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2-27-8749

SUPPLEMENTARY DECLARATION OF RESTRICTIONSONION CREEK SECTION 5-A AND 5-B

On this 31 day of March, 1980, 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 5-A, according to the Plat thereof recorded in Book 3, Page 423, Plat Records of Travis County, Texas, and into lots in a subdivision to be known as Onion Creek Section 5-B, according to the Plat thereof recorded in Book 79, Page 122-123, Plat Records of Travis County, Texas, to which Plat and its record reference is made for all purposes. Developer plans to further the residential community created by previous sections through selling lots and other tracts of land for the construction of single family, townhouse patio, condominium, duplex, and fourplex dwellings 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 or tracts of land in the subdivision may be used for residential purposes, provided that such uses may be added to,

subtracted from or amended as to any tract or part thereof by action of Developer without requiring the joinder of any owner of any land in the Subdivision other than the owner of the tract involved. Such designated uses may involve commercial or residential purposes or some of the elements of each or all of these purposes. Temporary uses may be made of the lots by Developer for model structures and parking lots and/or sales offices which shall be permitted until December 31, 1985, 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.

(2) Condominium dwellings for single-family occupancy in each unit not to exceed two stories in height. All garages and car-ports shall be large enough to accommodate under roof two full-sized automobiles and 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 1,500 square feet and the combined area for the first and second floors shall be not less than 2,500 square feet.

(2) Each condominium dwelling unit for single-family occupancy shall be not less than 1,600 square feet.

(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 building codes of the City of Austin on the portion of the lots abutting the north side of the right of way of La Costa Drive, the south side of the right of way of Braemar Drive and on the east sides of the right of way of Royal Lytham Drive and Braemar Cove in Section 5-A, and on both sides of Pinehurst Drive, River Plantation Drive and Pine Valley Drive, and on the north side of La Costa Drive, south side of Braemar Drive, and



on the east sides of Royal Lytham Drive, Colonial Club Drive and Harbour Town Circle in Section B-5.

The sidewalks shall be completed at the time of completion of the residence or condominium 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 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 31st day of March, 1980.

ONION CREEK DEVELOPMENT COMPANY

By: Lumbermen's Investment Corporation

IND BEALT

By

K. M. Jastrow II, President

By: C & D Investments

By

J. D. Connolly, General Partner

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

Before me, the undersigned authority, on this day personally appeared K. M. Jastrow II, 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.

2-27-8752

Given under my hand and seal of office on this the 31st day of March, 1980.

NOTARY SEAL

Joe A. Birdwell

Notary Public, Travis County,  
Texas

My Commission Expires:

May 31, 1981

Joe A. Birdwell

(Name - Typed or Printed)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

Before me, the undersigned authority, on this day personally appeared J. D. 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 31st day of March, 1980.

NOTARY SEAL

Joe A. Birdwell

Notary Public, Travis County,  
Texas

My Commission Expires:

May 31, 1981

Joe A. Birdwell

(Name - Typed or Printed)

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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 Stamped hereon by me, on

FILED  
MAY 1 9 04 AM '80

David Thompson  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS



David Thompson  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS