwest corner of Lot 9 of said Block E;
- 3) S29°20'16"W a distance of 419.97 feet to a 1/2" iron rod found at the southwest corner of Lot 3 of said Block E;
- 4) S29°04'54"W a distance of 220.51 feet to a 1/2" iron rod found on the south right-of-way line of Benbrook Drive at the northwest corner of Lot 8, Block D of said Northwest Terrace Section Three; and
- 5) S29°25'12"W a distance of 114.70 feet to a 1/2" iron pipe found in concrete at the southwest corner of said Lot 8 for the southeast corner of this tract;

THENCE, with the north line of Allandale Estates Section One, a subdivision as recorded in Book 22, Page 44 of the Plat Records of Travis County, Texas, the following two (2) courses:

- 1) N60°47'04"W, pass a 1/2" iron rod found at the northwest corner of Lot 9, Block G of said Allandale Estates Section One at 82.53 feet, and continuing on for a total distance of 427.30 feet to a 1/2" iron rod found at the northwest corner of Lot 14 of said Block G; and
- 2) N60°40'21"W a distance of 80.60 feet to a 1/2" iron pipe found at the southeast corner of Lot 23, Block G, Allandale Estates Section Four, a subdivision as recorded in Book 43, Page 24 of the Plat Records of Travis County, Texas, for the southwest corner of this tract;

THENCE, with the east line of said Allandale Estates Section Four, the following five (5) courses:

- 1) N29°19'09"E a distance of 120.17 feet to a 1/2" iron rod found on the south right-of-way line of Benbrook Drive at the northeast corner of said Lot 23;
- 2) N29°02'59"E a distance of 49.76 feet to a 1/2" iron rod found on the north right-of-way line of Benbrook Drive at the southeast corner of Lot 4, Block L of said Allandale Estates Section Four;

- 3) N29°21'24"E, pass a 1/2" iron rod found at the northeast corner of Lot 8 of said Block L at 205.08 feet, and continuing on for a total distance of 449.98 feet to a 1/2" iron rod found at the northeast corner of Lot 11 of said Block L;
- 4) N29°15'58"E, pass a 1/2" iron rod found at the northeast corner of Lot 15 of said Block L at 280.01 feet, and continuing on for a total distance of 489.96 feet to a 1/2" iron rod found on the south right-of-way line of Mossrock Drive at the northeast corner of Lot 18 of said Block L; and
- 5) N29°19'28"E, pass a 1/2" iron rod found at the northeast corner of Lot 14, Block O of said Allandale Estates Section Four at 120.12 feet, and continuing on for a total distance of 473.44 feet to a 1/2" iron rod found at the southeast corner of said Lot A, Wigginton Addition;

THENCE, with the east line of said Lot A, Wigginton Addition, N29°24'22"E a distance of 246.82 feet to the POINT OF BEGINNING, and containing 21.059 acres (917,325 square feet) of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on March 3, 1995 under my supervision and are true and correct to the best of my knowledge.



 Craig C. Cregar
 Registered Professional Land Surveyor No. 3



3/8/95

 Date

Client: Estate of Georgia B. Lucas
 Date: March 8, 1995
 WO No.: 0587-02-01
 FB: 140
 Disk: AUS5.587

**FIELD NOTES
COMMERCIAL ZONING TRACT**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 18, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF TRACT 4A, SUBDIVISION OF THE MRS. A.B. PAYTON ESTATE, AS RECORDED IN BOOK 3, PAGE 259 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID TRACT 4A BEING 23 ACRES AS CONVEYED TO ADDIE LUCAS BY DEED RECORDED IN VOLUME 825, PAGE 475 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete right-of-way monument with brass disk found on the south right-of-way line of Research Boulevard (U.S. Highway 183) at the northeast corner of the remaining portion of Lot A, Wigginton Addition, a subdivision as recorded in Book 81, Page 58 of the Plat Records of Travis County, Texas, said monument found also being at the northwest corner of the remaining portion of the above described Tract 4A, for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the south right-of-way line of Research Boulevard (U.S. Highway 183), S55°49'58"E a distance of 507.02 feet to a concrete right-of-way monument with brass disk found at the northwest corner of Lot A-1, The Resubdivision of Lots A and B Out Of The Resubdivision Of Lots 2 and 3 McCann Annex No. 2, as recorded in Book 76, Page 303 of the Plat Records of Travis County, Texas for the northeast corner of this tract;

THENCE, with the west line of said Lot A-1, S28°55'45"W a distance of 264.99 feet to a 1/2" iron rod found at the northwest corner of Lot 4, McCann Annex No. 2, a subdivision as recorded in Book 63, Page 79 of the Plat Records of Travis County, Texas;

THENCE, with the west line of said Lot 4, S29°22'48"W a distance of 247.10 feet to a 1/2" iron rod found at the northwest corner of Lot 5 of said McCann Annex No. 2 for the southeast corner of this tract;

THENCE, parallel with the south right-of-way line of Research Boulevard (U.S. Highway 183), N60°51'12"W a distance of 507.16 feet to a point on the east line of Lot 13, Block O, Allandale Estates Section Four, a subdivision as recorded in Book 43, Page 24 of the Plat Records of Travis County, Texas, for the southwest corner of this tract;

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

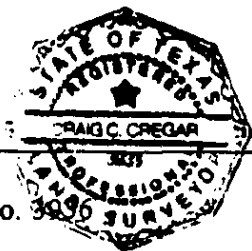
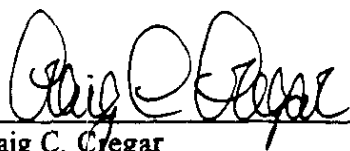
12751 0451

EXHIBIT A - 2

THENCE, with the east line of said Block O, Allandale Estates Section Four, N29°19'28"E a distance of 309.64 feet to a 1/2" iron rod found at the southeast corner of said Lot A, Wigginton Addition;

THENCE, with the east line of said Lot A, Wigginton Addition, N29°24'22"E a distance of 246.82 feet to the POINT OF BEGINNING, and containing 6.215 acres (270,741 square feet) of land, more or less.

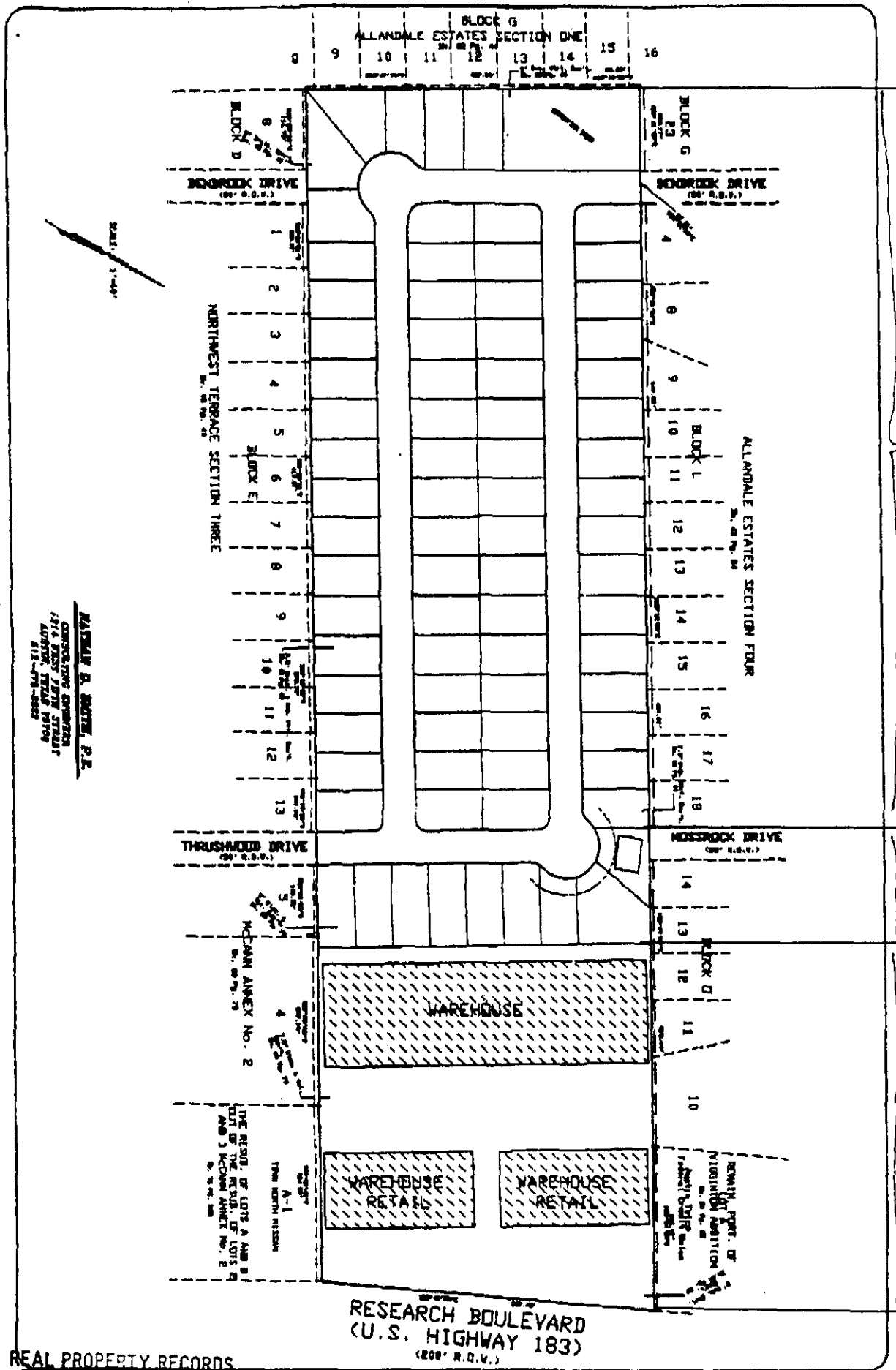
I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on March 3, 1995 under my supervision and are true and correct to the best of my knowledge.



3/8/95
Date

Craig C. Cregar
Registered Professional Land Surveyor No. 3996

Revised: March 7, 1995
Client: Robert Oler
Date: March 7, 1995
WO No.: 0587-02-03
FB: 140
Disk: AUS5.587



The Single Family Tract

The Duplex Tract

The Commercial Tract

RASMUSSEN B. SMITH, P.E.
 CONSULTING ENGINEER
 1514 WEST JEFFER STREET
 AUSTIN, TEXAS 78704
 512-478-0888

RESEARCH BOULEVARD
 (U.S. HIGHWAY 183)
 (200' R.O.V.)

REAL PROPERTY RECORDS
 TRAVIS COUNTY, TEXAS

12751 0453

EXHIBIT B

FILED

96 AUG 15 PM 2: 26

**DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS**

RECORDER'S MEMORANDUM-At the time of recordation this instrument was found to be inadequate for the best photographic reproduction, because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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, on

AUG 15 1996



Dana Debeauvoir
**COUNTY CLERK
TRAVIS COUNTY, TEXAS**

**REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS**

12751 0454

RECEIPT#: B00047615 TRANS#: B6716 DEPT: REGULAR RECORD \$25.00
CASHIER: KHTHJ FILE DATE: 8/15/96 TRANS DATE: 8/15/96
PAID BY: CHECK# 4610