



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Covenants, Conditions and Restrictions (the "Declaration") is made by **16 CIMA SERENA, LP**, a Texas limited partnership (the "Declarant"), and is as follows:

RECITALS:

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A. This Declaration is filed with respect to certain real property located in Travis County, Texas, described on Exhibit "A", attached hereto and incorporated herein (the "Property"). Declarant is the owner of the Property.

B. Declarant desires to create and carry out a uniform plan for the development, improvement, and sale of the Property.

C. By the filing of this Declaration, Declarant serves notice that the Property will be subjected to the terms and provisions of this Declaration.

NOW, THEREFORE, it is hereby declared: (i) that the Property (or any portion thereof) will be held sold, conveyed, and occupied subject to the following covenants, conditions and restrictions which will run with such portions of the Property and will be binding upon all parties having right, title, or interest in or to such portions of the Property or any part thereof, their heirs, successors, and assigns and will inure to the benefit of each owner thereof; and (ii) that each contract or deed conveying the Property (or any portion thereof) will conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not the same are set out in full or by reference in said contract or deed.

1. **Compliance with City of Austin Requirements.** The Property is subject to and must comply with the terms and provisions of Section 25-4-233 of the City of Austin Land Development Code which are set forth below.

A. Single family attached residential lots may be created only in multiples of two lots per site, and each lot must be served by public water and sewage systems.

B. A lot may be subject to, or benefitted by, private utility easements,

C. A lot must comply with the following requirements:

- (1) Minimum site area is 7,000 square feet.
- (2) Minimum lot area is 3,000 square feet.
- (3) Minimum lot width is:
 - (a) 25 feet, except for a lot on a cul-de-sac or curved street; and
 - (b) 20 feet on a cul-de-sac or curved street.
- (4) A lot may have not more than one dwelling unit.
- (5) Maximum height is 35 feet.

Return to:
Planning and Development
Review Department
505 Barton Springs Rd., 4th Fl.
Austin, TX 78704
ATTN: Cesar Zavala

- (6) Minimum front yard setback is 25 feet.
- (7) Minimum street side yard setback is 15 feet.
- (8) Minimum interior side yard setback is five feet, except between attached units.
- (9) Minimum rear yard setback is 10 feet.
- (10) Maximum building coverage is 40 percent.
- (11) Maximum impervious coverage is 45 percent.
- (12) At least two off-street parking spaces are required for a dwelling. The driveway may count as one of the spaces.

(D) A plat of a single family attached subdivision may not be recorded unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by the city attorney, recorded, and referenced on the plat. The document must:

- (1) require that development and use of the lots comply with this title;
- (2) require that construction of a dwelling unit comply with Chapter 25-12, Article 1 (Uniform Building Code), Article 4 (Electrical Code), Article 5 (Uniform Mechanical Code), Article 6 (Uniform Plumbing Code), and Article 7 (Uniform Fire Code).

(E) This subsection applies to the sale of a single-family attached residential lot.

- (1) A seller shall deliver to the purchaser:
 - (a) a copy of the document described in Subsection (F); and
 - (b) a notice stating that the property will be conveyed under the terms of the document, and that the purchaser is advised to consult an attorney concerning the purchaser's rights and obligations under the document.
- (2) A purchaser may terminate the sale contract without penalty:
 - (a) within five days of the purchaser's receipt of the document and notice under Subsection (G)(1); or
 - (b) at any time before closing, if the seller does not deliver the document and notice.

[signature page follows]

DECLARANT:

16 CIMA SERENA, LP, a Texas limited partnership

By: 16 Cima Serena GP, LLC, a Texas limited liability company, its General Partner

By: _____
Printed Name: ANTHONY SIELA
Title: OWNER

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 8TH day of July, 2014, by ANTHONY SIELA, OWNER, of 16 Cima Serena GP, LLC, a Texas limited liability company, General Partner of 16 Cima Serena, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

(SEAL)

Notary Public Signature



ACCEPTED: PLANNING AND
DEVELOPMENT REVIEW DEPARTMENT

CITY OF AUSTIN

By: Cesar Zavala
Name: CESAR ZAVALA
Title: SENIOR PLANNER

APPROVED AS TO FORM:

By: James M. Williams, Sr.
JAMES M. WILLIAMS, SR.
ASSISTANT CITY ATTORNEY

Exhibit "A"

Exhibit "____"

LEGAL DESCRIPTION

Being a 2.701 acre tract of land situated in the James P. Wallace Survey, Abstract No. 792 in Travis County, Texas and being that same tract called 1.80 acres and described as "TRACT #1" and being the remaining portion of a called 1.60 acre tract described as "TRACT #2", both tracts being conveyed to Harold A Martinson and wife, Francis Fay Martinson in a deed recorded in Volume 2390, Page 414 of the Deed Records of Travis County, Texas, said 2.701 acre tract, as shown on the accompanying sketch, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found on the north line of Cima Serena Drive, referred to as a 50-foot wide right of way (no recording information found), marking the southwest corner of Lot 4A, Serena Woods Section 2, a plat recorded in Volume 79, Page 95 of the Plat Records of Travis County, Texas (P.R.T.C.), and being the southeast corner of said 1.60 acre tract, and hereof;

THENCE N 74°01'27" W, with the north line of Cima Serena Drive, same being the south line of said 1.60 acre tract, at 194.20 feet pass a 1/2" iron rod with cap stamped "CS LTD" set marking the common south corner of said 1.60 acre tract and said 1.80 acre tract, and continuing with the north line of Cima Serena Drive and the south line of said 1.80 acre tract for a total distance of 309.11 feet to a 1/2" iron rod found marking the beginning of a curve to the left;

THENCE, continuing with the north line of Cima Serena Drive and the south line of said 1.80 acre tract, along the arc of said curve, 99.93 feet (Delta: 07°23'22", Radius: 774.87', Chord: N 77°43'08" W, 99.86') to a calculated point on the north line of Cima Serena Drive and being the southwest corner of this tract, as occupied;

THENCE N 27°03'50" E, with the west line of the herein described tract, at 4.97 feet pass a 1/2" iron rod with cap stamped "CS LTD" found marking the southeast corner of Lot 27, Block A, Savoy Subdivision, a subdivision recorded in Document No. 201100123 of the Official Public Records of Travis County, Texas, and continuing with the east line of said Lot 27 and the east lines of Lots 26, 25, and 16 of said Savoy Subdivision, for a total distance of 431.40 feet to a 1/2" iron rod found marking the northeast corner of said Lot 16, same being the southeast corner of Lot 1, Block H, Westover Hills Section 1, a subdivision recorded in Volume 17, Page 22, P.R.T.C., being also a terminal point in the west line of Honeysuckle Trail, a 50-foot wide right-of-way recorded in said Volume 17, Page 22, and being the northwest corner of this tract, as occupied;

THENCE S 62°53'36" E, with the south line of said Honeysuckle Trail and of Lot 12, Block F of said Westover Hills, same being the north line of this tract, as occupied and the north line of said 1.80 acre tract, 214.37 feet to a calculated point for the southeast corner of said Lot 12, the

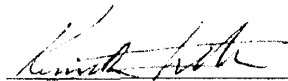
southwest corner of Lot 1, Block F of said Westover Hills, same being the northwest corner of Lot 23, Serena Woods, a subdivision recorded in Volume 76, Page 55, P.R.T.C., being also the northwest corner of said 1.60 acre tract, and being the northeast corner of said 1.80 acre tract, for an exterior corner hereof, from which a PK nail found in concrete bears N 51°19'45" E, 1.14 feet;

THENCE S 27°49'04" W, with the west line of said Lot 23 and the west line of Lot 24 of said Serena Woods, same being the west line of said 1.60 acre tract, and being the east line of said 1.80 acre tract, 198.24 feet to a 1/2" iron rod found on the west line of said 1.60 acre tract, same being the east line of said 1.80 acre tract, marking southwest corner of said Lot 24, and the northwest corner of Lot 25 of said Serena Woods, for an interior corner hereof;

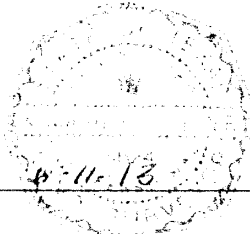
THENCE S 63°24'16" E, across said 1.60 acre tract and with the south line of said Lot 25, 190.01 feet to a 1/2" iron rod found on the east line of said 1.60 acre tract marking the southeast corner of said Lot 25, same being the southwest corner of Lot 3 of said Serena Woods and being the northwest corner of said Lot 4A, Serena Woods, Section 2, for an exterior corner hereof;

THENCE S 27°46'46" W, with the east line of said 1.60 acre tract, same being the west line of said Lot 4A, 149.66 feet to the **POINT OF BEGINNING** and containing 2.701 acres of land, more or less.

Bearings cited hereon based on the Texas State Plane Coordinate System, NAD 83, Central Zone.



Kenneth Louis Crider
Registered Professional Land Surveyor No. 5624



Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Sep 04, 2014 04:41 PM 2014133312

BENAVIDESV: \$58.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

Return.

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