



RETURN THIS SIGN OFF SHEET AFTER REVIEWING DOCUMENTS

TO: Tori Haase
Planning and Development Review Dept.

FROM: Michele Thompson, Paralegal, 974-2342
Law Dept.; FAX 974-2912

DATE: October 1, 2015

SUBJECT: Zoning File No. C14-2015-0078(RC)
1411 West 5th/403 Paul St

PLEASE REVIEW THE FOLLOWING DOCUMENTS.

If revisions are necessary, let me know as soon as possible and send written revisions. If acceptable, sign and return this sheet. Zoning cases should **NOT** be put on Council agenda until you have all documents necessary and this sheet has been returned to me.

1. ORDINANCE DRAFT.
2. ORIGINAL RESTRICTIVE COVENANT (TERMINATION OR AMENDMENT).
3. ORIGINAL STREET DEED

If the document (#2 or #3) is acceptable, have the original executed by the owner of the property and notarized. When signed and acknowledged return it to me along with a check for recording fees payable to appropriate county clerk.

NOTE: ONLY THE CURRENT OWNER OF THE SUBJECT PROPERTY HAS AUTHORITY TO SIGN THESE DOCUMENTS.

Ordinance	___ acceptable	___ unacceptable
Restrictive Covenant		
(Termination/Amendment)	___ acceptable	___ unacceptable; Recording fees\$
Street Deed	___ acceptable	___ unacceptable; Recording fees: \$
Legal description	___ not accurate. (Attach/provide correct description)	
Conditions	___ Revise as follows: Include in Comments below.	

COMMENTS:

Case Manager signature _____

Date _____

Thank you.

Michele

Attachments

Rev. 3/2012

RESTRICTIVE COVENANT

OWNER: Matthew-Barnes Brothers Investments, LP, a Texas limited partnership

ADDRESS: 11750D Research Boulevard, Austin, Texas 78759

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:

1411 West 5th Street: Lots 10 - 12, Block 1, Outlot 1, Division Z, Pressler Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 2, Page 137, of the Plat Records of Travis County, Texas,

403 Paul Street: Lots 7-9, Block 1, Outlot 1, Division Z, Pressler Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 2, Page 137, of the Plat Records of Travis County, Texas, plus the vacated portion of the adjacent alley as recorded in Volume 943, Page 444 of the Real Property Records of Travis County, Texas (cumulatively referred to as the "Property"),

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 use of sound equipment to amplify sound on the Property shall be prohibited.
2. A late hours permit under City Code Section 25-2-808 (*Restaurants and Cocktail Lounges*) shall be prohibited.
3. 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 _____ day of _____, 2015.

OWNER:

Matthew-Barnes Brothers Investments, LP, a Texas limited partnership

By: D.R. Brothers Management, LLC, a Texas limited liability company, its general partner

By: _____
Duke M. Covert, Member/Manager

By: _____
Danay C. Covert, Member/Manager

By: _____
Rox B. Covert, Member/Manager

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the ____ day of _____, 2015, by Duke M. Covert, Member/Manager of D.R. Brothers Management, LLC, a Texas limited liability company, general partner of Matthew-Barnes Brothers Investments, LP, a Texas limited partnership.

Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the ____ day of _____, 2015, by Danay C. Covert, Member/Manager of D.R. Brothers Management, LLC, a Texas limited liability company, general partner of Matthew-Barnes Brothers Investments, LP, a Texas limited partnership.

Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the ____ day of _____, 2015, by Rox B. Covert, Member/Manager of D.R. Brothers Management, LLC, a Texas limited liability company, general partner of Matthew-Barnes Brothers Investments, LP, a Texas limited partnership.

Notary Public, State of Texas

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