

SUPPLEMENTARY DECLARATION OF RESTRICTIONSONION CREEK SECTION 4-D

On this ^{MAR 22-83} 24th day of ~~March~~ ⁶⁵⁵³ 1983, * 23.00, 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. Connolly 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 in 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.

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Developer has subdivided the Land into Lots in a subdivision to be known as Onion Creek Section 4-D, according to the Plat thereof recorded in Book 83, Page 55C-55D Plat Records of Travis County, Texas, to which Plat and its record reference is made for all purposes. Developer plans to further the community created by previous sections through selling lots and other tracts of land for the construction of office buildings and related commercial facilities pursuant to this Supplementary Declaration of Covenants of even date herewith.

6. Restrictions on Lots.

(1) For Lots 1, 2, 3, 4, 6 and 7 inclusive:

(a) Land Use. All lots or tracts of land subject to the terms hereof may be used solely for commercial office building or local retail 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. Temporary uses may be made of the lots by Developer (or the owner thereof provided Developer has given its prior written consent) for model structures and parking lots and/or sales offices which shall be permitted until December 31, 1986, 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 for use as office or local retail or other uses permitted in writing by the Developer. The following uses shall not be permitted:

- (1) Overnight parking of campers, mobile homes, boats, trailers or motor homes; or vehicles of a commercial nature;
- (2) Any use which would create any dangerous, injurious, noxious, or otherwise objectionable noise, glare, smoke, dust or other form

of air pollution, liquid or solid refuse or waste, or other substance as to affect any use within the vicinity;

- (3) Detached single family residential;
- (4) Any use contrary to law or which violates any section of this Declaration.

(c) Minimum Setback Lines. No structure of any kind and no part thereof shall be placed within these setback lines:

- (1) 25 feet from any other public street right of way;
- (2) 15 feet from any interior property line;

provided, however, that the following improvements are expressly excluded from these setback requirements: structures below and covered by the ground; steps, walks, driveways, and curbing; planters, walls, fences or hedges, not to exceed 4 feet in height; landscaping; and any other improvement approved in writing by Developer.

(d) Building Heights. The maximum height of any building shall be 35 feet.

(e) Parking Areas. Parking areas shall be setback a minimum of 10' from all the property lines and shall be curbed, guttered and paved; shall have a maximum grade slope of 5%; except with consent of the Developer shall not be provided in front of any building line fronting a street; shall be adequately landscaped by use of berms, trees, or other means acceptable to the Architectural Control Committee; and shall be sufficient to accommodate all parking needs for employees, visitors, and company vehicles, without the use of on-street parking. If parking needs increase, additional off-street parking shall be provided by the owner. A portion of all paved area shall be reserved for landscaped areas to be installed by

owner in accordance with an approved landscape plan as hereinafter provided. There shall be provided at least the following minimum parking areas:

<u>USE CLASSIFICATION</u>	<u>MINIMUM OFF STREET PARKING REQUIREMENTS</u>
i. Administrative and Business Office	1 space per 250 square feet
ii. Financial Services	1 space per 300 square feet
iii. General Retail Services	1 space per 250 square feet
iv. Professional Offices	1 space per 300 square feet
v. Indoor Service or Display	1 space per 300 square feet

Developer may grant exceptions to and/or variations from any parking requirement, provided that all such variations and/or exceptions must be in writing.

(f) Driveways. All driveways shall:

- (1) Not intersect roads, streets or thoroughfares within 30 feet of intersections;
- (2) Have a maximum width of 20 feet;
- (3) Allow no "head in" parking off a street; and
- (4) There shall be not more than two driveway curb breaks per commercial lot.

(g) Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation. Factors to be considered by the Architectural Control Committee may include but shall not be limited to whether such signs meet the following criteria:

- (1) Identify the name and business of the occupant or which offer the premises for sale or for lease.
- (2) Are not of an unusual size or shape nor constructed of dissimilarly finished materials when compared to the building or buildings on the premises.

- (3) Do not project above the roof line of a building or in front of the setback line.
- (4) Do not block or detract from adjacent property.
- (5) Preserve the quality and atmosphere of the area.

Signs of a flashing or moving character and inappropriately colored signs will not be permitted. The Association shall have the right to enter onto a lot and to remove at the owner's expense, any sign erected without such written approval. Only one sign per lot shall be allowed at front street location (the "street sign"). Only one sign per tenant may be attached to any building located upon a lot (the "building sign") which sign must be mounted flat on such building. Street signs may not exceed 15 feet in height. Building signs must be located below the top of the average solid wall height of the Building on which such sign is located. All sign lighting must be internally located. Sign structural material must be of the same type of building material as used in the building on such lot. The sign type, size and location must be shown on plans and submitted to the Architectural Control Committee for prior approval.

(h) Landscaping. Landscaping shall be required on all sites contemporaneously with completion of other improvements, but in no event later than 30 days after first occupancy or completion of buildings, whichever shall first occur and all landscaping, driveways, and parking shall conform to a landscaping plan approved by the Architectural Control Committee and drawn by a registered landscape architect prior to commencement of building construction on a lot. Factors to be considered by the Architectural Control Committee may include but shall not be limited to whether the plans meet the following criteria:

- (1) Provide automatic underground sprinkling systems for all landscaped areas;
- (2) Do not obstruct sight lines at street or driveway intersections;
- (3) Preserve existing trees, if any, to the extent practical;
- (4) Include landscaping islands a minimum of 9 feet in width for every 20 parking spaces, and include in the islands at least one tree; and
- (5) Permit reasonable access to public and private utility lines and easements for installation and repair.

Prior to commencement of construction on a lot, each owner shall escrow with the Developer cash sufficient in amount to insure installation of approved landscaping or, at the option of Developer provide a bond or letter of credit in such amount as security therefor.

(i) Screening and Utilities. Storage areas, air conditioning and heating equipment, incinerators, storage tanks, trucks based on the premises, roof objects (including fans, vents, cooling towers, skylights and all roof mounted equipment which rises above the roof line), trash containers and maintenance facilities, shall either be housed in closed buildings or otherwise completely screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening shall include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible unless otherwise approved by the Architectural Control Committee. No antenna or tower shall be erected on any lot for any purpose without prior written approval from the Architectural Control Committee. Any and all lines and/or wires for communication or for transmission of sound or current, not within a building, shall be constructed or placed and maintained underground.

Meter connections and service equipment shall be located on the non-street side of the building. Trash containers shall be located on the non-street side of the building.

(j) Exterior Illumination. Illumination will be required on all exterior walls facing streets or proposed streets and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Developer in writing. Such illumination must conform to plans approved in writing by the Architectural Control Committee.

(k) Construction Standards.

- (1) All building sides must be faced with such masonry materials as may be approved in writing by the Architectural Control Committee. Color ranges shall approximate the buff tones of Onion Creek Country Club brick siding. Siding materials must be approved by the Architectural Control Committee and shall not exceed 25% of the exposed total square footage of the building exterior walls. Windows shall not be glazed or reglazed with mirrored or reflective glass without prior written approval of the Architectural Control Committee.
- (2) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee.
- (3) No excavation shall be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings shall be back filled and graded.
- (4) Once commenced, construction shall be diligently pursued to the end that it may not be left in a partly finished condition any longer than reasonably necessary.

(l) Duty of Maintenance. Owners and occupants (including lessees) of any part of the Land shall jointly and severally have the duty and responsibility, at their sole cost and expense, to keep that part of the Land so owned or occupied, including buildings, improvements and grounds in connection therewith, in a well-maintained, safe, clean and attractive

condition at all times. Such maintenance includes, but is not limited to the following which shall be performed in a timely manner:

- (1) Prompt removal of all litter, trash, refuse, and wastes.
- (2) Lawn mowing.
- (3) Tree and shrub pruning.
- (4) Watering.
- (5) Keeping exterior lighting and mechanical facilities in working order.
- (6) Keeping lawn and garden areas alive, free of weeds, and attractive.
- (7) Keeping parking areas, driveways, and roads in good repair.
- (8) Complying with all government, health and police requirements.
- (9) Striping of parking areas and repainting of improvements.
- (10) Repair of exterior damage, and wear and tear to improvements.

(m) Resubdivision. No lot in the subdivision may be further subdivided by the owners thereof except those lots owned by the Developer or as approved by the Developer.

(2) For Lot 5:

(a) Land Use. Lot 5 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 lot by Developer for model structures and parking lots and/or sales offices which shall be permitted until December 31, 1984, 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 lots other than:

- (1) One detached single family dwelling or One duplex or One fiveplex multi-family dwelling not to exceed two stories in height and a one-story garage for not more than two motor vehicles.
- (2) All garages 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 duplex dwelling unit for single-family occupancy shall be not less than 1,300 square feet.
- (3) Each fiveplex dwelling unit for single-family occupancy shall be not less than 1,100 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 chainlink fence will be permitted in any location. 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 both sides of the right of way of Crown Colony Drive and the south side of Boca Raton Drive.

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 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 24th day of March, 1983.

ONION CREEK DEVELOPMENT COMPANY

By: Lumbermen's Investment Corporation

NO SEAL

By: K. M. Jastrow, III, President

By: C & D Investments

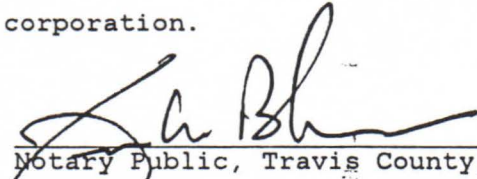
By: J. D. Connolly, General Partner

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THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This instrument was acknowledged before me on March 24, 1983, by K. M. Jastrow, II, President of Lumbermen's Investment Corporation, on behalf of said corporation.


Notary Public, Travis County, Texas

Joseph A. Birdwell
(Name of Notary - Typed or Printed)


My Commission Expires: May 30, 1985

NOTARY SEAL

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This instrument was acknowledged before me on March 24, 1983, by J. D. Connolly, General Partner of C & D Investments.


Notary Public, Travis County, Texas

Joseph A. Birdwell
(Name of Notary - Typed or Printed)

My Commission Expires: May 30, 1985

NOTARY SEAL

2640R/RJW


STATE OF TEXAS

COUNTY OF TRAVIS

I hereby certify that this instrument was FILED on the state 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 24 1983




COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED

MAR 24 3 32 PM '83


COUNTY CLERK
TRAVIS COUNTY, TEXAS