

**RESTRICTIVE COVENANT**

OWNER 1: Flats at Burton, L.L.C., a Texas corporation

ADDRESS: 1761 Hardin Lane, Powell, Ohio 43065

OWNER 2: Flats at Mariposa, L.L.C., a Texas corporation

ADDRESS: 1761 Hardin Lane, Powell, Ohio 43065

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: Tract 1  
Lot 6, Block 6 Colorado Hills Estates Subdivision, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 56, Page 100, of the Plat Records of Travis County, Texas,

Tract 2  
A 43,718 sq. ft. 1.004 acre tract of land out of and a part of the Santiago Del Valle Grant in Travis County, being the same tract recorded in Doc. No. 2001178962, Official Public Records of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (cumulatively referred to as the "Property"),

WHEREAS, the Owner (Owner 1 and Owner 2 cumulatively referred to as 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. Sidewalks shall be installed along the northern side of Mariposa Drive and the southern side of Valley Hill Circle from Burton Drive to the cul-de-sac.
2. For Tract 2, the construction of westward-facing balconies on multifamily residential buildings within 40 feet of the western property boundary is prohibited.

3. 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.
4. 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.
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, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2015.

OWNER 1:

Flats at Burton,  
a limited liability corporation,  
a Texas corporation

By: \_\_\_\_\_  
Richard Bruggeman  
Managing Member

OWNER 2:

Flats at Mariposa,  
a limited liability corporation,  
a Texas corporation

By: \_\_\_\_\_  
Richard Bruggeman  
Managing Member

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 \_\_\_\_ day of \_\_\_\_\_, 2015, by Richard Bruggeman, Managing Member of Flats at Burton, L.L.C, a Texas corporation, on behalf of said corporation

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

§

§

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2015, by Richard Bruggeman, Managing Member of Flats at Mariposa, L.L.C, a Texas corporation, on behalf of said corporation

\_\_\_\_\_  
Notary Public, State of Texas

**CRICHTON AND ASSOCIATES, INC.**  
**LAND SURVEYORS**  
6448 HIGHWAY 290 EAST SUITE B-105  
AUSTIN, TEXAS 78723  
512-244-3395

**FIELD NOTES**

**FIELD NOTES FOR A 43,718 SQ. FT OR 1.004 ACRE TRACT OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, BEING THE SAME TRACT RECORDED IN DOC. NO. 2001178962, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found for the South corner of the West terminus of Mariposa Drive, same being in the North line of Lot 1, Parker Heights, Section 3, a subdivision recorded in Volume 51, Page 13, Plat Records, Travis County, Texas, for the Southeast corner of this tract and the **POINT OF BEGINNING**:

**THENCE** N62°59'49"W with the common line of said Lot 1, Parker Heights and this tract a distance of 207.39 feet to a ½" iron rod found in the East line of the La Chenay Condominiums recorded in Volume 9189, Page 232, Real Property Records, Travis County, Texas for the Southwest corner of this tract;

**THENCE** N30°50'26"E with the common line of said La Chenay Condominiums and this tract a distance of 209.67 feet to a ½" iron rod set, being the South common corner of Lot 7, Colorado Hills Estates, Section 6, a subdivision recorded in Volume 56, Page 100, Plat Records, Travis County, Texas for the Northwest corner of this tract;

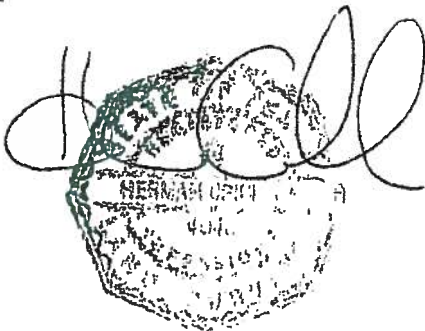
**THENCE** with the common lines of said Lot 6 and this tract the following three (3) courses and distances:

- 1) S63°12'16"E a distance of 192.53 feet to a ½" iron rod found;
- 2) S63°07'03"E a distance of 16.54 feet to a ½" iron rod found for the Northeast corner of this tract;
- 3) S29°07'00"W, at 149.18 feet passing the North corner of the West terminus of Mariposa Drive, continuing along said West terminus, in all a distance of 210.45 feet to the **POINT OF BEGINNING** and containing 43,718 square feet or 1.004 acres of land, more or less.

I hereby certify that the foregoing field notes were prepared partially from a survey on the ground under my supervision and partially from public records and are true and correct to the best of my knowledge and belief.

Witness my hand and seal December 31, 2012

Herman Crichton, R.P.L.S. 4046  
12\_308





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