

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING ORDINANCE NO. 20050818-064, REZONING AND
 2 CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD
 3 CONSERVATION-NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE
 4 BASE ZONING DISTRICT OF 609 FAIRFIELD LANE IN THE NORTH HYDE
 5 PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN
 6 COMBINING DISTRICT AREA; AND TO CHANGE THE BASE DISTRICT OF
 7 609 FAIRFIELD LANE.

8
 9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

10
 11 **PART 1.** Ordinance No. 20050818-064 is amended to include the property identified in
 12 this Part in the North Hyde Park neighborhood conservation-neighborhood plan combining
 13 district. The zoning map established by Section 25-2-191 of the City Code is amended to
 14 change the base district from family residence (SF-3) district to family residence-
 15 neighborhood conservation-neighborhood plan (SF-3-NCOD-NP) combining district on the
 16 property described in Zoning Case No. C14-04-0196, on file at the Neighborhood Planning
 17 and Zoning Department, as follows:

18
 19 Tract 11 (part) 609 Fairfield Lane (the "Property"),

20
 21 locally known as 609 Fairfield Lane, in the North Hyde Park conservation-neighborhood
 22 plan combining district, bounded by 51st Street to the north, 45th Street to the south,
 23 Guadalupe Street to the west, and Red River Street to the east, in the City of Austin, Travis
 24 County, Texas, and generally identified in Exhibits "A" and "B" attached to this ordinance.

25
 26 **PART 2.** The Property is subject to Ordinance No. 20050818-064 that established the
 27 North Hyde Park neighborhood conservation-neighborhood plan combining district.
 28
 29
 30
 31
 32
 33
 34
 35
 36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005

§
§
§

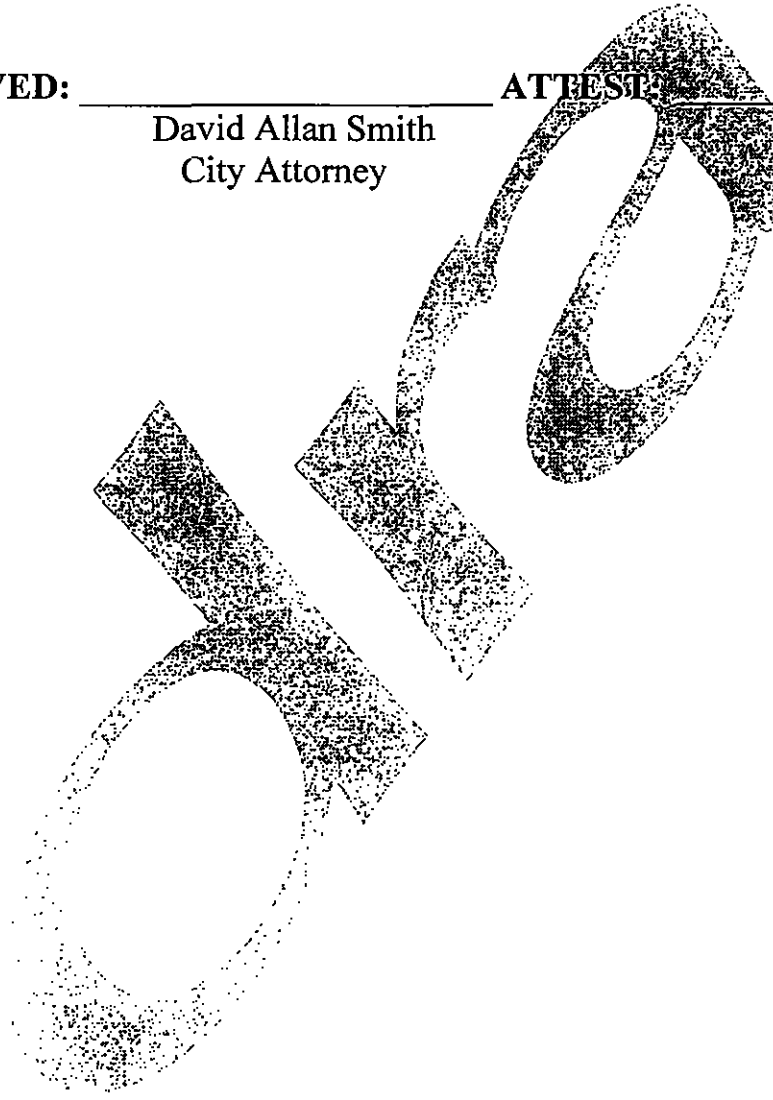
Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



RESTRICTIVE COVENANT

OWNER: Jeffrey Lindzey

ADDRESS: 2321 Westrock Drive, Austin, Texas 78704

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

PROPERTY: Lot 7, Block D, Patterson Heights Subdivision, a subdivision in the City of Austin, according to the map or plat of record in Plat Book 4, Page 221, of the Plat Records of Travis County, Texas.

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 the 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. Owner agrees to limit the dwelling unit occupancy to not more than three unrelated persons 18 years of age or older who may reside in a dwelling unit of a duplex residential use.
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.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

Jeffrey Lindzey

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2005, by Jeffrey Lindzey.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant