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Zoning Case No. C14-2013-0045RC

RESTRICTIVE COVENANT

FILED IN THE OFFICE OF CITY CLERK
ON 10th DAY OF Dec 20 13
AT 9:00 AM
JVG
CITY CLERK

OWNER: Brian G. Huber

ADDRESS: P.O. Box 30496, Austin, Texas 78755

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 K, McDett Estate Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 63, Page 23 of the Plat Records of Travis County, Texas; and,

Lot 5, Block C, Aqua Verde Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 25, Page 50 of the Plat Records of Travis County, Texas.

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. Owner agrees to impose a Unified Development Agreement on the Property. The agreement will allow the Property to be developed with one single family residence, including all permitted accessory structures that are allowed in the single family residence-standard lot (SF-2) zoning district.
2. Development of the Property shall not exceed an impervious coverage of 10.7 percent on slopes greater than 35 percent.
3. No development on the Property is allowed on greater than 35 percent slopes, except for a driveway, garage and walkway to the main residence. The walkway may be an enclosed heated and cooled space for safety purposes, and support piers shall be allowed, per the design team's structural engineer's discretion. The walkway may encompass up to 700 square feet of impervious cover, to allow for compliance with the City of Austin Fire Code requirements. All walkway impervious cover located on


11-21-03 on Agenda #83

greater than 35% slopes shall count towards the maximum 10.7 percent maximum impervious cover that is allowed on the Property's greater than 35 percent slope areas. No portion of the main residence is allowed on greater than 35 percent slope areas. Owner shall restore remaining portion of the existing driveway with vegetation (native 609S spec) to a stable, non-erosive condition.

4. 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.
5. 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.
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.
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, 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 21st day of NOVEMBER, 2013.

OWNER:



Brian G. Huber

APPROVED AS TO FORM:

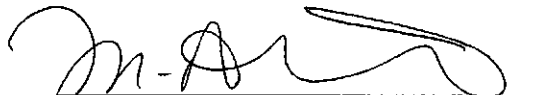

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

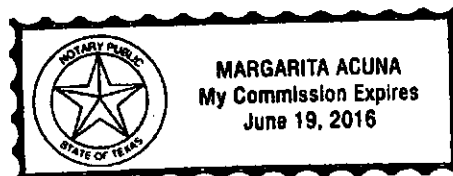
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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 21 day of November, 2013, by Brian G. Huber.



Notary Public, State of Texas

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



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Nov 22, 2013 03:33 PM

2013210040

BENAVIDESV: \$34.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS