



## Zoning Case No. C14-05-0150

RESTRICTIVE COVENANT

OWNER: John M. Harmon and wife, Joyce W. Harmon

ADDRESS: 3226 West Slaughter Lane, Austin, Texas 78748

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 29.399 acre tract of land, more or less, out of the Theodore Bissell Survey No. 18, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

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.

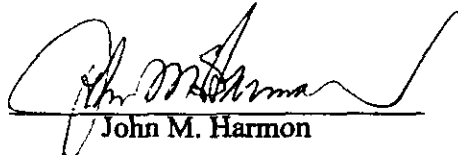
1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. Development of the Property shall comply with the following regulations:
  - a) the maximum impervious cover is 139,000 square feet;
  - b) the maximum impervious cover is 3.19 acres;
  - c) the maximum density is 6.2 dwelling units per acre; and
  - d) the maximum density is 182 dwelling units.
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.
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.

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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 8<sup>th</sup> day of August, 2006.

OWNER:

  
John M. Harmon

  
Joyce W. Harmon

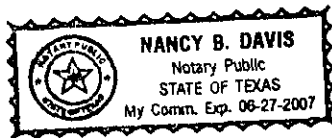
APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of August, 2006, by John M. Harmon.



Nancy B. Davis  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of August, 2006, by Joyce W. Harmon.



Nancy B. Davis  
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

29.399 Acres  
Theodore Bissell Survey No. 18  
Travis County, Texas

EXHIBIT A

FN 3684(WGH)  
April 15, 2005  
SAM, Inc. Job No. 25081-01

DESCRIPTION OF A 29.399 ACRE TRACT OF LAND LOCATED IN THE THEODORE BISSELL SURVEY No. 18 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 30.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JOHN M. HARMON AND WIFE, JOYCE W. HARMON, RECORDED IN VOLUME 7589, PAGE 370 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½-inch iron rod found in the north right-of-way (ROW) line of West Slaughter Lane as dedicated in Volume 10753, Page 1651 of the Real Property Records of Travis County, Texas, being the southeast corner of Lot 1-D, Block A of the Resubdivision of Amended Sandahl-Brodie Subdivision Section Two, recorded under Document No. 200400173 of the Official Public Records of Travis County, Texas, and being in the west line of said called 30.00 acre tract, for the southwest corner hereof;

**THENCE**, leaving the said north ROW line with the east lines of said Resubdivision Plat and a called 8.435 acre tract of land described in a deed to Shady Hollow Retail Partners, Ltd., recorded under Document No. 2003018644 of the Official Public Records of Travis County, Texas, being the west line of said called 30.00 acre tract, N 27°52'08" E, passing a ½-inch iron rod found at 833.67 feet, in all a distance of 1683.40 feet to a 5/8-inch iron rod found being the northeast corner of the said called 8.435 acre tract, being in the south line of Cherry Creek Section 10-A, recorded in Volume 86, Page 16C of the Plat Records of Travis County, Texas, and being the northwest corner of said called 30.00 acre tract and the northwest corner hereof;

**THENCE**, with the common line between the said Cherry Creek Section 10-A and the said called 30.00 acre tract, S 62°28'31" E, passing a ½-inch iron rod found at 126.10 feet, passing a ½-inch iron rod found at 201.32 feet, passing a ½-inch iron rod found at 261.19 feet, passing a 1/2"-inch iron rod found at 321.28 feet, in all a distance of 370.53 feet to a 4-inch brass disc in concrete being in the south line of the said Section 10-A, being the western-most northwest corner of Cherry Creek Section 10-C, recorded in Volume 86, Page 76C of the Plat Records of Travis County, Texas, and being the northern-most northeast corner of said called 30.00 acre tract and the northern-most northeast corner hereof;

**THENCE**, with the common lines between the said Cherry Creek Section 10-C and the said called 30.00 acre tract the following two (2) courses and distances:

1. S 26°33'29" W, a distance of 350.66 feet to a ½-inch iron rod set with plastic "SAM" cap for an interior corner hereof, and
2. S 62°56'20" E, a distance of 481.69 feet to a ½-inch iron rod found in the south line of the said Section 10-C, being the northwest corner of Trian Addition Lot A, recorded in Volume 76, Page 331 of the Plat Records of Travis County, Texas, and being the eastern-most northeast corner of said called 30.00 acre tract and the eastern-most northeast corner hereof;

29.399 Acres  
Theodore Bissell Survey No. 18  
Travis County, Texas

FN 3684(WGH)  
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**THENCE**, with the common line between the said Trian Addition and the said called 30.00 acre tract, S 27°52'00" W, a distance of 1341.07 feet to a ½-inch iron rod found for the southwest corner of the said Trian Addition, being in the said north ROW line of West Slaughter Lane as dedicated in Volume 10753, Page 1651 of the Real Property Records of Travis County, Texas, and being the southeast corner hereof;

**THENCE**, with the said north ROW line, N 62°10'58" W, a distance of 860.25 feet to the **POINT OF BEGINNING**, containing 29.399 acres of land, more or less.

STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Michael R. Hatcher, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during March, 2005 and April, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 15<sup>th</sup> day of April, 2005 A.D.

SURVEYING AND MAPPING, Inc.  
5508 West Highway 290, Building B  
Austin, Texas 78735

  
Michael R. Hatcher  
Registered Professional Land Surveyor  
No. 4259 - State of Texas

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2006 Aug 10 02:10 PM 2006153858

CORTEZY \$32.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS

