

AUSTIN CITY CLERK
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Zoning Case No. C14-2012-0077

RESTRICTIVE COVENANT

OWNER: Reza Rezaee

OWNER'S ADDRESS: 15212 Spillman Ranch Loop, Austin, Texas 78738

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: A 13,126 square feet of land out of Lot 19, Block M, Buckingham Estates Phase IV, Section, C, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner (the "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 ("Agreement"). 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. The drainage easement on the subject property contains a detention pond and the Applicant has proposed modifications to the detention pond to create a developable area on the Property. The following items must be addressed before the Watershed Engineering Division would consider a partial easement release of the drainage easement located on the Property:

- a. A site plan must be submitted for the pond modifications. Details of the modifications will be reviewed by an engineer in the Land Use Review group. This review may result in other comments and questions about the development. All comments and questions must be cleared by the reviewer.
- b. The pond modifications must not result in increased outflow from the pond.
- c. The pond modifications must result in at least a five percent (5%) increase in the detention volume of the pond.

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- d. Because this pond has a dam structure, any modifications to the pond will require re-verification that the pond will meet dam safety requirements. This will need to be completed during the site plan review process.
 - e. Access easements that meet the criteria specified in the Drainage Criteria Manual must be dedicated to the City. Access easements are required to the west to access the pond outlet, and to the north to access the pond's perimeter berm.
 - f. Private maintenance of the pond will be required by the Watershed Protection Department. This maintenance will include, but is not limited to, routine mowing and debris removal.
- 2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
 - 3. If any part of this Agreement 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.
 - 4. 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.
 - 5. 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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

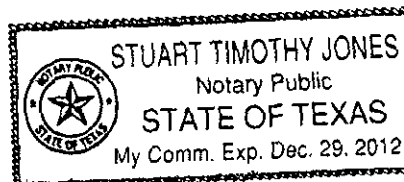
EXECUTED this the 02 day of October, 2012.

State of TEXAS
County of TRAVIS

This instrument was acknowledged before me
on 2 day of OCT, 2012 by REZA REZAEI

Stuart Timothy Jones
Notary Public's Signature
My Commission Expires DEC 29, 2012

OWNER
Reza Rezaei
Reza Rezaei



APPROVED AS TO FORM:



Chad Shaw
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

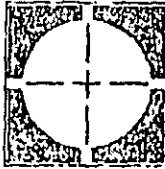
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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the ____ day of _____,
2012, by Reza Rezaee.

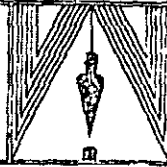
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: J. Collins, Paralegal



WATSON SURVEYING

9501 CAPITAL OF TEXAS HWY.
SUITE 303 AUSTIN, TX 78759
346-8566 FAX 346-8568



FIELD NOTES FOR 13,126 SQUARE FEET OF LAND OUT OF LOT 19, BLOCK M, BUCKINGHAM ESTATES PHASE IV, SECTION C, A SUBDIVISION RECORDED IN VOLUME B4, PAGE 61C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 13,126 SQUARE FEET BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a $\frac{1}{2}$ " steel pin with orange cap set at the southeast corner of said Lot 19, being a point in the north right-of-way (ROW) line of Slaughter Lane, for the southeast corner hereof;

THENCE N3°31'30"W 80.20 feet along the east line of Lot 19 and the west line of Lot 18 to a computed point for the northeast corner hereof;

THENCE crossing said Lot 19 the following 12 courses:

- 1) N89°28'10"W 72.08 feet to computed point for corner,
- 2) S00°31'50"W 4.00 feet to computed point for corner,
- 3) N89°28'10"W 22.50 feet to computed point for corner,
- 4) S00°31'50"W 18.50 feet to computed point for corner,
- 5) N89°28'10"W 93.00 feet to computed point for corner,
- 6) S00°31'50"W 11.51 feet to computed point for corner,
- 7) N89°28'10"W 11.00 feet to computed point for corner,
- 8) S00°23'53"W 12.00 feet to computed point for corner,
- 9) S89°28'10"E 11.00 feet to computed point for corner,
- 10) S00°49'08"W 5.52 feet to computed point for corner,
- 11) N90°00'00"E 2.00 feet to computed point for corner,
- 12) S00°31'50"W 28.49 feet to computed point on the south line of Lot 19, also the north ROW line of Slaughter Lane, for the southwest corner hereof;

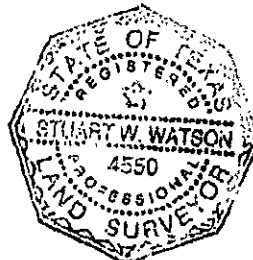
THENCE S89°28'10"E 191.26 feet along the south line of Lot 19 and north ROW line of Slaughter Lane to the POINT OF BEGINNING, containing 13,126 square feet of land, more or less.

Bearing basis is the west line of said Lot 19

Prepared 21 October 2010 from recent survey of Lot 19 by:

Stuart Watson
Stuart Watson, RPLS 4550

REFERENCES:
TCAD Property ID Number 512983
Austin Grid No. E-14





WATSON SURVEY
 9501 CAP OF TEX HWY, #303
 AUSTIN, TEXAS 78759
 PHONE (512) 346-8588

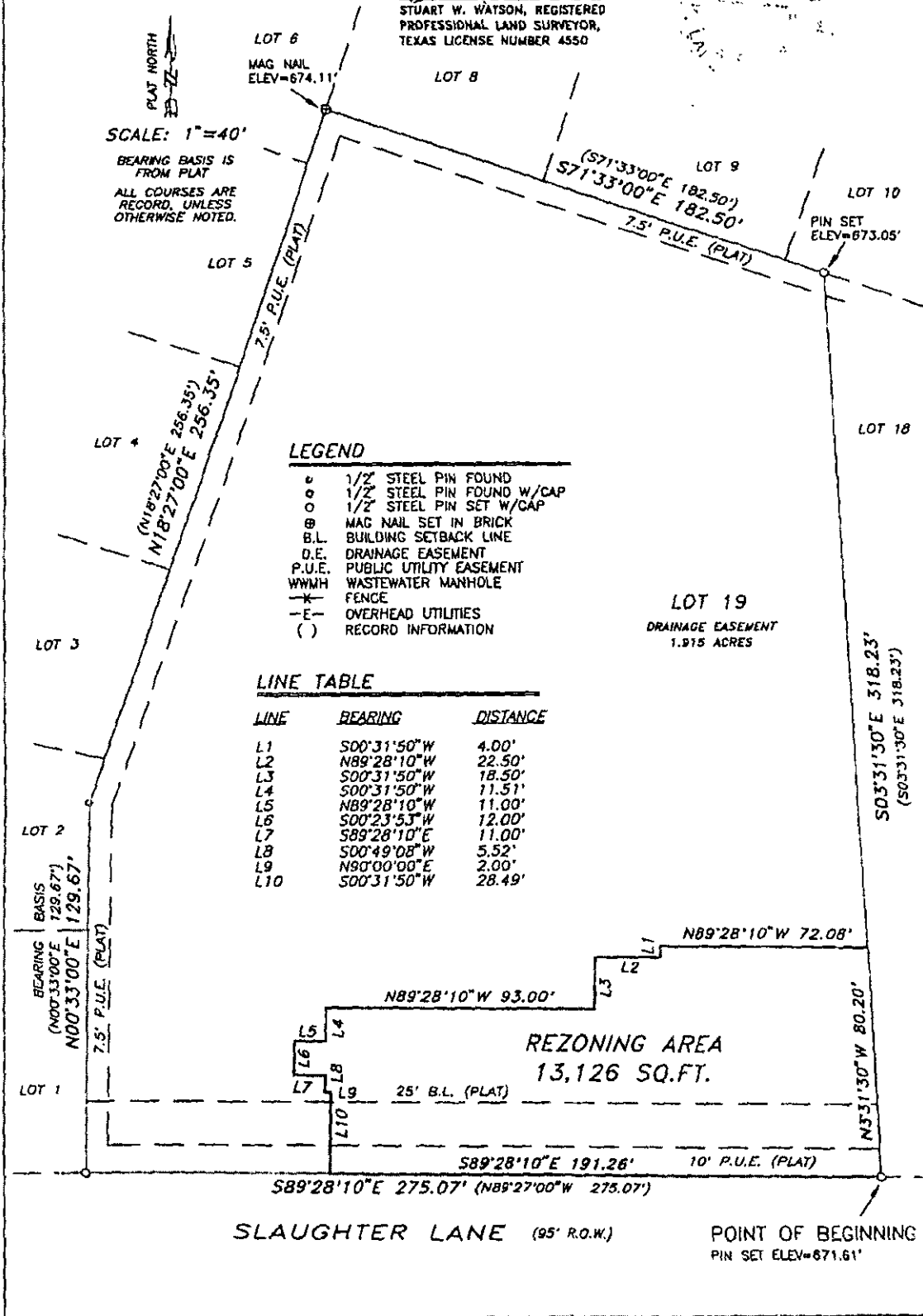
SKETCH TO ACCOMPANY FIELD NOTES OF 13,126 SQUARE FEET OF LAND OUT OF LOT 19, BLOCK M, BUCKINGHAM ESTATES PHASE IV, SECTION C, A SUBDIVISION RECORDED IN VOLUME 84, PAGE 61C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS

REFERENCE: L19BE-20

ADDRESS:
 718 SLAUGHTER LANE

DATED THIS 21 DAY OF OCTOBER, 2010:

Stuart W. Watson
 STUART W. WATSON, REGISTERED
 PROFESSIONAL LAND SURVEYOR,
 TEXAS LICENSE NUMBER 4550



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Oct 26, 2012 02:48 PM

2012182002

HAYWOODK: \$36.00

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.