

THE STATE OF TEXAS :
 COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS,

That we, AUSTIN CORPORATION, a corporation, acting herein by and through its vice president, David B. Barrow, (hereinafter called Developer), owner of BALCONES PARK, SECTION NO. FIVE (5), as shown on plat thereof, recorded in Book 7, Page 43, of the Travis County Plat Records, do hereby impress all of the property included in Balcones Park, Section No. Five (5), with the following restrictions, covenants, conditions and uses:

1. Designation of Use

All lots shall be used for residential purposes, with not more than one residence on any lot. No lot shall be used for a trade or profession; nor shall anything be done on any lot which may be or may become an annoyance or nuisance to the neighborhood. The Developer, however, may erect a temporary sales office on any lot selected by it, in accordance with the Zoning Regulations of the City of Austin.

2. Retention of Easements

Easements are reserved as indicated on the recorded plat.

3. Temporary Structures and Garage Apartments

No apartment house, house trailer, tent, shack, garage apartment or other outbuilding shall be placed, erected, or permitted to remain on any lot or plot, nor shall any structure of temporary character be used at any time as a residence thereon.

4. Separate Garages, Guest Houses, etc.

A separate garage building, servants' quarters of one story, or a one story guest house not to exceed 600 square feet of floor area will be permitted, provided that such structure, or structures, must be attached to the main residence by a common wall or by a covered passage-way, provided that the main dwelling be substantially completed prior to said erection and provided further that all other restrictions, covenants, conditions and uses herein are complied with.

5. Minimum Plot Size

No structure shall be erected or placed on any plot which plot has an average width of less than 75 feet. No re-division of existing lots shall be made which would create an additional lot or plot; but this shall not prevent the modifying of boundaries of original lots in conformity with the above minimum width. For the purpose of these restrictions, a "plot" shall consist of a lot or lots having a contiguous frontage and having an average width of not less than 75 feet.

6. Size and Construction of Dwellings

All dwellings shall be of recognized standard con-

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struction. The dwelling erected on any plot shall cover not less than 1,500 square feet of floor area of which not less than 1,300 square feet shall be in the house proper, exclusive of garage and porches. Ornamental structures, fences and walls are permitted subject to approval in writing of the Developer, or in the alternative, by the Architectural Committee referred to under Paragraph No. 8.

7. Set-Back, Front Line, Side Line and Rear Line

No structure shall be located or erected on any lot nearer to the front plot line than twenty-five (25) feet, nor nearer than five (5) feet to any side plot line, except that the total combined setback from both sides shall in no event be less than fifteen (15) feet, nor nearer than twenty (20) feet to the rear plot line.

8. Architectural Control

No structure shall be erected on any plot until the design and location thereof have been approved in writing by the Developer, or, in the alternative, by an Architectural Committee appointed at intervals of not more than five years, by the then owners of a majority of the lots in Balcones Park, Section No. Five (5).

9. General Covenants

These provisions are hereby declared to be conditions, restrictions, uses and covenants running with the land and shall be fully binding on all persons acquiring property in Balcones Park, Section No. 5, whether by descent, devise, purchase or otherwise, and every person by the acceptance of title to any lot of this subdivision shall thereby agree to abide by and fully perform the foregoing conditions, restrictions, uses and covenants, which shall be binding until January 1, 1975. On and after January 1, 1975, said conditions, restrictions, uses and covenants shall be automatically extended for successive periods of ten years unless changed in whole or in part by a vote of three-fourths majority of the then owners of the lots in Balcones Park No. 5, each lot, or plot, to admit of one vote.

10. Penalty Provisions

If any person or persons shall violate or attempt to violate any of the above conditions, restrictions, uses and covenants, it shall be lawful for any other person or persons owning any of the lots in Balcones Park, Section No. 5 to prosecute proceedings at law or in equity against the person or persons violating or attempting such violations to prevent him or them from so doing, or to recover damages for such violations. No act or omission on the part of any of the beneficiaries of the covenants, conditions, restrictions and uses herein contained shall ever operate as a waiver of the operation of or the enforcement of any such covenant, condition, restriction or use.

Invalidation of any one or any part of the conditions, restrictions, uses, or covenants by judgment or court order shall in no wise affect any of the others which shall remain in full force and effect.

WITNESS OUR HANDS this the _____ day of December, A. D. 1954.

AUSTIN CORPORATION

By David S. Barrow
David S. Barrow, Vice President

ATTEST:

Kay Gurley
Kay Gurley, Secretary.

Balcones Parks Section 5

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

BEFORE ME, the undersigned, a Notary Public in and for Travis County, Texas on this day personally appeared DAVID B. BARROW, Vice President of Austin Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the Austin Corporation, a corporation, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 2 day of December, A. D. 1954.

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~~Notary Public in and for Travis County, Texas.~~

Balcones Park, Section 5

Filed for Record Dec. 29, 1954, at 12:00 Noon
Recorded Dec. 31, 1954, at 9:15 A.M.