



Zoning Case No. C14-04-0038

RESTRICTIVE COVENANT

OWNER: Stacey Shackelford

ADDRESS: 6501 Harrogate Drive, 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: Lot F, Mountain Shadows Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 25, Page 2, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner 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. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
2. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas, or, on the Grow Green Native and Adapted Landscape Plants list attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
4. 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.
5. 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.
6. 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.

6-10-24

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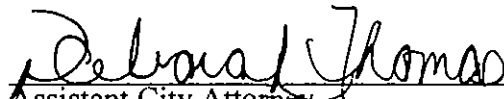
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 8 day of June, 2004.

OWNER:


Stacey Shackelford

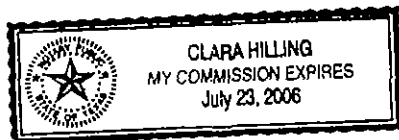
APPROVED AS TO FORM:

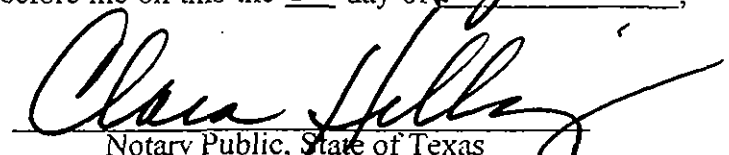

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8th day of June, 2004, by Stacey Shackelford.




Notary Public, State of Texas

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

EXHIBIT A

Grow Green Native and Adapted Landscape Plants

Trees

| | |
|---|--|
| Ash, Texas <i>Fraxinus texensis</i> | Oak, Escarpment Live <i>Quercus fusiformis</i> |
| Arizona Cypress <i>Cupressus arizonica</i> | Oak, Lacey <i>Quercus glaucooides</i> |
| Big Tooth Maple <i>Acer grandidentatum</i> | Oak, Monterey (Mexican White) <i>Quercus polymorpha</i> |
| Cypress, Bald <i>Taxodium distichum</i> | Oak, Shumard <i>Quercus shumardii</i> |
| Cypress, Montezuma <i>Taxodium mucronatum</i> | Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>) |
| Elm, Cedar <i>Ulmus crassifolia</i> | Pecan <i>Carya illinoensis</i> |
| Elm, Lacebark <i>Ulmus parvifolia</i> | Soapberry <i>Sapindus drummondii</i> |
| Honey Mesquite <i>Prosopis glandulosa</i> | |
| Oak, Bur <i>Quercus macrocarpa</i> | |
| Oak, Chinquapin <i>Quercus muhlenbergii</i> | |
| Oak, Southern Live <i>Quercus virginiana</i> | |

Small Trees/Large Shrubs

| | |
|---|--|
| Anacacho Orchit Tree <i>Bauhinia congesta</i> | Persimmon, Texas <i>Diospyros texana</i> |
| Buckeye, Mexican <i>Ungnadia speciosa</i> | Pistachio, Texas <i>Pistacia texana</i> |
| Buckeye, Rec <i>Aesculus pavia</i> | Plum, Mexican <i>Prunus mexicana</i> |
| Caolina Buckthorn <i>Rhamnus caroliniana</i> | Pomegranate <i>Punica granatum</i> |
| Cherry Laurel <i>Prunus caroliniana</i> | Redbud, Mexican <i>Cercis canadensis</i> 'mexicana' |
| Crape Myrtle <i>Lagerstroemia indica</i> | Redbud, Texas <i>Cercis canadensis</i> var. 'texensis' |
| Desert Willow <i>Chilopsis linearis</i> | Retama Jerusalem Thorn <i>Parkinsonia aculeata</i> |
| Dogwood, Roughleaf <i>Cornus drummondii</i> | Senna, Flowering <i>Cassia corymbosa</i> |
| Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i> | Smoke Tree, American <i>Cotinus obovatus</i> |
| Eve's Necklace <i>Sophora affinis</i> | Sumac, Flameleaf <i>Rhus lanceolata</i> |
| Goldenball Leadtree <i>Leucaena retusa</i> | Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i> |
| Holly, Possumhaw <i>Ilex decidua</i> | Viburnum, Sandankwa <i>Viburnum suspensum</i> |
| Holly, Yaupon <i>Ilex vomitoria</i> | |
| Mountain Laurel, Texas <i>Sophora secundiflora</i> | |

Shrubs

| | |
|--|--|
| Abelia, Glossy <i>Abelia grandiflora</i> | Nandina <i>Nandina domestica</i> 'Compacta |
| Agarita <i>Berberis trifoliata</i> | nana' 'Gulf Stream' |
| Agave (Century Plant) <i>Agave sp.</i> | Oleander <i>Nerium oleander</i> |
| American Beautyberry <i>Callicarpa</i> | Palmetto <i>Sabal minor</i> |
| <i>americana</i> | Prickly Pear <i>Opuntia engelmannii</i> var. |
| Artemisia <i>Artemisia</i> 'Powis Castle' | <i>lindheimeri</i> |
| Barbados Cherry <i>Malpighia glabra</i> | Rose, Belinda's Dream <i>Rosa</i> 'Belinda's |
| Barberry, Japanese <i>Berberis thunbergii</i> | Dream' |
| 'Atropurpurea' | Rose, Lamarne <i>Rosa</i> 'Lamarne' |
| Basket Grass (Sacahuista) <i>Nolina texana</i> | Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy' |
| Black Dalea <i>Dalea frutescens</i> | Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie' |
| Bush Germander <i>Teucrium fruticans</i> | Rose, Martha Gonzales <i>Rosa</i> 'Martha |
| Butterfly Bush <i>Buddleja davidii</i> | Gonzales' |
| Butterfly Bush, Woolly <i>Buddleja</i> | Rose, Mutabilis <i>Rosa</i> 'Mutabilis' |
| <i>marrubifolia</i> | Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild' |
| Coralberry <i>Symphoricarpos orbiculatus</i> | Rose, Old Blush <i>Rosa</i> 'Old Blush' |
| Cotoneaster <i>Cotoneaster sp.</i> | Rose, Perle d'or <i>Rosa</i> 'Perle d'or' |
| Eleagnus <i>Eleagnus pungens</i> | Rock Rose <i>Pavonia lasiopetala</i> |
| Esperanza/Yellow Bells <i>Tecoma stans</i> | Rosemary <i>Rosmarinus officinalis</i> |
| Flame Acanthus <i>Anisacanthus</i> | Sage, Mountain <i>Salvia regia</i> |
| <i>quadrifidus</i> var. <i>wrightii</i> | Sage, Texas (Cenizo) <i>Leucophyllum</i> |
| Fragrant Mimosa <i>Mimosa borealis</i> | <i>frutescens</i> |
| Holly, Burford <i>Ilex cornuta</i> 'Burfordii' | Senna, Lindheimer <i>Cassia</i> |
| Holly, Dwarf Chinese <i>Ilex cornuta</i> | <i>lindheimeriana</i> |
| 'Rotunda nana' | Southern Wax Myrtle <i>Myrica cerifera</i> |
| Holly, Dwarf Yaupon <i>Ilex vomitoria</i> | Sumac, Evergreen <i>Rhus virens</i> |
| 'Nana' | Sumac, Fragrant (Aromatic) <i>Rhus</i> |
| Jasmine, Primrose <i>Jasminum mesnyi</i> | <i>aromatica</i> |
| Kidneywood <i>Eysenhardtia texana</i> | Texas Sotol <i>Dasylirion texanum</i> |
| Lantana, Native <i>Lantana horrida</i> | Turk's Cap <i>Malvaviscus arboreus</i> |
| Mistflower, Blue (Blue Boneset) | Yucca, Palcleaf <i>Yucca pallida</i> |
| <i>Eupatorium coelestinum</i> | Yucca, Red <i>Hesperaloe parviflora</i> |
| Mistflower, White (Shrubby White | Yucca, softleaf <i>Yucca recurvifolia</i> |
| Boneset) <i>Ageratina havanense</i> | Yucca, Twistleaf <i>Yucca rupicola</i> |
| Mock Orange <i>Philadelphus coronarius</i> | |

Perennials

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|--|--|
| Black-eyed Susan <i>Rudbeckia hirta</i> | Lantana, Trailing <i>Lantana montevidensis</i> |
| Bulbine <i>B. frutescens</i> or <i>caulescens</i> | Marigold, Mexican Mint <i>Tagetes lucida</i> |
| Bush Morning Glory <i>Ipomoea fistulosa</i> | Obedient Plant, Fall <i>Physostegia virginiana</i> |
| Butterfly Weed <i>Asclepias tuberosa</i> | Oregano, Mexican <i>Poliomintha longiflora</i> |
| Butterfly Weed 'Mexican' <i>Asclepias curassivica</i> | Penstemon <i>Penstemon</i> sp. |
| Cast Iron Plant <i>Aspidistra elatior</i> | Phlox, Fragrant <i>Phlox pilosa</i> |
| Chile Pequin <i>Capsicum annuum</i> | Pink Skullcap <i>Scutellaria suffrutescens</i> |
| Cigar Plant <i>Cuphea micropetala</i> | Plumbago <i>Plumbago auriculata</i> |
| Columbine, Red <i>Aquilegia canadensis</i> | Poinciana, Red Bird of Paradise, Pride of Barbados |
| Columbine, Yellow <i>Aquilegia chrysantha</i> 'Texas Gold' | <i>Caesalpinia pulcherrima</i> |
| Coreopsis <i>Coreopsis lanceolata</i> | Primrose, Missouri <i>Oenothera macrocarpa</i> |
| Daisy, Blackfoot <i>Melampodium leucanthum</i> | Purple Coneflower <i>Echinacea purpurea</i> |
| Daisy, Copper Canyon <i>Tagetes lemmonii</i> | Ruellia <i>Ruellia brittoniana</i> |
| Damiantia <i>Crysactina mexicana</i> | Sage, Cedar <i>Salvia roemeriana</i> |
| Fall Aster <i>Aster oblongifolius</i> | Sage, Jerusalem <i>Phlomis fruticosa</i> |
| Fern, River <i>Thelypteris kunthii</i> | Sage, Majestic <i>Salvia guaranitica</i> |
| Firebush <i>Hamelia patens</i> | Sage, Mealy Blue <i>Salvia farinacea</i> |
| Gaura <i>Gaura lindeheimeri</i> | Sage, Mexican Bush <i>Salvia leucantha</i> |
| Gayfeather <i>Liatris mucronata</i> | Sage, Penstemon, Big Red Sage <i>Salvia penstemonoides</i> |
| Gregg Dalea <i>Dalea greggii</i> | Sage, Russian <i>Perovskia atricplifolia</i> |
| Hibiscus, Perennial <i>Hibiscus moscheutos</i> , <i>Hibiscus coccineus</i> | Sage, Scarlet or 'Tropical' <i>Salvia coccinea</i> |
| Honeysuckle, Mexican <i>Justicia spicigera</i> | Salvia, Gregg (Cherry Sage) <i>Salvia greggii</i> |
| Hymenoxys (Four Nerve Daisy) <i>Tetranneuris scaposa</i> | Shrimp Plant <i>Justicia brandegeana</i> |
| Indigo Spires <i>Salvia</i> 'Indigo Spires' | Texas Betony <i>Stachys coccinea</i> |
| Iris, Bearded <i>Iris albicans</i> | Verbena, Prairie <i>Verbena bipinnatifida</i> |
| Iris, Butterfly/Bicolor (African) <i>Dietes</i> sp. | Yarrow <i>Achillea millefolium</i> |
| Lamb's Ear <i>Stachys byzantina</i> | Zexmenia <i>Wedelia texana</i> |
| Lantana <i>Lantana x hybrida</i> (many varieties) | |

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2004 Jun 28 09:56 AM 2004122659

GONZALES \$24.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS