

ORIGINAL FILED  
BUT NOT COMPARED

COPY

JAN 09 2013

Zoning Case No. C14-2012-0099

*Dancy E. Roster*  
County Clerk, Williamson Co. TX

**RESTRICTIVE COVENANT**

OWNER: Connie Myers  
Cheryl Myers

ADDRESS: 205 S. Beach Street  
Burnet, Texas 78611

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: Lot 2, Block 1, Sonic Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Plat Book J, Page 366, Document no. 1990032422 of the Plat Records of Travis County, Texas.

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. Hours of operation for a business located on the Property are prohibited from 12:00 a.m. to 6:00 a.m.
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.

AUSTIN CITY CLERK  
RECEIVED


2013 JAN 11  
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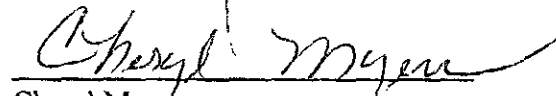
#77; 12-13-12 Agenda

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.

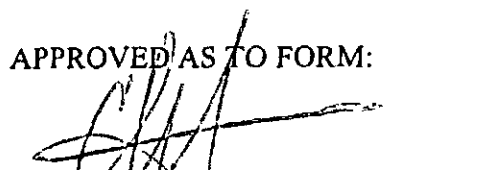
EXECUTED this the 13 day of December, 2012.

**OWNERS:**

  
\_\_\_\_\_  
Connie Myers

  
\_\_\_\_\_  
Cheryl Myers

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Chad Shaw  
Assistant City Attorney  
City of Austin

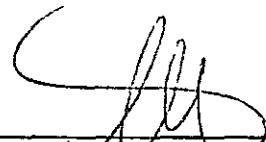
THE STATE OF TEXAS

COUNTY OF Burnet

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This instrument was acknowledged before me on this the 13 day of December, 2012, by Connie Myers.



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

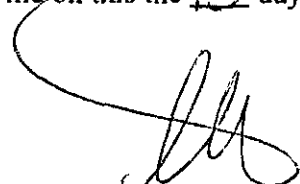
THE STATE OF TEXAS

COUNTY OF Burnet

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This instrument was acknowledged before me on this the 13 day of December, 2012, by Cheryl Myers.



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

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