

RESTRICTIVE COVENANT

OWNER: Estate of Nelma Mueller, by Darlene Mueller Graber, Independent Co-Executor and Donnie Franklin Carter, Independent Co-Executor; and

Donnie Franklin Carter, Individually

OWNER ADDRESS: Donnie Franklin Carter, Individually and as Independent Co-Executor of Estate of Nelma Mueller
7511 Cooper Lane, Austin, Texas 78745

Estate of Nelma Mueller
Darlene Mueller Graber, Independent Co-Executor
8109 Crabtree Cove, Austin, Texas 78750

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: Lot 1, Cooper Lane Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 16, Page 48, Plat Records of Travis County, Texas, and

Lots 1-A, 2-A, 3-A, 4-A, and 5-A, Resubdivision of Lot 2 Cooper Lane Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 62, Page 83, Plat Records of Travis County, Texas (collectively referred to as the "Property"),

,

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 October 1, 2019. 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.

EXECUTED this the _____ day of _____, 2019.

Owner:

Estate of Nelma Mueller, by Darlene Mueller Graber, Independent Co-Executor and Donnie Franklin Carter, Independent Co-Executor; and

Donnie Franklin Carter, Individually

Donnie Franklin Carter, Individually and as Independent Co-Executor

Darlene Mueller Graber, Independent Co-Executor

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____ day of _____ 2019,
by Donnie Franklin Carter, Individually and as Independent Co-Executor of the Estate of Nelma
Mueller.

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____ day of _____ 2019,
by Darlene Mueller Graber, as Independent Co-Executor of the Estate of Nelma Mueller.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

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