



OTHER 2008121746

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AUSTIN CITY CLERK

Posting Date/Time  
Zoning Case No. C142067-0087

2008 AUG 14 PM 2 28

**RESTRICTIVE COVENANT**

OWNER Richard M Roberts (Tract One)  
James R Barnett, Jr and Cynthia R Barnett (Tract Two)  
Martin Edward Dupont and Lisa T Dupont (Tract Three)

ADDRESS Roberts 11601 Autumn Ridge Dr , Austin, TX 78759  
Barnett 7603 Parkview Cir , Austin, TX 78731  
Dupont 3202 Garden Villa Ln , Austin, TX 78704

CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY Tract One A 0 83 acre tract of land, more or less, out of the Issac Decker Survey No 20, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, and

Tract Two Lot 2, Meccey Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 73, Page 76, of the Plat Records of Travis County, Texas, and

Tract Three A 0 478 acre tract of land, more or less, out of Block 41, Theodore Low Heights Subdivision, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant

WHEREAS, the Owner ("Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions,

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns

- 1 All residential and commercial development shall comply with Austin Energy Green Building Program (GBP) in effect on June 18, 2008, to achieve a minimum two-star rating
- 2 Owner agrees to implement the following water conserving measures
  - A High efficiency toilets (1 28 gpf) shall be installed
  - B Multifamily residential units, including condominiums, shall be separately metered or sub-metered for water use
- 3 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions

6-18-08 #75

Restrictive covenant  
Clawson Road

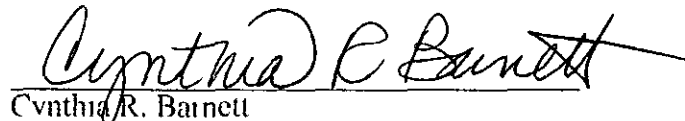
- 4 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect
- 5 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it
- 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, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination

EXECUTED this the 20<sup>th</sup> day of June, 2008

OWNER:

Richard M. Roberts


  
James R. Barnett, Jr.

  
Cynthia R. Barnett

Martin Edward Dupont

Lisa T. Dupont

APPROVED AS TO FORM

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

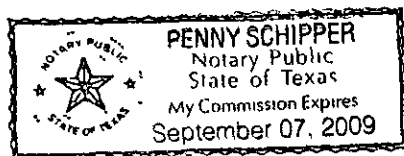
This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2008 by Richard M Roberts

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 20<sup>th</sup> day of June, 2008 by James R Barnett, Jr

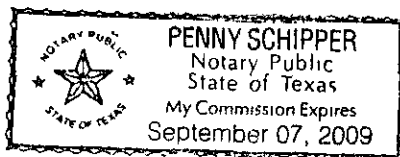


Penny Schipper  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 20<sup>th</sup> day of June, 2008 by Cynthia R Barnett




Penny Schipper  
Notary Public, State of Texas

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EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008

**OWNER:**

  
Richard M Roberts

\_\_\_\_\_  
James R Barnett, Jr

\_\_\_\_\_  
Cynthia R Barnett

\_\_\_\_\_  
Martin Edward Dupont

\_\_\_\_\_  
Lisa T Dupont

APPROVED AS TO FORM

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

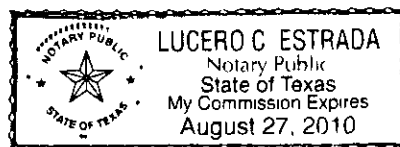
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 20th day of June, 2008, by Richard M Roberts

Lucero C. Estrada  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §



This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2008, by James R Barnett, Jr

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2008, by Cynthia R Barnett

\_\_\_\_\_  
Notary Public, State of Texas

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EXECUTED this the 3<sup>rd</sup> day of July, 2008

OWNER:

\_\_\_\_\_  
Richard M Roberts

\_\_\_\_\_  
James R Barnett, Jr

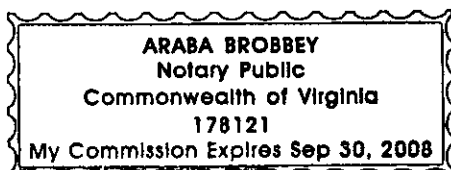
\_\_\_\_\_  
Cynthia R Barnett

Martin Edward Dupont  
Martin Edward Dupont

Lisa T Dupont  
Lisa T Dupont

This instrument was acknowledged before me on this 3<sup>rd</sup> day of July, 2008, by Martin Edward Dupont

This instrument was acknowledged before me on this 3<sup>rd</sup> day of July, 2008, by Lisa T Dupont



Araba Brobbey  
Notary Public, State of Virginia

TRACT 1

File: Projects\EquilibriumDevelopment\Clawson3608\FN\perimeter field notes doc

Page: 2 of 2 (survey attached)

Date: April 20, 2007

1341 B I T A

**0.83 Acre, (36,369 sq. ft)**

All that certain tract or parcel of land situated in Travis County, out of the Isaac Decker Survey No 20 and being the portion of that tract described in a Deed granted to F D Badger, et ux, recorded in Volume 545, Page 174 Deed Records of Travis County, and further described by metes and bounds as follows

Beginning at a 1/2" iron rod found in the west margin of Clawson Road for the southeast corner of said Badger tract and this tract,

THENCE N60°00'00" W, departing from the west margin of said Clawson Road with the south line of said Badger tract, being the basis of bearings cited hereon, at approximately 10 10 feet passing the northeast corner of Lot 2, Mecey Subdivision, Volume 73, Page 76 Plat Records of Travis County, Texas (P R T C T), continuing with the common north line of said Lot 2, and the south line of said Badger tract in all 295 11 feet to a 1/2" iron rod found for the northwest corner of said lot 2, and the northeast corner of Lot 1 of said Mecey subdivision, and the southeast corner of Cortez Heights, a subdivision recorded in Volume 64, Page 13 P.R T C T, and the southwest corner of said Badger tract and this tract,

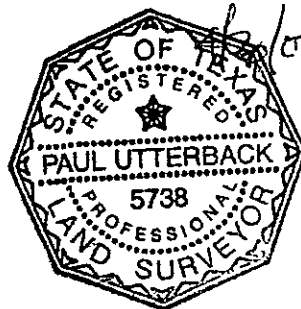
THENCE N 32°47'16" E 142 23 feet with the east line of said Cortez Heights and the west line of said Badger tract to a 1/2" iron rod found for the southwest corner of the W Patrick McLean, Trustee tract, recorded in Volume 8569, Page 737 Real Public Records Travis County, Texas, and the northwest corner of said Badger tract and this tract;

THENCE with the north line of this tract in the following three (3) courses

- 1 S 60°38'25" E 172 42 feet with the common south line of said McLean tract, and the north line of said Badger tract to a calculated point in the west line of Lot 1, Hampton Park subdivision, recorded in Volume 87, Page 29A, P R T C T for an exterior ell corner of said McLean tract, from which a 1/4" iron pipe found bears N 40°21'46"E 23 02 feet, for the northwest corner of said Lot 1, Hampton Park
- 2 S 40°08'04"W 38.30 feet into said Badger tract and with the west line of said Lot 1, Hampton Park to a 1/2" iron rod found for the southwest corner of said Lot 1, Hampton Park and an interior ell corner of this tract
- 3 S 48°44'27" E continuing into and across said Badger tract and with the south line of said Lot 1, Hampton Park, at 129.83 passing a 1/4" iron pipe found, in all 138 22 feet to a 1/2" iron rod found in the east line of said Badger tract and the west margin of said Clawson Road for the northeast corner of this tract

THENCE S 39°20'41" W 80 36 feet along the west line of said Clawson Road, and the east line of said Badger tract, to the POINT OF BEGINNING and containing 0 83 acre (36,369 sq ft) more or less

  
Paul Utterback  
Registered Professional Land Surveyor No 5738  
PU/ct



TRACT 3

5840, 995

13, 70

Field Notes  
for  
Lisa McDaniel

0.478 Acres  
September 27, 1984

EXHIBIT B

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING LEGALLY DESCRIBED AS A PORTION OF BLOCK 41, THE COORE LOW HEIGHTS SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 445, PAGE 581, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO JAMES H. BARNETT, JR., ET UX, AND DESCRIBED AS CONTAINING 0.478 ACRES IN A DEED RECORDED IN VOLUME 5840, PAGE 995, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at an iron pin found in the Northwestern right-of-way line of Clawson Road, being at the Northeastly corner of that certain tract of land conveyed to William L. Corsbie, Jr., in a deed recorded in Volume 4855, Page 879 of the Deed Records of Travis County, Texas, and being the Southeastly corner of the said Block 41, same being the Southeastly corner of the said Barnett tract for the Southeastly corner and POINT OF BEGINNING hereof;

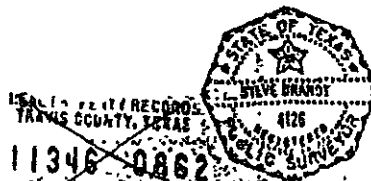
THENCE with the Easterly line of the herein described tract being the Easterly line of the said Barnett tract and being the Easterly line of the said Block 41, same being the Northwestern right-of-way line of Clawson Road N38°13'04"E for a distance of 79.20 feet to an iron pin found at the Northeastly corner of the said Barnett tract for the Northeastly corner hereof;

THENCE with the Northerly line of the herein described tract being the Northerly line of the said Barnett tract N60°41'W at a distance of approximately 10.12 feet past a point at the Southeastly corner of Lot 2, Mezey Subdivision, a subdivision of record in Plat Book 73, Page 76 of the Plat Records of Travis County, Texas, and continue on the same course with the Southerly line of said Lot 2, same being the Northerly line of the said Barnett tract for a total distance of 259.33 feet to an iron pin set at the Northwestern corner of said Lot 2, being in the Easterly line of Lot 1 of the aforesaid subdivision; same being the Northwestern corner of the said Barnett tract for the Northwestern corner hereof;

THENCE with the Easterly line of the herein described tract being the Easterly line of the said Barnett tract and same being the Easterly line of the said Lot 1, S28°20'W for a distance of 80.20 feet to an iron pin found in the Northerly line of the said Corsbie tract and being at the Southeastly corner of the said Lot 1, same being the Southwestly corner of the said Barnett tract for the Southwestly corner hereof;

THENCE with the Southerly line of the herein described tract being the Southerly line of the said Barnett tract, same being the Northerly line of the said Corsbie tract S81°07'E for a distance of 286.30 feet to the POINT OF BEGINNING and containing 0.478 acres of land more or less.

I the undersigned, do hereby certify that the above description represents the results of an actual survey made on the ground of the property legally described herein, they are correct and true to the best of my knowledge and belief.



*Steve Brandt*  
Steve Brandt  
Reg. Public Surveyor No. 4126  
Surveyed September 27, 1984  
Field Notes corrected Oct. 23, 1984



After Recording, Please Return to.  
City of Austin  
Department of Law  
P O Box 1088  
Austin, Texas 78767-1088  
Attention: Diana Minter, Legal Assistant

## FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2008 Jul 18 01 24 PM 2008121746

FERGUSONLL \$48 00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

*Recorders Memorandum*-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded

Restrictive covenant  
Clawson Road