

19
SWT
2002-0256

HOWARD SUBDIVISION

This Restrictive Covenant ("Restrictive Covenant") is made this 26th day of September 2002, by Erik Howard ("Howard"), who owns a 2.003-acre parcel of land located in Hays County, Texas, (the "Property") more fully described herein.

Recitals

WHEREAS, Howard owns 2.003 acres of land located in Hays County, Texas and as more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, in order to protect the value and desirability of the Property, Howard has agreed to impose restrictions on the Property;

NOW, THEREFORE, Howard hereby adopts and imposes the following restrictions upon the Property which shall constitute real covenants running with the land and shall be binding upon and inure to the benefit of and be a burden on Howard, Howard's successors and assigns, and each owner of any portion of the Property, and the Property shall be held, conveyed and occupied subject to the restrictions, covenants and conditions set forth herein.

1. All of the Property is restricted to use for single-family residential purposes and only those commercial uses listed on Exhibit "B" attached hereto. No commercial or business use or activity shall be permitted on the Property, whether or not for profit except those purposes listed in Exhibit B.

2. No rubbish or debris of any kind which is not contained in enclosed containers shall be permitted to accumulate on any portion of the Property.

3. No unsafe, noxious, offensive or illegal activity, or offensive odor is permitted on any portion of the Property.

4. All sanitary regulations and requirements set forth by the public health authorities of the County of Hays, State of Texas and the City of Dripping Springs, Texas shall be strictly complied with on all portions of the Property. No outside toilets shall be erected, placed or used upon any portion of the Property. Any septic tank facilities constructed on the Property after the execution of these restrictive covenants must meet applicable government standards and requirements.

5. No mobile home, modular home, or other non-on-site manufactured home shall be permitted on any portion of the Property for longer than a period of nine (9) months, and such structures will be allowed only during the construction of the primary residence. No trailer, mobile home, motor home, camper, tent, shack, garage, or other outbuilding erected on the Property shall at any time be used as a permanent residence. The exception to this provision is the existing stone barn on the Property, as depicted in Exhibit "A."

6. If the Property contains trees or other vegetation that are infected or diseased, as determined by a certified arborist, Howard shall be required to use reasonable efforts to remedy and control such disease as to prevent it from spreading.

7. No quarrying, mining or excavating shall be permitted on the Property except as necessary for the construction of dwellings, driveways, pools or other structures consistent with the uses permitted hereunder.

8. No newly constructed, primary residence shall be erected on the Property having less than two thousand (2,000) square feet of floor space of living area in the main building, excluding garage and storage rooms. The exception to this provision is the existing stone barn on the Property, as depicted in Exhibit "A." It shall be permitted that Howard be allowed to have more than one building with living space such as a guest house, children's quarters or a garage with an apartment.

9. All dwellings and other structures constructed on the Property must have a neat and attractive appearance at all times. All portions of the Property shall be kept in a reasonably clean orderly condition at all times. All trash, garbage and other waste shall be kept in sanitary, animal-proof containers. Waste placed by the roadway for pickup shall be in animal-proof containers.

10. All water wells and tanks must be placed within enclosed structures.

11. No portion of the Property shall be used for commercial operations involving cattle, turkey, chicken, or swine. In addition, no portion of the Property shall be used for large-scale animal operations or the non-commercial raising of such animals. These provisions are intended to mean that no portion of the Property shall be used for more than four (4) animals of any particular species and no more than two (2) large animals of any kind per acre.

12. No structures shall be erected within 15 feet of a boundary line of the Property.


13. The Property may only be subdivided as two parcels.

Enforcement of the foregoing restrictive covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

Invalidation of any one of the foregoing restrictions by judgment or other court order shall in no way affect any of the other provisions, all of which shall remain in force and effect.

These restrictions may not be amended, modified, terminated or otherwise changed unless agreed to by Howard or his successors and assigns having an interest in the Property, or if the remainder of the Howard Property is ever subdivided, then by the owners of at least seventy-five percent (75%) of the lots included in the Howard Property, that are immediately adjacent to and abutting the Property, as evidenced by a written instrument that is recorded in the Official Public Records of Hays County, Texas.

These covenants, conditions and restrictions are for the purpose of protecting the value and desirability of the Property. Consequently, the provisions, restrictions, covenants and conditions imposed by this Restrictive Covenant, and any future amendments thereto, shall run with the Property and shall be binding on all parties having any right, title, or interest in the Property in whole or in part, and their heirs, successors and assigns.


Erik Howard

STATE OF TEXAS §
§
COUNTY OF ~~TRAVIS~~ ^{HAYS} §
§

This instrument was acknowledged before me on the 26 day of September 2002, by Erik Howard.

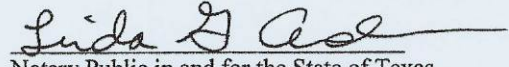

Notary Public in and for the State of Texas



EXHIBIT "A"

Continuation of Schedule A

G.F. No. 20020258

4. Legal description of the land:

Lot 1, Block A, HOWARD SUBDIVISION, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume 10, Page 331, Plat Records of Hays County, Texas.

EXHIBIT "B"

Doc Bk Vol Pg
02027008 OPR 2076 250

- R-1
- Antique Shop
- Apartment Buildings
- Apartment Hotel
- Art Studio and Gallery
- Banks or Savings and Loan Associations
- Book and Stationary Stores
- Bookstore, Retail and Wholesale
- Business, Music, Dance, or Commercial Schools
- Café, Restaurant, or Cafeteria
- Clinic
- Clothing Store, Retail
- Cold Storage Plant
- Commercial Amusements
- Day Care Center
- Drive-in Sales
- Drug Store
- Dwelling Unit (as part of building for operator)
- Electric and Electronic Assembly
- Financial Institutions
- Florist Shop, Retail
- Frozen Food Locker (no slaughtering or stripping)
- Furniture, Appliance Store, Sales and Service
- Offices, Professional or Service
- Hardware Store
- Hospital, Sanitarium, Nursing Home, Convalescent Home
- Hotel
- Laundromat
- Light Duty or Household Equipment Rental and Storage
- Marine and Fishing Equipment Sales
- Massage Therapists and Massage Therapy Schools
- Medical Clinic
- Motel
- Nursery
- Pet Shop
- Photographer's Studio
- Printing and Reproduction Firm
- Private Lodge, Fraternal
- Public Parking Lot (for operating vehicles)
- Radio and TV Stations or Studios, No Towers
- Radio, Television, or Electronics Sales and Service
- Retail Grocery
- Retail Service and Sales
- Shoe Sales and Repair

- Shopping Center
- Storage Garage
- Tailor and Dressmaking Shop
- Theaters and Motion Picture Houses
- Variety Store

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Oct 01, 2002 at 02:24P

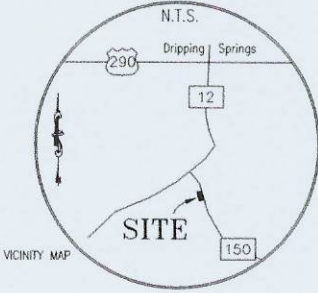
Document Number: 02027008

Amount 19.00

By
Bobbie Coley
Lee Carlisle, County Clerk
Hays County

Vol. 10 Pg. 331

HOWARD SUBDIVISION



VICINITY MAP

LEGEND

- IRON ROD SET
- IRON ROD FOUND
- CONCRETE MONUMENT SET
- CONCRETE MONUMENT FOUND
- B.L. BUILDING SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

OWNER: ERIK HOWARD
23351 F.M. 150 WEST
DRIFTWOOD, TEXAS 78619
(512) 422-4698

ACREAGE: 2.003 ACRES
SURVEY: STILES FOWLER SURVEY
NO. OF LOTS: 1
NO. OF BLOCKS: 1
F.E.M.A. MAP NO. 48209C 0045E DATED: 02-18-98
HAYS COUNTY, TEXAS
19 LOT NUMBER
A BLOCK NUMBER
DATE: AUGUST 14, 2002

ERIK HOWARD
VOLUME 1079 PAGE 703
DOC. NO. 361043

SCALE: 1" = 100'

STILES FOWLER SURVEY

STATE OF TEXAS)
COUNTY OF HAYS)

KNOW ALL MEN BY THESE PRESENTS:

THAT ERIK HOWARD, BEING THE OWNER OF 160.00 ACRES OF LAND OUT OF THE STILES FOWLER SURVEY SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO HIM BY DEED RECORDED IN VOLUME 1079, PAGE 703 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 2.003 ACRES OUT OF LAND IN ACCORDANCE WITH THIS PLAT, TO BE KNOWN AS "HOWARD SUBDIVISION" AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE 14th DAY OF August, 2002, A.D.

ERIK HOWARD
23351 F.M. 150 WEST
DRIFTWOOD, TEXAS 78619

STATE OF TEXAS)
COUNTY OF HAYS)

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED ERIK HOWARD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

Angela Faust
NOTARY PUBLIC, STATE OF TEXAS
Angela C. Faust
PRINT NOTARY'S NAME
MY COMMISSION EXPIRES: 1-17-05



ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS, THIS THE 14th DAY OF August, 2002, A.D.

Todd Russell
MAYOR

Angela Faust
ATTEST: CITY SECRETARY



THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF DRIPPING SPRINGS, TEXAS.

STATE OF TEXAS)
COUNTY OF HAYS)

I, LEE CARLISLE, CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 27th DAY OF August, 2002, A.D., AT 2:00 O'CLOCK P. M., AND DULY RECORDED ON THE 27th DAY OF August, 2002, A.D., AT 2:00 O'CLOCK P. M. IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. Vol. 10 Pg. 331

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THE 27th DAY OF August, 2002, A.D.

LEE CARLISLE, COUNTY CLERK, HAYS COUNTY, TEXAS

DEPUTY

GENERAL NOTES:

1. THIS SUBDIVISION IS IN THE EDWARDS AQUIFER CONTRIBUTING ZONE. THIS SUBDIVISION IS NOT IN THE EDWARDS AQUIFER RECHARGE ZONE.
2. THIS SUBDIVISION SHALL RECEIVE WATER SERVICE FROM THE DRIPPING SPRINGS WATER SUPPLY.
3. THIS SUBDIVISION IS CURRENTLY ZONED AG.
4. THIS SUBDIVISION HAS AN EXISTING ON-SITE WASTEWATER DISPOSAL SYSTEM.

FLOOD PLAN NOTE: NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP NO. 48209C-0045E, FOR HAYS COUNTY, TEXAS, DATED FEBRUARY 18, 1998.

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, THOMAS J. DODD, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF DRIPPING SPRINGS, TEXAS. WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

THOMAS J. DODD, R.P.L.S. NO. 1882
CARLSON, BRIGANCE & DOERING INC.
3401 SLAUGHTER LANE WEST
AUSTIN, TEXAS 78748

7.19.02
DATE



Carlson, Brigance & Doering, Inc.
Civil Engineering • Surveying
3401 Slaughter Lane West • Austin, Texas 78748
PH: (512) 280-5160 • FAX: (512) 280-5165

PATH-G:\PROJ\3805\PLAT.DWG JOB NO. 3805