

RESTRICTIVE COVENANTS

THE STATE OF TEXAS †

COUNTY OF TRAVIS † MAR 20 8 42 AM '80 8018 \* 11.00

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3-63-2642

KNOW ALL MEN BY THESE PRESENTS that Sarah Elizabeth Barrow Kemper of Harris County, Texas, Independent Executrix of the estates of Jane Ewing Barrow, deceased, and Edward R. Barrow, deceased, and Texas Commerce Bank National Association, Independent Executor of said estates acting by and through James M. Barr, Vice-President and Trust Officer, of Harris County, Texas, and that Bluebonnet Development Corporation organized and existing under the laws of the State of Texas, acting by and through Jay C. Tapp, President, of Austin, Travis County, Texas, being owners of all that Northwest Hills Lakeview II, a subdivision in Travis County, Texas, as recorded in Plat Book 84, Page <sup>76C-</sup>~~77A~~ of the Plat Records of Travis County, Texas;

Does hereby impress all of the said property and declare that the covenants and restrictions hereinafter set forth shall run with the property for the purpose of obtaining the approval of all appropriate regulatory authorities. The covenants and restrictions shall benefit and be binding upon subsequent owners and purchasers of any of the said property, their heirs, assigns, successors and personal administrators, to wit:

1. All building foundations on slopes of 15% and over and on fill placed upon such slopes shall utilize design and construction practices certified by a Registered Professional Engineer qualified to practice in this field and such designs shall be placed on file with the City of Austin Engineering Department.

2. Every lot shall be reasonably accessible by a vehicle from the roadway to the probable building site. For a minimum travel distance of 25 feet from the roadway edge driveway grades may exceed 14% only with specific approval of surface type and geometric design proposals by the Director of the Engineering Department or his designee.

In lots where cuts and/or fills exceed four (4) feet for

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Travis County, Texas

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driveway construction, plans shall be submitted for approval by the Director of the Engineering Department or his designee. Plans shall address surface type, geometric design, and containment methods for cut or fill.

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3. No fill on any lot shall exceed a maximum of four feet of depth, except for fill placed under foundations for structures with vertical sides and/or for driveway construction, unless specific approval is obtained from the Engineering Department. No cut on any lot shall be greater than four feet, except for structural excavation and/or for driveway construction, unless specific approval is obtained from the Engineering Department.

4. The restrictions of this agreement are derived from the City of Austin, Texas, Ordinance No. 800103-P. In the event that said ordinance becomes less restrictive concerning building foundations, building sites and driveways, this covenant shall be amended to follow such less restrictive ordinance, but in the event that such possible ordinance changes become more restrictive, the restrictions of this covenant shall remain in effect. This agreement may be modified, amended or terminated only by a majority vote of a quorum of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of Austin, and joined by the then owner or 50% of owners of 50% of the above described property at the time of such modification, amendment or termination.

5. If any persons, person, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for an owner of the above described property or any part thereof or the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said persons or entity from violating or attempting to violate such agreement or covenant.

EXECUTED this 29<sup>th</sup> day of February, 1984, A.D.

Sarah Elizabeth Barrow Kemper  
Sarah Elizabeth Barrow Kemper

James M. Barr  
James M. Barr, Vice President &  
Trust Officer, Texas Commerce  
Bank National Association

NO SEAL

Jay C. Tapp  
Jay C. Tapp, President  
Bluebonnet Development Corporation

3-63-2644

THE STATE OF TEXAS   †  
COUNTY OF TRAVIS   †

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, Sarah Elizabeth Barrow Kemper, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacities therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 29 day of February, 1984.

NOTARY SEAL

Luette M. Altman  
Notary Public in and for Travis  
County, Texas

My Commission Expires: 6-30-84

THE STATE OF TEXAS †  
COUNTY OF TRAVIS †

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, <sup>James M.</sup> Barr, Vice President & Trust Officer, Texas Commerce Bank National Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacities therein stated and as the act and deed of said corporation.

J-63-2645

Given under my hand and seal of office on this the 29 day of February, 1984.

Luella M. Altman  
Notary Public in and for Travis  
County, Texas

My Commission Expires: 6-30-84

THE STATE OF TEXAS †  
COUNTY OF TRAVIS †

NOTARY SEAL

Before me, the undersigned authority, on this day personally appeared Jay C. Tapp, President of Bluebonnet Development, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacities therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 29<sup>th</sup> day of February, 1984.

NOTARY SEAL

Lucy Jones  
Notary Public in and for Travis  
County, Texas

My Commission Expires: 7/05/87

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FILED

1984 MAR 28 PM 4: 40

*Laris Aguilera*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped hereon by me; and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
of Travis County, Texas, as stamp hereon by me, on

MAR 28 1984



*Laris Aguilera*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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