



## Zoning Case No. C14-2009-0162

RESTRICTIVE COVENANT

OWNER: Mohammad M. Boujabadi

ADDRESS: 11902 North IH-35, Austin, Texas 78753

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 106, Walnut Forest Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 6, Page 127, of the Plat Records of Travis County, Texas.

WHEREAS, the Owners (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.

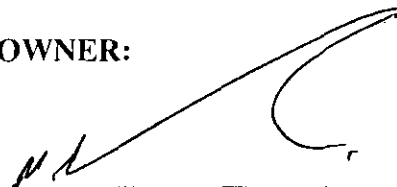
1. A 25-foot wide vegetative buffer shall be provided beginning from the west property line and extending its entire length. Within the buffer zone a minimum of eight evergreen Class I or Class II utility compatible trees shall be established and maintained. Improvements permitted within the buffer zone are limited to trees and other prescribed vegetation, drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this Agreement.
2. To enhance the care and longevity of the large existing live oaks located in the middle of the Property the following is required under the supervision or approval of the City Arborist.
  - a) A pruning plan by a certified arborist for removal of dead and fire damaged branches;
  - b) A natural undisturbed buffer zone to be established and maintained:
    - i) from the northern and eastern portions of the tree trunks extending for a ten foot radius; and,
    - ii) from the southern and western portions of the tree trunks extending to the south and west property lines.
  - c) The buffer area shall have asphalt removed by hand tools and the underlying ground area shall undergo a prescribed treatment from a certified arborist using soil amendments, aeration, and mulching as needed.

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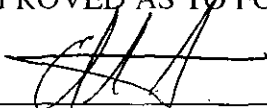
3. Construction on the Property shall not encroach on areas within a tree canopy or disturb or impact root zones.
4. Twenty-four hour commercial operations or uses of the Property are prohibited.
5. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the 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.
6. 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.
7. 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.
8. 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 25 day of May, 2010.

OWNER:

  
\_\_\_\_\_  
Mohammad M. Boujabadi

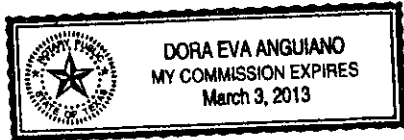
APPROVED AS TO FORM:

  
\_\_\_\_\_  
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 25 day of May, 2010, by Mohammad M. Boujabadi.



*Dora Anguiano*  
Notary Public, State of Texas

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

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2010 Jun 03 09:13 AM 2010078858

HAYWOODK \$24.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS