

NON-DEVELOPMENT EASEMENT

DEC 27 1979 5263 \* 7.00

2-19-80

THE STATE OF TEXAS X  
COUNTY OF TRAVIS X

KNOW ALL MEN BY THESE

That Thomas E. Berry, Trustee of the Harris State of Texas, hereinafter referred to for and in consideration of the sum of One and no/100-- to Grantor, in hand paid by the City of Austin, acting by and through the City Planning Commission, receipt of which is hereby acknowledged and for which no lien is retained, either express or implied, these presents grant, bargain, sell and convey unto the State of Texas an easement and right to restrict, in accordance with the conditions hereinafter prescribed, the future use and development of the following described property located in Travis Texas, and being more fully described as follows, to wit:

That portion of a 753.32 acre tract of land out of and a part of the Alexander E. Patron Survey No. 541 and the Oscar D. Davis Survey No. 467 and the William L. Swain Survey No. 810 situated in Travis County, Texas, conveyed by deed as recorded in the Deed Records of Travis County, Texas in Volume 6658, Page 78 as shown on the recorded plat of Jester Estate Section One, Block 1 as Conservation Easement, as recorded in Plat Book 78 Page 385 in the Plat Records of Travis County on the day of December, 1979.

Said property consisting of 27.77 acres, more or less, being conservation easement in Jester Estate Section One, and is hereinafter designated as the "restricted area."

TERMS AND CONDITIONS

Restrictions

1. No use or occupation other than the hereinafter permitted shall hereafter be established or maintained upon or within

7. No quarrying, excavation or removal of rock, minerals, sand, topsoil or other material from the land, except as such excavation - cutting, filling and grading - is required to return the adjacent lands in their current stable condition.

8. No construction of buildings, structures, fences or walls except that a deck or gazebo could be constructed provided written approval was obtained from the Architectural Control Commission.

#### Permitted Use or Occupation of Restricted Area

1. Construction, maintenance or establishment of recommended conservation structures or practices, and normal garden or landscape improvements to allow lot owner to landscape his property.

2. Installation of telephone, telegraph, electric or pipe lines for the purpose of transmitting messages, fuels, light or power, sanitary or storm sewers or water lines.

3. Entry upon the land to inspect for violation of the provisions of this easement and to remove or eliminate any unauthorized structure, 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.

4. Improvements may be made by the land owner to better appreciate the land's natural beauty via trails, steps and minor brush clearing but not to be construed as approval to alter the land in any appreciable way.

This easement does not grant the public the right to enter the restricted area for any purpose.

It is agreed and understood that Grantor, its successors and assigns shall be permitted to use the above described land encumbered by this 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 setbacks, density, and minimum lot area requirements of relevant municipal zoning or subdivision ordinances.

TO HAVE AND TO HOLD the above described premises, together with and singular the rights herein granted unto the City of Austin and its successors and assigns, forever.

DUPLICATE

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ESPEY, HUSTON &  
AUSTIN,

*Doris R. [unclear]*

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CHARLES B. KREUTZ  
SUITE 2600 AUSTIN NAT'L BANK TOWER  
AUSTIN, TEXAS 78701

*John T*

*Change of: 5/21*