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SUPPLEMENTARY DECLARATION OF RESTRICTIONS

ONION CREEK SECTION 3

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On this 13th day of February, 1978, Onion Creek Development Company (a joint venture composed of Lumbermen's Investment Corporation and C & D Investments, a partnership of which James N. Demaret and James D. Connally are the General Partners), herein collectively called "Developer", hereby declares that the land described below shall except to the extent set forth herein be held, transferred, sold, conveyed, and occupied subject to the covenants, conditions, restrictions, reservations and charges set forth in the Declaration of Restrictions by Developer dated July 9, 1973, recorded Book 4678, Page 2216, Deed Records of Travis County, Texas, which is incorporated herein by reference and made a part hereof for all purposes, hereby specifying and agreeing that the Declaration of Restrictions as amended herein insofar as it pertains to the land described below shall be and does constitute covenants to run with the land and shall be binding upon Developer, its successors and assigns, and all subsequent owners of each lot by the acceptance of their deeds, for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree to abide by the terms and conditions of the Declaration of Restrictions described above except that the following paragraphs and subparagraphs shall as to the land described below be deemed to be inserted in lieu of the corresponding paragraphs of the Declaration of Restrictions as follows:

1. Land.

Developer is the owner of real property located in Travis County, Texas (herein called the "Land") more particularly described in the attached Exhibit "A", which is attached hereto and made a part hereof for all purposes.

2. Subdivision.

Developer has subdivided the Land into lots in a subdivision to be known as Onion Creek Section 3, according to the Plat thereof recorded in Book 3, Page 410, Plat Records of Travis County, Texas, to which Plat and its record reference is made for all purposes. Developer plans to create a residential community by selling lots for the construction of single-family residences, duplexes each with two single-family dwelling units, and condominium dwelling units pursuant to this Supplementary Declaration of Restrictions and the Supplementary Declaration of Covenants of even date herewith.

6. Restrictions on Lots.

(a) Land Use. All lots in the subdivision shall be used for residential purposes. Temporary uses may be made of the lots by Developer for model homes, parking lots by Developer for model homes, parking lots and/or sales offices which shall be permitted until December 31, 1982, or until permanent cessation of such uses takes place, whichever is earlier.

(b) Building Types. No building shall be erected, altered, placed or permitted to remain on any lot other than:

(1) One detached single-family dwelling not to exceed two stories in height and a one-story garage for not more than three motor

vehicles on all of the lots except Lots 1-6 in Block A, Lots 1-4 in Block K, Lot 1 in Block H and Lot 22, Block B.

(2) Duplex dwellings containing not more than two single-family dwelling units not to exceed two stories in height on Lots 1-6 in Block A, Lots 1-4 in Block K, and Lot 1 in Block H. All garages and carports shall be large enough to accommodate under roof two full-sized automobiles and shall open onto the driveway appurtenant to all lots in the subparagraph except Lot 1, Block A unless permission is granted by the architectural committee to deviate from this requirement.

(3) Condominium, single-family, apartment or cluster dwellings for single-family occupancy in each unit not to exceed two stories in height on Lot 22, Block B. All garages and carports shall be attached to the house by a common wall unless permission is granted by the Architectural Committee to deviate from this requirement.

No building shall remain uncompleted for more than one year after construction has been commenced.

(c) Dwelling Size. The living area, exclusive of open or screened porches (covered or uncovered), garages, storage rooms, stoops, open terraces and/or servants quarters of

(1) each single-family dwelling shall be not less than 2,000 square feet and, if more than one story, the ground floor shall be not less than 1,400 square feet and the combined area for the first and second floors shall be not less than 2,400 square feet on all lots described in subparagraph (b)(1) above, and on the lots described in subparagraph (b)(2) above shall be not less than 2,400 square feet and if more than one story, the ground floor shall be not less than 1,600 square feet and the combined area for the first and second floors shall be not less than 2,400 square feet.

(2) each condominium dwelling unit for single-family occupancy shall be not less than 1,200 square feet.

(e) Building Location. No building located on any lot shall be nearer than 25 feet to the front lot line and rear lot line or 15 feet to the side street line, or 5 feet to an interior side lot line, and an aggregate of 15 feet from both side lot lines, as shown on the Plat, except buildings on lots described in subparagraph (b)(3) above. The location of all buildings on the lots described in subparagraph (b)(3) above shall be reflected on the Master Plan maintained by Developer and shall be subject to and comply with the subdivision requirements of the City of Austin and approved by the Architectural Committee. All buildings on Lots 5-16, inclusive, Block G, shall be set back a minimum of 10 feet from the edge of the bluff as the Bluff is defined from time to time by the Architectural Committee.

Eaves, steps, terraces, patios, swimming pools, walls and fences shall not be considered as part of a building for purposes of this subparagraph; provided, however, no part of a structure may encroach on another lot. Corner lots shall be deemed to front on the street on which the 25 foot setback is indicated on the plat unless otherwise designated by the Architectural Committee. No obstruction to visibility at street intersections or access easement intersections shall be permitted.



(f) Fences, Walls, Sidewalks. Fences and walls shall be considered buildings and may only be erected or maintained within the minimum building setback requirements from the front lot line per subparagraph (d). No chain-link fence will be permitted in any location. On a lot that abuts the golf course of the Onion Creek Country Club as it may exist from time to time, no fence higher than three feet shall be erected adjacent to such golf course. All fences and walls must have the written approval of the Architectural Committee wherever constructed, erected or permitted to remain. Sidewalks shall be constructed in accordance with the requirements and specifications of the City of Austin on all lots except Lot 22, Block B.

The sidewalks shall be completed at the time of completion of the residence on each lot.

(s) Pets. No pets will be allowed to roam loose and unattended and the owner of a pet shall be responsible for any damages caused by such pet.

(t) Children. Children shall be supervised by parents or their representative at all times and such parent or representative shall be available at the residence of each child for needed supervision. No air rifles, pellet guns or similar instruments may be discharged in the subdivision.

The above paragraphs and subparagraphs shall be deemed to supplant the corresponding paragraphs and subparagraphs of the Declaration of Restrictions as to the above described Land and Paragraph 6(s) and 6(t) above shall be an addition thereto and except as supplanted or added to the terms of the Declaration of Restrictions shall be applicable to the above described Land and the lots into which the same is subdivided.

EXECUTED this the 13<sup>th</sup> day of February, 1978.

(NO SEAL)

ONION CREEK DEVELOPMENT COMPANY  
Lumbermen's Investment Corporation

By K.M. Jastrow

C & D Investments

By Harold Cunniff

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared K. M. Jastrow, II, <sup>Executive Vice</sup> President of Lumbermen's Investment Corporation, a Texas corporation, 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 capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 13th day of February, 1978.

NOTARY SEAL

*Kay H. Luffin*  
Notary Public, Travis County, Texas

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared Willard Connolly, General Partner of C & D Investments, a partnership, 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 capacity therein stated.

Given under my hand and seal of office on this the 22nd day of February, 1978.

NOTARY SEAL

*Kay H. Luffin*  
Notary Public, Travis County, Texas

STATE OF TEXAS COUNTY OF TRAVIS  
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 record RECORDS of Travis County, Texas, as Stamped hereon by me, on

FEB 23 1978



*Doris H. Hargrave*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

FEB 23 9 42 AM 1978

*Doris H. Hargrave*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS