



Monday, June 6, 2022

To: Board of Adjustments
City of Austin
301 W 2nd St,
Austin, TX 78701

Reference: - Supplemental Letter - 2717 Long Bow Trail - Case # C15-2022-0012

I am writing to provide you with the additional information requested by the Board of Adjustments during our meeting on April 11, 2022. I have attached a copy of the supporting documents for the comments below and answer the questions and concerns you had during the hearing. Directly below, you will see our justifications for approval, and below that is the backup information concerning the property and the reasoning for our justifications.

Justifications for approval: - The less is more version

1. Based on the slope analysis, the current site only allows for 580.35 sf of IC. We request 1,900 sf of impervious coverage to meet the Apache Shores POA minimum living area requirements, a two-car garage for proper parking, and the required driveway using ribbon designs.
 - a. As an item of reference, this lot will only have 19.5% of the total site area, which is half of the standard IC allowed under typical zoning regulations.
2. The new design that the developer created reduced the originally requested IC by 43% by utilizing a single-car ribbon drive and reducing the house size and footprint.
3. Based on the engineering report and design provided by 3PX engineers, they created a drainage plan that will prevent any additional/adverse runoff created by the proposed development. This plan was created by using Vegetative Strips that are allowed under the ECM Section I - 1.6.7 (B)
4. Without this variance, we will not be able to develop any structure on this property that will meet the COA development regulations and the Apache Shores POA development requirements on the deed restrictions.

Backup Information

Zoning Regulations: The primary basis of our request is that the property has been zoned for both LA (Lake Austin) zoning and the Lake Austin overlay. As shown below, both regulations require a min. of 1-acre lot size per the City of Austin development regulations. The application of the LA regulations on this lot makes it non-developable for reasonable use. The LA regulations are also shown as the strictest zoning regulations specified in 25-2-33 (b).

1. Per 25-2-492 site development regulations, the LA zoned lot must be a minimum of 43,560 SF in size (1 acre), and the lot in question is only 8,822.11 sf (.20 acres). In addition, all LA zone lots are governed by 25-2-551 (C)-3 Impervious coverage restrictions based on a slope analysis of the property.
2. Per 25-2-53 of the Land Development Code - Lake Austin residence (LA) district is the designation for a low density single-family residential use on a lot that is a minimum of one acre, and that is located 1,000 feet or less, measured horizontally, from the 492.8-foot topographic contour line on either side of Lake Austin.
3. The City of Austin zoning guide published in September of 2016 in chapter II states the following.
 - a. The City of Austin has established twelve Zoning Principles to preserve the compatibility of land uses. City Staff, stakeholders, and property owners should use the following principles to evaluate all zoning requests.
 - i. Zoning should be consistent with the Future Land Use Map (FLUM) or adopted neighborhood plan.
 1. This item does not apply to our case
 - ii. Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.

F-2/2-PRESENTATION

- I. Within Apache Shores POA, less than 5% of the overall community has any form of zoning regulation. The current overlay unreasonably restricts the lot's development capabilities.
- iii. Granting a zoning request should result in equal treatment of similarly situated properties.
 - I. Within Apache Shores POA, less than 5% of the overall community has any form of zoning regulation. The current overlay unreasonably restricts the lot's development capabilities.
 2. Lots as close as 100' away have no zoning regulations
- iv. Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.
 - I. This is a lot-specific request on a non-conforming lot and would not result in any negative precedent.
- v. Zoning should allow for reasonable use of the property.
 - I. The current zoning does not allow for any reasonable use of the property.
- vi. Zoning changes should promote compatibility with adjacent and nearby uses and should not negatively impact the neighborhood character.
 - I. The request that we are asking for does not put the development capabilities of this property above or beyond the adjacent properties.
- vii. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.
 - I. The request does not change the land use or density of the area.
- viii. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.
 - I. This section does not apply to our request.
- ix. The request should serve to protect and preserve places and areas of historical and cultural significance. • Zoning should promote clearly identified community goals such as creating employment opportunities or providing affordable housing.
 - I. The request for Impervious Coverage is being made to develop single-family homes that are desperately needed in the greater Austin area.
- x. A change in conditions has occurred within the area, indicating that there is a basis for changing the originally established zoning and/or development restrictions for the property.
 - I. Before 2014 this property did not have any zoning regulations. This zoning overlay was added to the property making the lots non-developable.
- xi. The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.
 - I. The City of Austin has been diligent in allowing for additional development of living units as it is necessary for future growth and the people who are currently here.

Apache Shores HOA Regulations: The following regulations are required by the deed restrictions within the community. These regulations were adopted on November 19, 1969, and recorded with Travis County document # 23-2467

- I. Paragraph #3 states that no residence shall have less than 650 SF of living space on the ground or first floor exclusive of the porch area.

Neighboring Properties: It has come into question the size of the proposed homes compared to the adjacent houses. We have gone through the Travis County property records and have identified the following.

- I. Based on the map attached to this report, 9 houses within a 1,000-foot radius of this lot are within the size range of the proposed projects. If you take the average size of all the houses shown on the map, you will get an average size of 2,443 SF.
 - a. A map showing the locations of the houses along with the TCAD information is attached to this packet.
2. On this map, you will also see 11 vacant lots on the same road (Long Bow Trail) that will be developed, and these lots are not within the COA LA zoning regulations, so they will most likely be constructed the same size larger than our proposed structure.

Conclusion: As you can see, based on the information provided in this report and the prior documentation, there are

F-2/3-PRESENTATION

many reasons why this variance should be approved. I understand that the biggest concern of this area has to do with the Lake Austin watershed, and we have provided an engineered plan that will eliminate that concern.

Regards,

A handwritten signature in black ink that reads "Jonathan Kaplan". The signature is written in a cursive, flowing style.

Jonathan Kaplan
Managing Member

Urban Building Services of Texas LLC
512-768-2789 ext. 501



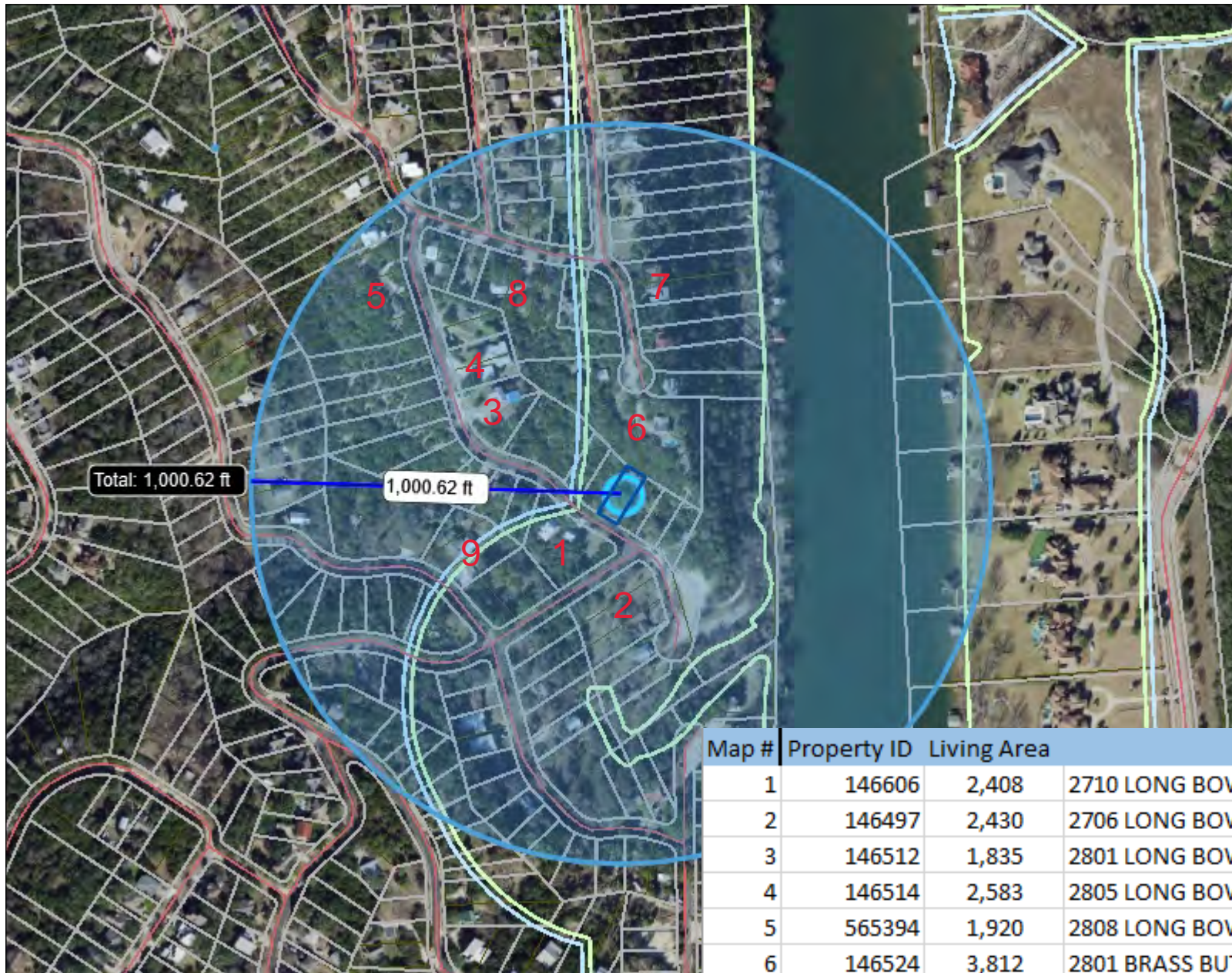


Property Profile

F-2/4-PRESENTATION

Legend

- Streets
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ
- TCAD Parcels
- Lot Line



Total: 1,000.62 ft

1,000.62 ft

Map #	Property ID	Living Area	Address
1	146606	2,408	2710 LONG BOW TRL AUSTIN TX 78734
2	146497	2,430	2706 LONG BOW TRL AUSTIN TX 78734
3	146512	1,835	2801 LONG BOW TRL AUSTIN TX 78734
4	146514	2,583	2805 LONG BOW TRL AUSTIN TX 78734
5	565394	1,920	2808 LONG BOW TRL TX 78734
6	146524	3,812	2801 BRASS BUTTONS TRL TX
7	146529	2,687	2907 BRASS BUTTONS TRL AUSTIN TX 78734
8	146516	2,316	14107 RED FEATHER TRL AUSTIN TX 78734
9	146610	1,994	2613 GERONIMO TRL TX 78734

0.2 0 0.08 0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

This is a legal, professional, and warranted map.



American Institute of Building Design

Certification # 44-752

Office: 512-596-HOME (4663)

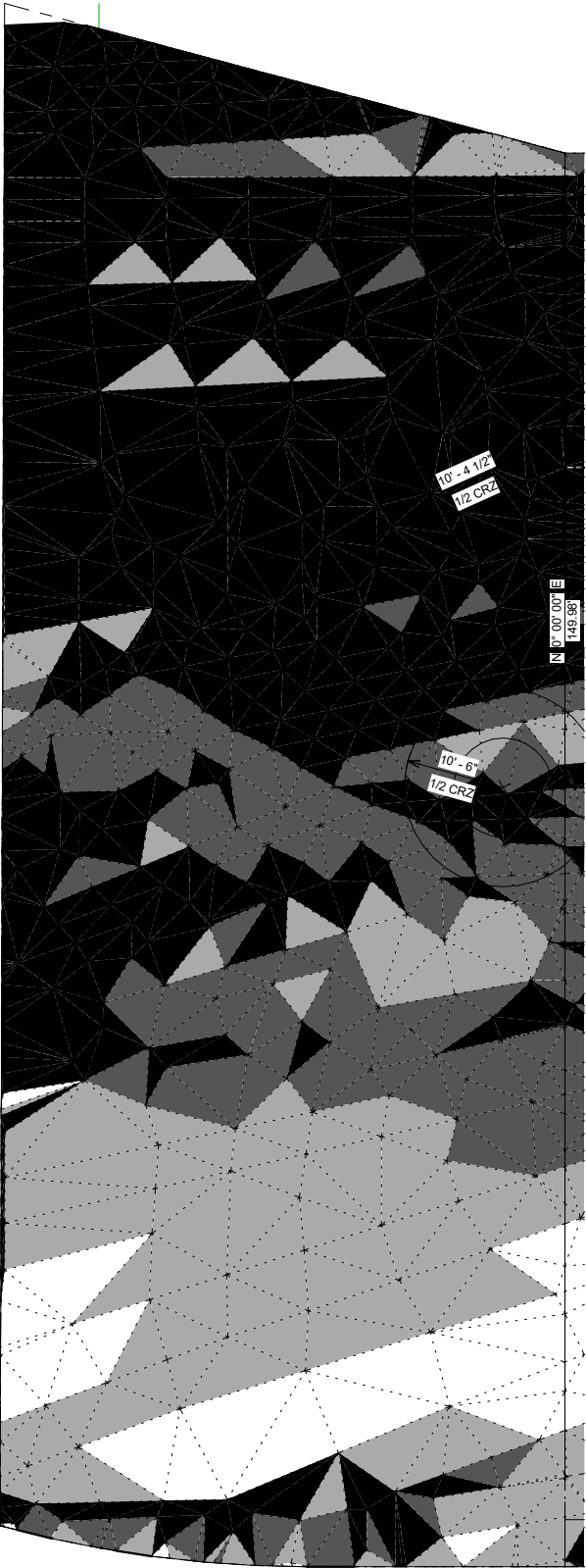
Mobile: 512-920-3439

Email: jon@urbandesignslc.com

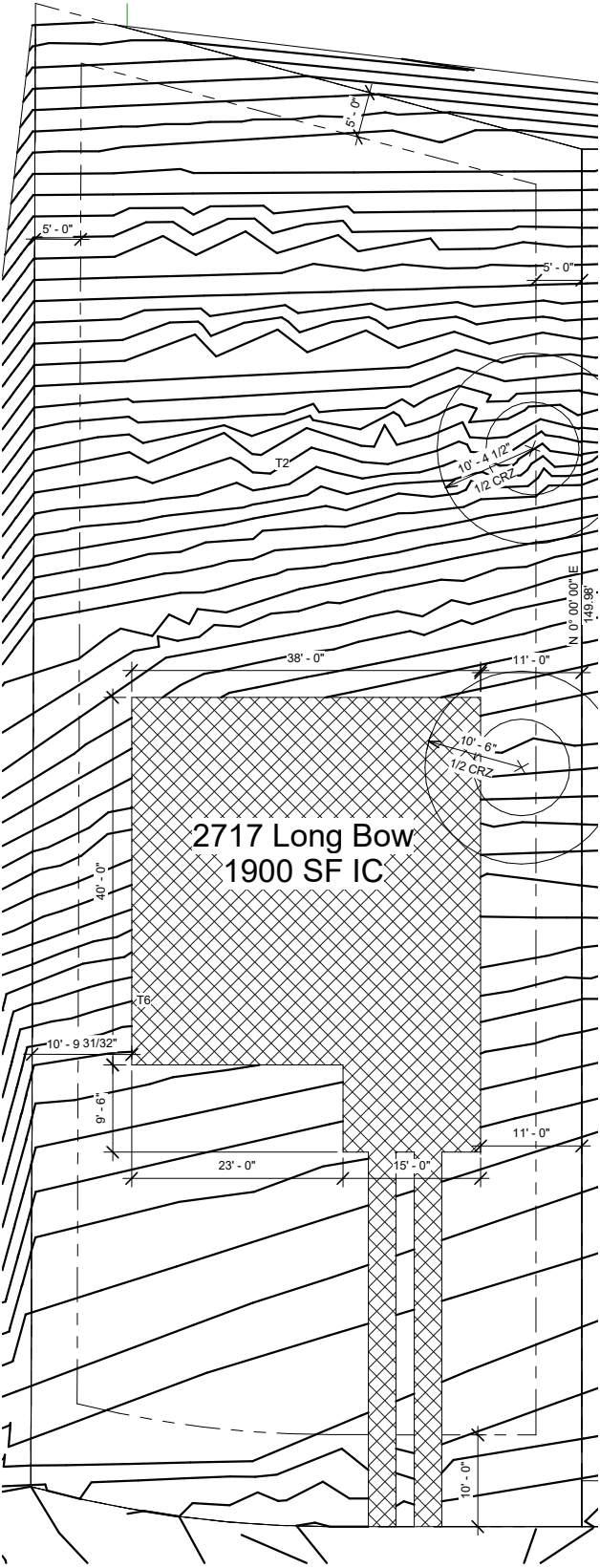
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The drawings, specifications, ideas, designs, and arrangements presented herein are and shall remain the property of Urban Designs. No part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they were prepared and developed without the written consent of Urban Designs. Visual contact with these drawings shall constitute conclusive evidence of acceptance of these restrictions.



2717 - Slope
1" = 10'-0"



2717 - Survey
1" = 10'-0"

2717 - Slope Analysis - Net Site Area	
Material: Range	Material: Area
0.00% to 15.00%	748 SF
15.00% to 25.00%	2,333 SF
25.00% to 35.00%	1,705 SF
35.00% to 4,459.59%	5,255 SF

Allowed IC = 580.35 SF

IC Breakdown Option 1

x 35% = 261.8
x 10% = 233.3
x 05% = 85.25
x 0% = 0

Proposed IC = 1,914 SF

IC Breakdown Option 2

x 40% = 299.2
x 40% = 933.2
x 15% = 255.75
x 8% = 420.4

Proposed IC = 1908.55 SF

PROJECT INFORMATION
Site Analysis
Art Village Development
2715 + 2717 Long Bow Trail, Austin

CONSTRUCTION DOCUMENTS

DRAWING TITLE:
Site Plan - LA

22' X 34' SCALE:
1" = 10'-0"

11' X 17' SCALE:
HALF SCALE

ISSUES DATE:
6/6/2022 1:22:30 PM

DRAWN BY:
Author

SHEET NUMBER:



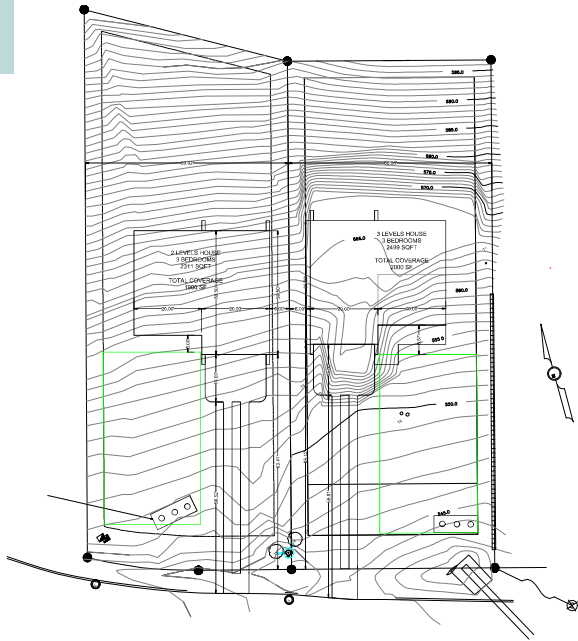
ART
VILLAGE
feels like home

2717 LONG BOW TRAIL

VISUALISATIONS



SITE PLAN

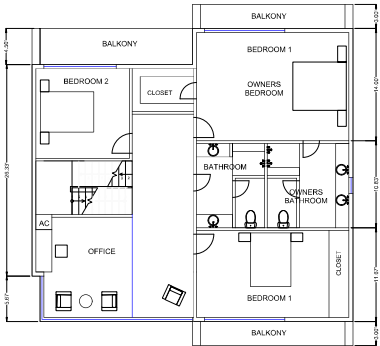
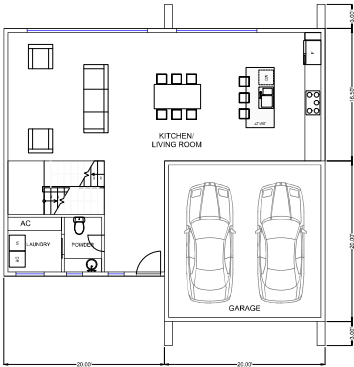


VISUALISATIONS



2717 FLOOR PLANS

HEATED AREA 2311 SF



VISUALISATIONS



+15122994069
artvillageus@gmail.com
www.artvillage.us
2202 Crazyhorse Pass,
Austin TX 78734

Stormwater Drainage report
For

Single Family Residence
2717 Longbow Trail, Austin TX

Prepared By:
Tony Puljic, P.E.
3PX Engineering

May 27th 2022

3PX Engineering



INTRODUCTION:

The subject parcel is approximately 0.2239 a.f. and is wooded. There is no existing impervious area on the property. A new house and driveway are being proposed to be built on the site. As a result of the new improvements, there new impervious area added to the site will be 2003.76 a.f..

FEMA FLOOD PLAIN INFO:

Based on FEMA maps the site is located within Zone X of the flood plain. See attached Firmette in appendix.

TOPOGRAPHY:

The site is on a hill with a slope of approximately 34 % from the back of the property to the front of the property.

HYDROLOGIC PATTERNS:

The site is being proposed within an existing residential subdivision. There are no features that will affect the drainage pattern of streams, wetlands, seeps, springs, closed depressions, or drainage swales and ditches.

STORMWATER:

The natural flow of water flows from the back of the property to the front of the property north to south. The proposed grading plan does not alter the drainage pattern nor does it direct water into the neighbor's yards. The site is designed such that water flows into an underground basin.

METHODOLOGY:

Based on the size of the development, the proposed residence, and the site will be required to discharge stormwater such that the post-development peak runoff is below the discharge rates for the 2,10, 25, and 100-year design storms. Calculations were made using the rational method. The time of concentration was determined by equation 2-5 in the City Code and determined to be .63 min. Based on the result, the minimum time of concentration of 5 min. was used. The amount of detention required was determined by determining the existing 2-year release rate and determining the post-development runoff for the 2,10, 25, and 100-year storm events. Detention will be provided in a storage tank in front of the property. Also, a vegetative strip was designed based on Austin standards as a BMP prior to stormwater discharging from the property.

Sincerely,
3PX Engineering

3PX Engineering



ATTACHMENTS

3PX Engineering



National Flood Hazard Layer FIRMette



New Residence, 2717 Longbow Trail
Release rate and detention calculation for the 10-Yr. Storm Event
Using the 2-Year release rate
5/28/2022

Calculate Composite "c" of Existing Area			
TOTAL	AREA =	0.2067	ACRE
IMPERVIOUS	AREA =	0.0000	ACRE
GRAVEL	AREA =	0.0000	ACRE
PERVIOUS	AREA =	0.2067	ACRE
COMPOSITE	"c" =	0.45	

Existing Release Rate from 2-Year Storm Event (See Exhibit of Existing Drainage Area for "S" & "T")			
Q = C * I * A			
C =	0.45	(From above calculation)	
I =	6.30	inches/hour	(
A =	0.21	acres	
Q =	0.5868	ch (Max. release rate for proposed condition)	

Calculate Composite "c" of proposed development			
TOTAL	AREA =	0.2067	ACRE
IMPERVIOUS	AREA =	0.0460	ACRE
GRAVEL	AREA =	0.0000	ACRE
PERVIOUS	AREA =	0.1607	ACRE
COMPOSITE	"c" =	0.55	



DETENTION REQUIRED (BASED City of Austin Data)				
DURATION (HOURS)	I (IN/HR)	INFLOW (CFS)	STORED (CFS)	RESERVOIR (AC-FT)
0.0833	5.7600	0.455	0.069	0.0055 MAX
0.2500	3.9200	0.446	-0.140	-0.0029
0.5000	2.6400	0.3002	-0.2658	-0.0119
1.0000	1.7200	0.196	-0.390	-0.0225
2.0000	1.0800	0.123	-0.463	-0.0772
3.0000	0.7773	0.088	-0.498	-0.1244
6.0000	0.4450	0.051	-0.535	-0.2673
12.0000	0.2550	0.029	-0.557	-0.5570
24.0000	0.1450	0.016	-0.570	-1.1395



New Residence, 2717 Longbow Trail
Release rate and detention calculation for the 10-Yr. Storm Event
Using the 2-Year release rate
5/28/2022

Calculate Composite "c" of Existing Area			
TOTAL	AREA =	0.2067	ACRE
IMPERVIOUS	AREA =	0.0000	ACRE
GRAVEL	AREA =	0.0000	ACRE
PERVIOUS	AREA =	0.2067	ACRE
COMPOSITE	"c" =	0.45	

Existing Release Rate from 2-Year Storm Event (See Exhibit of Existing Drainage Area for "S" & "T")			
Q = C * I * A			
C =	0.45	(From above calculation)	
I =	6.30	inches/hour	(
A =	0.21	acres	
Q =	0.5868	ch (Max. release rate for proposed condition)	

Calculate Composite "c" of proposed development			
TOTAL	AREA =	0.2067	ACRE
IMPERVIOUS	AREA =	0.0460	ACRE
GRAVEL	AREA =	0.0000	ACRE
PERVIOUS	AREA =	0.1607	ACRE
COMPOSITE	"c" =	0.55	



DETENTION REQUIRED (BASED City of Austin Data)

DURATION (HOURS)	I (IN/HR)	INFLOW (CFS)	STORED (CFS)	RESERVOIR (AC-FT)
0.0833	8.5700	0.975	0.389	0.0027 MAX
0.2500	5.8800	0.669	0.083	0.0017
0.5000	3.9600	0.4203	-0.1357	-0.0057
1.0000	2.6800	0.305	-0.281	-0.0234
2.0000	1.7100	0.194	-0.392	-0.0653
3.0000	1.2600	0.141	-0.445	-0.1112
6.0000	0.7020	0.080	-0.506	-0.2531
12.0000	0.4010	0.046	-0.540	-0.5404
24.0000	0.2540	0.029	-0.557	-1.1142



New Residence, 2717 Longbow Trail
Release rate and detention calculation for the 25-Yr. Storm Event
Using the 2-Year release rate
5/28/2022

Calculate Composite "c" of Existing Area			
TOTAL	AREA =	0.2067	ACRE
IMPERVIOUS	AREA =	0.0000	ACRE
GRAVEL	AREA =	0.0000	ACRE
PERVIOUS	AREA =	0.2067	ACRE
COMPOSITE	"c" =	0.45	

Existing Release Rate from 2-Year Storm Event (See Exhibit of Existing Drainage Area for "S" & "T")			
Q = C * I * A			
C =	0.45	(From above calculation)	
I =	6.30	inches/hour	(
A =	0.21	acres	
Q =	0.5868	ch (Max. release rate for proposed condition)	

Calculate Composite "c" of proposed development			
TOTAL	AREA =	0.2067	ACRE
IMPERVIOUS	AREA =	0.0460	ACRE
GRAVEL	AREA =	0.0000	ACRE
PERVIOUS	AREA =	0.1607	ACRE
COMPOSITE	"c" =	0.55	



F-2/8-PRESENTATION

DETENTION REQUIRED (BASED City of Austin Data)				
DURATION (HOURS)	I (IN/HR)	INFLOW (CFS)	STORED (CFS)	RESERVOIR (AC-FT)
0.0833	10.1000	1.149	0.563	0.0039
0.2500	7.0400	0.801	0.215	0.0045 MAX
0.5000	4.7200	0.5307	-0.0493	-0.0021
1.0000	3.2800	0.373	-0.213	-0.0178
2.0000	2.1000	0.239	-0.347	-0.0579
3.0000	1.5300	0.173	-0.413	-0.1033
6.0000	0.8570	0.097	-0.489	-0.2443
12.0000	0.4020	0.056	-0.530	-0.5300
24.0000	0.3180	0.036	-0.550	-1.0997



New Residence, 2717 Longbow Trail Release rate and detention calculation for the 100-Yr. Storm Event Using the 2-Year release rate 5/28/2022				
Calculate Composite "c" of Existing Area				
TOTAL	AREA =	0.2067	ACRE	
IMPERVIOUS	AREA =	0.0000	ACRE	"c" Value = 0.9
GRAVEL	AREA =	0.0000	ACRE	"c" Value = 0.85
PERVIOUS	AREA =	0.2067	ACRE	"c" Value = 0.45
COMPOSITE	"c" =	0.45		
Existing Release Rate from 2 Year Storm Event (See Exhibit of Existing Drainage Area for "S" & "c")				
Q = C * I * A				
	C =	0.45	(From above calculation)	
	I =	6.30	inches/hour, (
	A =	0.21	acres	
	Q =	0.5860	cfs (Max. release rate for proposed condition)	
Calculate Composite "c" of proposed development				
TOTAL	AREA =	0.2067	ACRE	
IMPERVIOUS	AREA =	0.0460	ACRE	"c" Value = 0.9
GRAVEL	AREA =	0.0000	ACRE	"c" Value = 0.85
PERVIOUS	AREA =	0.1607	ACRE	"c" Value = 0.45
COMPOSITE	"c" =	0.55		



DETENTION REQUIRED (BASED City of Austin Data)				
DURATION (HOURS)	I (IN/HR)	INFLOW (CFS)	STORED (CFS)	RESERVOIR (AC-FT)
0.0833	12.5000	1.421	0.835	0.0055 MAX
0.2500	8.0800	0.693	0.105	0.0022
0.5000	2.4600	0.2797	-0.3063	-0.0129
1.0000	1.3700	0.497	-0.089	-0.0074
2.0000	2.8300	0.322	-0.264	-0.0440
3.0000	2.0400	0.232	-0.354	-0.0855
6.0000	1.1400	0.130	-0.456	-0.2252
12.0000	0.8060	0.092	-0.494	-0.4943
24.0000	0.5640	0.064	-0.522	-1.0437



DRAINAGE AREA AND WATER QUALITY VOLUME DATA:

Drainage Area (DA)	21	ac	
Drainage Area Impervious Cover (IC)	22.5	ac	046
Capture Depth (CD)	12	in	
Total Site Retention Water Quality Volume (WQV=(CD/DA)*1630)	5,147.6	cft	

VEGETATIVE FILTER STRIP CALCULATIONS:

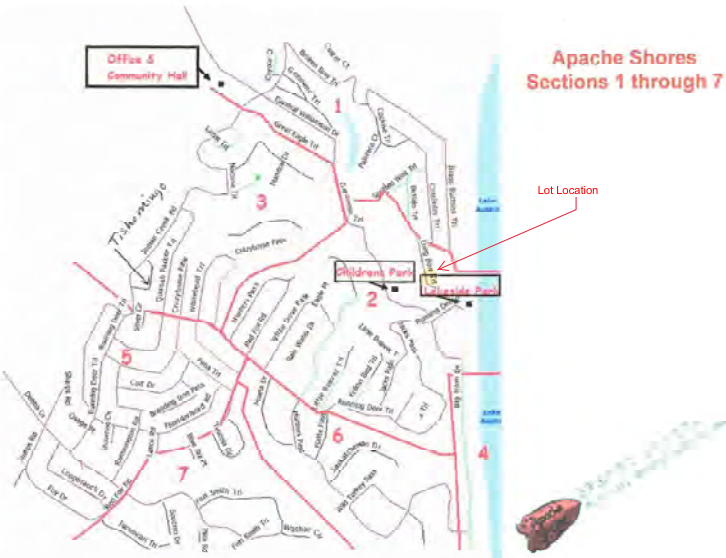
Drainage Area to Proposed Vegetative Filter Strip	0.95	ac	
Impervious cover of area treated by Vegetative Filter Strip (Treated IC)	04	ac	
Soil Type (Type A, B, C, Amended C, or Amended D)	A/B		
	Required	Provided	
Size of Vegetative Filter Strip per ECM 1.6.7(B) - Table B-1	0.02	ac	02
Width of Vegetative Filter Strip (VFS _{min})			17
Hydraulic Loading Rate: (HL _{1yr} , Q _{max} /VFS _{min})			0.04
			cfs/ft

WATER QUALITY CREDIT:

Impervious Area Factor (IAF = Treated IC / IC)	maximum 1.0	.84	
Percent Infiltration Provided by VFS (I _{VFS}) per ECM 1.6.7.5(B) - Table B-2		50	%
BMP Design Factor (BMPDF)			
For HLR<0.05 cfs/ft: BMPDF = I _{VFS} / 65	maximum 1.0	.76	
For HLR>0.05 and <0.15 cfs/ft: BMPDF = (I _{VFS} / 65)*(0.05/HLR _{VFS})	maximum 1.0	N/A	
Water Quality Credit (WQC = IAF * BMPDF)	maximum 1.0	.03	
Water Quality Volume Reduction (WQV * WQC)		5762	cft



Roads in GREEN are maintained by Travis County



DECLARATION OF SUBDIVISION FOR
APACHE SHORES, SECTION 2
TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:
THAT APACHE SHORES, INC., as owner of all of the lots in
APACHE SHORES, Section 2, a subdivision in Travis County,
Texas, according to the map or plat thereof filed for record in
Plat Book 228, Page 11, of the Plat Records of Travis
County, Texas, does hereby declare that the above Section 2 shall
hereinafter be subject to the covenants, conditions, easements, res-
trictions and reservations hereinafter set out, as follows, to-wit:

1. Lots 852 and 858 shall not be subject to any of the
hereinafter covenants, conditions, easements, restrictions or res-
ervations. All of the rest of the lots are subject to the following,
to-wit:

2. Not more than one single family dwelling may be erected
or constructed on any one lot, nor more than one other building for
garage or storage purposes and provided further that no building shall
be erected prior to the erection of a dwelling house. No accessory
or temporary building shall be used or occupied as living quarters.
No building shall be constructed or erected on any lot unless built
of solid or permanent material. Wood exterior shall be stained or
painted with at least two coats of stain or paint. No structure shall
have tar paper, roll brick siding or similar material on the outside
walls. No house trailers, tents, sheds or other similar structures
shall be erected, moved on, or placed upon any lot. All buildings
shall be completed within six (6) months from the date construction
commences;

DEED RECORDS
Travis County, Texas

3778 1303

1. No residence shall have less than 650 square feet of
living space on the ground or first floor, exclusive of porch area.
All building plans are subject to approval of APACHE SHORES, INC.,
as it exists. No porch or other projection of any building shall
encroach more than 10 feet from any such right-of-way, nor nearer
than 5 feet from the property line of any abutting property owner;
nor within 10 feet from the normal high water line of Lake Austin
without the written permission of APACHE SHORES, INC., its suc-
cessors or assigns.

2. No noxious or offensive trade or activity shall be per-
mitted on any lot, nor shall anything be done thereon which shall
be or become an annoyance or nuisance to the neighborhood. No
animals or fowl shall be kept or maintained on said lots except
carnivorous household pets. No signs of any kind shall be displayed
on any lot without the written permission of APACHE SHORES, INC.,
or its successors or assigns. No signs shall be installed
on any lot without prior approval of all appropriate governmental
authorities. Further, all lots abutting Lake Austin shall be
subject to the terms and restrictions set out on the recorded plat
with regard to septic and sewer systems.

3. No boat docks, pilings, or other structures shall be con-
structed or placed into or on Lake Austin without having first com-
plied with all the rules and regulations of the City of Austin,
Texas, and/or the Texas Colorado River Authority, but in no event shall
such structures extend into the lake from the property line more
than 10 feet.

4. APACHE SHORES, INC., for itself, its successors, assigns
and licensees reserves a 10 foot wide easement along the road
right-of-way, a 5 foot wide easement along the rear line, and a
5 foot wide easement along the side line of each and every lot for
the purpose of installing, operating and maintaining the utility
lines and wires thereon, together with a right to take and/or put
on across any fence and/or board and the right to locate gas lines,
sewer and electric wherever for said installation.

3778 1304

PROVE payment of the water franchise imposed upon each lot
by the City of Austin is such available to each lot, which payment
is in the amount of \$1.00 per existing SQFT, with a maximum payment
of \$150.00.

EXECUTED this 11th day of November, 1988.

APACHE SHORES, INC.
BY: [Signature]
VICE PRESIDENT

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned, on this day personally
appeared [Signature], Vice President of APACHE SHORES, INC.,
known to me to be the person and officer whose name is subscribed
to the foregoing instrument, and acknowledged to me that he
executed the same for the purposes and consideration therein
expressed, and in the capacity therein stated as the act and
deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day
of November, A.D., 1988.

[Signature]
NOTARY PUBLIC IN AND FOR
TRAVIS COUNTY, TEXAS

3778 1307

operation or maintenance) together with the right to install, operate
and maintain gas and water mains and appurtenant (sewer) lines,
pipes, valves and drainage devices. Reserving also the right of
improvement and access to such areas for any other purposes mentioned
above; notwith, however, where an owner of two or more adjoining
lots constructs a building which will cross over or through a common
lot line, said owner the line shall not be subjected to the afore-
mentioned side lot line easements. APACHE SHORES, INC., for itself,
its successors, assigns and licensees shall reserve the right to create
or permit drainage of surface waters over and/or through said lots.
The terms of said lots shall have no effect against APACHE
SHORES, INC., its successors, assigns or licensees either at law or
in equity excepting in the case of willful negligence, by reason of
any damage caused by said lots or improvements thereon in installing,
operating or maintaining the above mentioned installations.

7. No dwelling shall be placed or erected on any tract
or land or subdivided lots smaller than the lots as subdivided
and shown on the recorded plat.

8. No oil drilling, oil development operations, oil refining,
quarrying or mining operations of any kind shall be permitted upon
or in any lot, nor shall oil wells, tanks, tunnels, mineral
excavations or shafts be permitted upon or in any lot. No derrick
or other structure designed for use in boring for oil or natural
gas shall be erected, maintained or permitted on any lot.

9. No lot shall be used or maintained as a dumping ground
for rubbish, trash, garbage or other waste shall not be kept except
in sanitary containers. All incinerators or other equipment for
the purpose or disposal of such material shall be kept in a clean
and sanitary condition.

10. No individual water supply system shall be permitted
on any lot. All water must be furnished by APACHE SHORES UTILITY
CORP., its successors or assigns.

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11. These restrictions shall be considered as covenants
running with the land and shall bind the purchasers, their heirs,
executors, administrators, and assigns, and if said owners, their
heirs, executors, administrators or assigns shall violate or attempt
to violate any of the covenants or restrictions herein contained, it
shall be lawful for any person or persons owning any such lots in
the subdivision to prosecute any proceeding at law or in equity
against the person or persons violating or attempting to violate
any such covenants or restrictions and either to prevent him or
them from doing so by appropriate injunctive relief, or to recover
damages for such occurrences. Further, APACHE SHORES Property
Owner's Association, Inc., may in its name enforce these restrictions
by any proceeding at law or in equity. These restrictions shall be
in force and effect for a period of twenty-five (25) years from
the date of the execution hereof, after which time said covenants
and restrictions shall be automatically extended for successive
periods of ten (10) years unless an instrument signed by a majority
of the then owners of the lots has been executed, agreeing to change
said covenants and restrictions in whole or in part.

12. Violation of any one or more of these covenants
and restrictions by judgment or court order shall in no wise affect
any of the other provisions or restrictions which on the other hand
shall remain in full force and effect.

13. Each lot owner in APACHE SHORES, SECTION 2
shall be subject to an annual maintenance fee charge of \$17.00,
which each lot owner agrees to pay to APACHE SHORES Property Owner's
Association, Inc., its successors and assigns, annually on the
first day of March commencing in the year following the date of
the purchase of a lot by an owner. To ensure the payment of said
maintenance fee APACHE SHORES Property Owner's Association, Inc.,
is hereby granted a lien upon each lot to secure the payment thereof.
APACHE SHORES, INC., its successors and assigns, does hereby reserve
a lien against each lot in APACHE SHORES, SECTION 2, to secure the

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