

NON-DEVELOPMENT EASEMENT

DEC 27-79¹⁹⁷⁵ 5264 * 7:00

THE STATE OF TEXAS X
X
COUNTY OF TRAVIS X

KNOW ALL MEN BY THESE

That First Service Corporation, a corporation organized under the laws of the State of Texas, and having its home office in the City of Austin, Travis County, Texas, acting herein by and through its President and Capital National Bank, a corporation organized under the laws of the State of Texas, as lienholder of the following described property, and having its home office in the City of Austin, Travis County, Texas, acting herein by and through its Senior Vice President, hereinafter referred to as Grantors, for and in consideration of the sum of One and no/100 DOLLARS to Grantors in hand paid to the City of Austin, acting by and through the City Planning Commission, which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the State of Texas, an easement and right of way in accordance with the terms and conditions hereinafter prescribed for the future use and development of the following described property in Travis County, Texas, and being more fully described as follows:

That portion of a 75.7 acre tract of land out of and a part of Williams Survey No. 49, Travis County, Texas, conveyed by deed recorded in the Deed Records of Travis County, Texas in Volume 43, as shown on the recorded plat of Jester Estate Section One, Conservation Easement, as recorded in Plat Book 78, Page 1, Plat Records of Travis County, Texas on the 4th day of December

Said property consisting of 7.51 acres, more or less, is now subject to a conservation easement in Jester Estate Section One, Phase 1, and is hereinafter designated as the "restricted area."

TERMS AND CONDITIONS

Restrictions

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

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 home improvements to allow lot owner to landscape his property.

2. Installation of telephone, telegraph, electric or pipe lines for purpose of transmitting messages, fuels, light or power, 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 construction or construction therein and to perform such restoration as necessary by the City of Austin Engineering Department to return the land to the condition it was in before said violation.

4. Improvements may be made by the land owner to better preserve the land's natural beauty via trails, steps and minor brush removal to be construed as approval to alter the land in any approved manner.

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, consistent with said grant, including specifically the right to use the land for the purposes of meeting front, side and rear yard minimum lot area requirements of relevant municipal zoning ordinances.

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

WITNESS the hands of the President and Secretary of First National Corporation this 2ND day of OCTOBER, 1979, A.D.

(CORPORATE SEAL)

is subscribed to the foregoing instrument of writing, and he acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein expressed.

WITNESS MY HAND AND SEAL this 2nd day of October 1979, A.D.

Deborah Sorenson
Notary Public

Deborah Sorenson

My Commission Expires 7/9/81

NOTARY SEAL

THE STATE OF TEXAS X
COUNTY OF TRAVIS X

BEFORE ME, the undersigned official, a notary public in and for the County, Texas, personally appeared R. Don Harden, Senior Vice President of the Capital National Bank, Austin, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein expressed.

WITNESS MY HAND AND SEAL this 2nd day of October 1979, A.D.

Terry Wooden
Notary Public

NOTARY SEAL

Terry Wooden

My Commission expires: 10/8/81