

RESTRICTIVE COVENANT

OWNER:

MAILING ADDRESS:

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: _____ acre tract of land out of the _____ Survey, said _____ acre tract of land being more particularly by described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

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 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. 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. The owner shall comply with the following rules as set forth in City of Austin Environmental Criteria Manual Section 1.6.9.2.E for Turf and Landscaping Regulations:
 - A. To minimize the potential for water quality impacts from chemical maintenance, the maximum portion of any commercial, multi-family, or single family/duplex lot that may be established as turf or landscaped is 15 percent. However, no lot shall be restricted to less than 2000 square feet of turf or landscaped area. For the purposes of this rule, undisturbed natural areas or areas restored to natural conditions shall not be considered landscaping or turf. All natural areas or areas restored to natural conditions shall be shows on each site plan.

- B. The applicant may submit a request to allow additional turf or landscaped area on a site to the Director of the Development Services Department (DSD), or successor department, for review. No later than 30 calendar days after receipt of the request for additional turf or landscaping by the Director, the Director shall review the request and either: (1) approve the request in accordance with this section, (2) request additional information, or (3) deny the request. No later than 30 calendar days after receipt of all requested additional information, the Director shall approve or deny the request.
- C. If the Director denies the request a letter will be provided to the applicant indicating the reasons therefor. The Director of the DSD shall approve the request for additional turf or landscaping only if: (1) more than 15 percent turf or landscaped area is necessary to comply with City Code regulations or other applicable regulations, or (2) more than 15 percent turf or landscaped area is necessary for the proposed land use AND the applicant demonstrates all of the following to the Director's satisfaction:
- (1) Use of turf and landscaping is minimized;
 - (2) Use of types of turf and landscaping which requires less chemical maintenance is maximized;
 - (3) The IPM plan for the project is designed specifically for the particular land use; and
 - (4) The pollution management plan meets the standards established in Section 25-8-514 of the Land Development Code (the SOS Ordinance).
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant 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.

APPROVED AS TO FORM:
CITY OF AUSTIN, TEXAS
LAW DEPARTMENT

REVIEWED:
CITY OF AUSTIN, TEXAS
DEVELOPMENT SERVICES DEPARTMENT

By: _____
Name: _____
Title: Assistant City Attorney

By: _____
Name: _____
Title: _____

Determine whether there is a lienholder by Declarant providing a lien search certificate from a Title Company that shows:

- 1. All owners of record**
- 2. All lienholders of record, which hold current liens**
- 3. A property description**

USE THE CONSENT OF LIENHOLDER FORM IF THERE IS A LIENHOLDER

USE AN AFFIDAVIT OF NO LIENS IF THERE ARE NO LIENHOLDERS

AFTER RECORDING, RETURN TO:

City of Austin
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767

Project Name: _____

Attn: _____

Case No. _____