

Zoning Case No. C14-2020-0131**RESTRICTIVE COVENANT**

OWNER: David Arthur Malone, Molly Sue Malone Denham, and Jimmye Jo Malone

OWNER ADDRESS: David Arthur Malone
141 Rio Gabriel Drive, Liberty Hill, TX 78642

Molly Sue Malone Denham
10207 Slaughter Creek Drive, Austin, TX 78748

Jimmye Jo Malone
10107 Slaughter Creek Drive, Austin, TX 78748

CITY: **CITY OF AUSTIN, TEXAS**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

CITY's ADDRESS: P.O. Box 1088
Austin, Travis County, Texas 78767-1088

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 are acknowledged.

PROPERTY: Being 5.20 acres of land out of the Stephen F. Slaughter Survey No. 1, Abstract No. 20, Travis County, Texas, being all of that 5.234 acre tract recorded in Document No. 2015067626, Official Public Records, Travis County, Texas, said 5.20 acres of land being more particularly described by metes and bounds in the attached **Exhibit "A."**

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 ("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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis (“NTA”) memorandum from the Transportation Development Services division of the Austin Transportation Department (the “Department”), dated June 30, 2021. The NTA memorandum shall be kept on file at the Department.
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.
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 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.

(Remainder of page intentionally left blank)

EXECUTED this the _____ day of _____, 2021.

Owner:

David Arthur Malone, Molly Sue Malone Denham, and Jimmye Jo Malone

David Arthur Malone

Molly Sue Malone Denham

Jimmye Jo Malone

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____
2021, by David Arthur Malone.

.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____
2021, by Molly Sue Malone Denham.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF _____ §

 This instrument was acknowledged before me on this the _____ day of _____
2021, by Jimmye Jo Malone.

Notary Public, State of Texas

APPROVED AS TO FORM:

Name: _____
Assistant City Attorney
City of Austin

EXHIBIT "A"

BEING 5.20 ACRES OF LAND, OUT OF THE STEPHEN F. SLAUGHTER SURVEY NUMBER 1, ABSTRACT NUMBER 20, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN JIMMY JO MALONE, DAVID ARTHUR MALONE AND MOLLY SUE MALONE DENHAM 5.234 ACRE TRACT, RECORDED IN DOCUMENT NUMBER 2015067626, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 5.20 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod found in the northerly right-of-way line of Genoa Drive, at the southwest corner of Lot B, The Amended Plat of Resubdivision of Lot 1, Texas Oaks Three, a subdivision recorded in Document Number 201500142, Official Public Records, said county, same being the southeast corner of said 5.234 acre tract, for the southeast corner hereof;

THENCE along said Genoa Drive and the southerly line of said 5.234 acre tract, the following 3 calls,

1. South 87 degrees 32 minutes 48 seconds West, 323.18 feet to an iron rod set at the beginning of a curve to the left having a radius of 335.00 feet,
2. Along said curve whose chord bears, South 76 degrees 44 minutes 18 seconds West, 125.45 feet to an iron rod set at the end of said curve,
3. North 71 degrees 44 minutes 59 seconds West, 31.38 feet to an iron rod set at the intersection of said Genoa Drive and the easterly right-of-way line of Slaughter Creek Drive, being at the beginning of a curve to the right having a radius of 255.86 feet, same being the southwest corner of said 5.234 acre tract, for the southwest corner hereof;

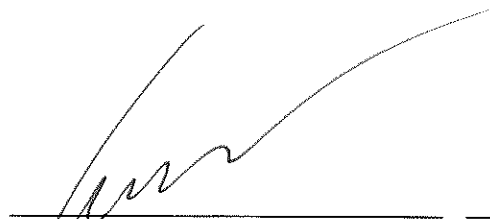
THENCE along said Slaughter Creek Drive and the westerly line of said 5.234 acre tract, the following 4 calls,

1. Along said curve whose chord bears, North 04 degrees 24 minutes 12 seconds West, 146.09 feet to the end of said curve,
2. North 78 degrees 00 minutes 22 seconds West, 2.84 feet to an iron rod found,
3. North 12 degrees 08 minutes 45 seconds East, 364.01 feet to an iron rod set,
4. North 50 degrees 31 minutes 01 seconds East, 24.13 feet to a chiseled "X" mark set in a concrete culvert at the intersection of said Slaughter Creek Drive and the southerly right-of-way line of Slaughter Lane, same being the northwest corner of said 5.234 acre tract, for the northwest corner hereof;

THENCE North 87 degrees 41 minutes 58 seconds East, along said Slaughter Lane and the northerly line of said 5.234 acre tract, 372.48 feet to an iron rod found at the northwest corner of Lot A, said subdivision, same being the northeast corner of said 5.234 acre tract, for the northeast corner hereof;

THENCE South 02 degrees 27 minutes 09 seconds East, along the westerly line of said Lots A and B, along the easterly line of said 5.234 acre tract, 500.08 feet to the POINT OF BEGINNING.

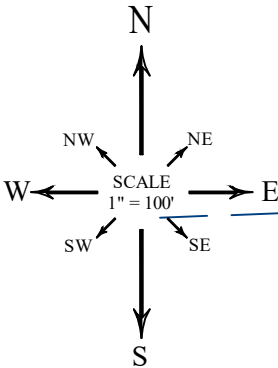
THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.


EDWARD RUMSEY
TX R.P.L.S. No. 5729
Job No. A0506120

06/02/2020
Date



0 100 200



MALONE ADDITION NO. 2
AMENDED
(VOL. 66, PG. 99)

TANGLEWOOD SELF STORAGE
(VOL. 97, PG. 30)
LESS R.O.W. TAKING
(VOL. 10769, PG. 717)
(VOL. 10769, PG. 722)

LEGEND

- 1/2" ROD FOUND
- "X" SCRIBE SET IN CONC.
- 1/2" ROD W/CAP SET "ALLSTAR 5729"
- MAG NAIL SET
- WIRE FENCE
- DE DRAINAGE ESMT
- WE WATERLINE ESMT
- () RECORD INFORMATION
- UTILITY POLE
- OH OVERHEAD UTILITY LINE(S)
- MANHOLE
- P.O.B. POINT OF BEGINNING
- TREE
- (M) MULTI-STEMMED TREE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 71°44'59" W	31.38'
(L1)	(N 71°44'59" W)	(31.38')
L2	N 78°00'22" W	2.84'
(L2)	(N 78°00'22" W)	(2.84')
L3	N 50°31'01" E	24.13'
(L3)	(N 50°31'01" E)	(24.13')

ALTA/NSPS LAND TITLE SURVEY

SLAUGHTER LANE

5.20 ACRES

226296.70 SQ. FT.

GENOA DRIVE

THE HOLLOW AT SLAUGHTER CREEK
SECTION 1
(DOC. NO. 200800072)
OPRTCT

BEARING BASIS:
BEARINGS ARE GRID NORTH BASED ON THE TEXAS
COORDINATE SYSTEM CENTRAL TEXAS ZONE (4203)
NAD83 HARN HORIZONTAL CONTROL.

CURVE TABLE				
CURVE	RADIUS	ARC	BEARING	CHORD
C1	335.00'	126.20'	S 76°44'18" W	125.45'
(C1)	(335.00')	(126.20')	(S 76°43'49" W)	(125.45')
C2	255.86'	148.15'	N 04°24'12" W	146.09'
(C2)	(255.86')	(148.01')	(N 04°34'45" W)	(145.95')
C3	15.00'	21.14'	S 54°46'42" E	19.43'
(C3)	(15.00')	(23.59')	(S 44°54'32" E)	(21.24')
C4	15.00'	23.52'	S 43°02'11" W	21.18'
(C4)	(15.00')	(23.51')	(S 45°33'07" W)	(21.18')

NOTICE
BEFORE DESIGN BEGINS ON THE SUBJECT PROPERTY
THE OWNER SHOULD CHECK THE LOCAL GOVERNING
AUTHORITIES ABOUT BUILDING SETBACKS AND OTHER
BUILDING REQUIREMENTS.

LOT A
THE AMENDED PLAT OF
RESUBDIVISION OF LOT 1,
TEXAS OAKS THREE
(DOC. NO. 201500142)
OPRTCT

LOT B
THE AMENDED PLAT OF
RESUBDIVISION OF LOT 1,
TEXAS OAKS THREE
(DOC. NO. 201500142)
OPRTCT

TEXAS OAKS FOUR-B
(VOL. 87, PG. 17D)
PRTCT

BILBROOK PLACE

TREE LIST	
471	12.25" CEDAR ELM (M)
472	12.5" CEDAR ELM (M)
473	8.75" CEDAR ELM
474	11.5" CEDAR ELM (M)
475	25" MESQUITE (M)
476	16.25" MESQUITE (M)
477	8" CEDER ELM
478	15.25" CEDAR ELM (M)
479	20" MESQUITE (M)
480	17.75" MESQUITE (M)
481	9.5" CEDAR ELM (M)
482	7.25" CEDAR ELM (M)
483	7.5" CEDAR ELM (M)
484	8" CEDAR ELM
485	17.25" MESQUITE (M)
486	8" CEDAR ELM
487	11.75" AMERICAN ELM
488	13" MESQUITE (M)
489	8" MESQUITE
490	15.25" MESQUITE (M)

ADDRESS

FPT HOLDINGS, LLC AND/OR ASSIGNS
1407 SLAUGHTER LANE
AUSTIN, TRAVIS COUNTY, TEXAS

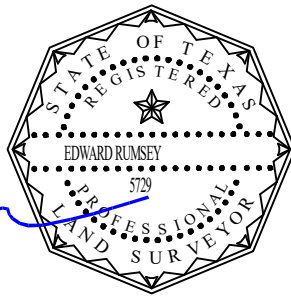
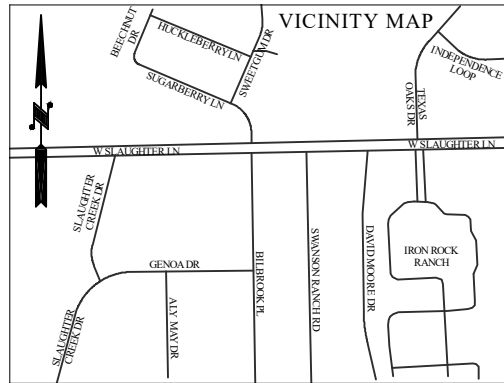
SURVEY DATE:	JUNE 2, 2020	FIELDED BY:	REX NOWLIN	05/29/2020
TITLE CO.:	AUSTIN TITLE COMPANY	CALC. BY:	EDWARD RUMSEY	06/02/2020
G.F. NO.:	AUT-22-004-AUT20006753C	DRAWN BY:	SEAN SUTTON	06/02/2020
JOB NO.:	A0506120	UPDATE BY:	-	-
		RPLS CHECK:	EDWARD RUMSEY	06/02/2020

RESTRICTIONS

SUBJECT TO BLANKET TYPE ELECTRIC EASEMENT GRANTED TO CITY OF AUSTIN IN VOLUME 725, PAGE 471.
SUBJECT TO BLANKET TYPE ELECTRIC AND TELEPHONE LINE EASEMENTS GRANTED TO CITY OF AUSTIN IN VOLUME 4548, PAGE 1465, VOLUME 7863, PAGE 184, VOLUME 8032, PAGE 423, VOLUME 9227, PAGE 422.
SUBJECT TO DRAINAGE EASEMENTS IN VOLUME 10769, PAGE 717, VOLUME 10769, PAGE 722.
TEMPORARY CONSTRUCTION EASEMENT GRANTED TO TRAVIS COUNTY IN VOLUME 10769, PAGE 727 DOES NOT AFFECT SUBJECT TRACT.
WASTEWATER EASEMENT GRANTED TO CITY OF AUSTIN IN DOCUMENT NUMBER 2007095803 DOES NOT AFFECT SUBJECT TRACT.
WASTEWATER LINE EASEMENT GRANTED TO CITY OF AUSTIN IN DOCUMENT NUMBER 2011068536 DOES NOT AFFECT SUBJECT TRACT.
SUBJECT TO TERMS, CONDITIONS AND STIPULATIONS IN VOLUME 6469, PAGE 477.

LEGAL DESCRIPTION

BEING 5.20 ACRES OF LAND OUT OF THE STEPHEN F. SLAUGHTER SURVEY NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN JIMMY JO MALONE, DAVID ARTHUR MALONE AND MOLLY SUE MALONE DENHAM 5.234 ACRE TRACT, RECORDED IN DOCUMENT NUMBER 2015067626, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 5.20 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.



[Signature]

TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO:

AUSTIN TITLE COMPANY

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 4, 7a, b1, 8, 11, and 13 of Table A thereof.
The field work was completed on 05/29/2020.
Date of Plat or Map: 06/02/2020
Edward C. Rumsey
R.P.L.S. # 5729
Note to the client, insurer, and lender - With regard to Table A, item 11, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 5.E.iv. in regards to the underground utilities this surveyor did not use 811 or other similar utility locate requests services for the location of underground utilities and relied only on the referenced title commitment GF No. 2024362-COM by Independence Title Company dated May 13, 2020 as supplied to surveyor. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

F.I.R.M. MAP INFORMATION

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS F.I.R.M. MAP NO. 48453C0590J
PANEL: 0590J
DATED: 01/22/2020

THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

ALLSTAR
Land surveying

9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
TBPLS FIRM NO. 10135000

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