

3923 · DECLARATION OF RESTRICTIONS
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STATE OF TEXAS |

COUNTY OF HOOD |

THAT REPUBLIC LAND COMPANY, a Texas corporation d/b/a PECAN PLANTATION (hereinafter referred to as Dedicator) is the owner of certain land in Hood County, Texas, and described in Exhibit "A" attached hereto, a map or plat of which is being recorded simultaneously herewith at Volume / , Page 202, of the Plat Records of Hood County, Texas, which plat is adopted by Dedicator as its plan for subdividing said land into lots as shown thereon, the same to be known as "PECAN PLANTATION, UNIT XVIII," an addition in Hood County, Texas, and being:

Lots 2529 thru 2537, inclusive, of Pecan Plantation, Unit XVIII, in the James W. Moore Survey, Abstract No. 344, Hood County, Texas; and

WHEREAS, Dedicator desires to subdivide and plat said real property and other land in and near UNIT XVIII of PECAN PLANTATION in installments, from time to time, so as to develop the same in an orderly manner with areas for commercial development, areas for recreational uses, with their allied facilities; and

WHEREAS, Dedicator desires to create and carry out an orderly plan for development, improvement and use of all the lots in PECAN PLANTATION, UNIT XVIII, so as to provide for the preservation of the values and amenities in said development and the maintenance of the facilities thereof for the benefit of the present and future owners of said lots;

NOW, THEREFORE, REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION, declares that the above described property designated as PECAN PLANTATION, UNIT XVIII, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth.

I.
EASEMENTS

A. Easements shown on the above referenced plat as streets or roads shall provide Dedicator, its successors and assigns and the owners of the lots with the right of ingress and egress to the area and facilities thereof and to adjoining land and are reserved as private ways, and no right of the public generally shall accrue in and to any of such ways. Dedicator reserves to itself the right to convey said easements or rights therein to the Association, to be retained by said Association for the benefit of the properties or, in the discretion of the Association, to be dedicated to the public as public ways and easements.

B. Dedicator reserves to itself an easement and right to construct and maintain in, over and across the easements and private ways shown or noted on said plat, utilities of every kind, including but not limited to sewers, water mains, pipelines, irrigation and drainage systems, power and communication lines and all pipes, lines, culverts and other appurtenances in connection therewith. An easement of ten feet in width is hereby reserved along the front line of each lot, and an easement five (5) feet in width is hereby reserved along each side lot line, and an easement five (5) feet in width is reserved along each back lot line.

Dedicator, its successors and assigns, may, in its sole discretion and by written instrument duly recorded, abandon to the owner of a lot all or any part of a utility easement on said owner's lot if such easement is not being used for one or more of the above mentioned purposes at the time of such abandonment.

III.

DEFINITIONS, RESTRICTIONS, COVENANTS AND LIENS

The definitions, restrictions, covenants and liens set out in the Dedication and Declaration of Restrictions of PECAN PLANTATION, UNIT I, dated July 26, 1972, and recorded in Vol. 186, page 166, Deed Records of Hood County, Texas, are hereby adopted and incorporated herein by reference as the definitions, restrictions, covenants and liens for PECAN PLANTATION UNIT XVIII, running with said land, with the following exceptions, changes and amendments:

A. Paragraph III. A. 4. thereof is amended to read as follows:

ANIMALS. No animals, livestock or poultry of any kind shall be raised, bred, boarded or kept on any lot excepting dogs or cats or other household pets not kept for commercial purposes and which are confined to the owner's lot by a leash, fencing or otherwise.

B. Paragraph III. A. 6. thereof is amended as follows:

NUISANCES. No noxious, offensive, dangerous or noisy activity shall be conducted on any lot, nor shall anything be done thereon which may be or become a nuisance to the neighborhood in which said lot is located. Lots shall be kept clean and free of trash, garbage, and debris, and fires shall be contained in safe enclosures. No grass or weeds shall be allowed to grow to a height which is unsightly in the opinion of Dedicator or the Association. Dedicator or the Association shall have the right, after seven days' written notice to the owner of a lot, to remove from such lot accumulated trash, garbage or debris and to cut and remove unsightly grass and weeds and to charge the lot owner for all reasonable costs thereby incurred.

C. Paragraph III. A. 7. thereof is amended to read as follows:

TOWERS AND WIRES. No radio or television tower or aerial wires shall be maintained (a) over any part of any lot, not occupied by a structure, or (b) at a height of more than thirty feet from the ground.

D. Paragraph III. A. 11. is added as follows:

ELECTRICAL SERVICE LINES. All electrical service lines (being the line from the distribution line to the residence) shall be installed underground.

E. Paragraph III. B. 2. thereof is amended to read as follows:

FLOOR AREA. There shall not be erected or permitted to remain on any lot, a residence having a floor area (when measured to exterior

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walls and exclusive of attached garage, open porches, patios or similar appendages) of less than the minimum number of square feet as set out for the respective lots as follows:

<u>Lots</u>	<u>Minimum Square Feet</u>
2529 thru 2537, inclusive	1200

F. Paragraph III. B. 4. thereof is amended to read as follows:

BUILDING LINES. No building, fence or structure of any kind shall be located on a lot within twenty-five (25) feet of the front line of such lot except that where a lot fronts on a cul-de-sac, the setback line from the front thereof is reduced to fifteen (15) feet. No structure or building or part thereof shall be erected or maintained within seven (7) feet of any side or back lot line. For the purpose of this paragraph, eaves, steps and open porches shall be considered as part of the building. Lots shall be deemed to "front" on the adjoining private way, and corner lots shall be deemed to "front" on the private way adjoining the shortest lot line. Dedicator may, in its discretion, grant exceptions in writing to any or all of the requirements in this paragraph.

G. Paragraph III. C. 2. thereof is amended to read as follows:

PUMPING FROM RIVER. The pumping of water from the Brazos River is prohibited except by special permit, in writing, granted by the appropriate governmental authority.

H. Paragraph III. C. 3. thereof is amended to read as follows:

RECREATIONAL FACILITIES. Dedicator covenants that it will construct and complete the following recreational facilities: Eighteen hole golf course, club house, swimming pool, marina with boat launching ramp on Lake Granbury, tennis courts, skeet range, equestrian center, landing strip and beach recreational areas on the Brazos River.

I. Paragraph III. C. 14. thereof is amended to read as follows:

ENFORCEMENT. These restrictions, covenants and conditions may be enforced by Dedicator herein or by the owner of any lot in PECAN PLANTATION either by proceedings for injunction or to recover damages for breach thereof, or both. However, only the Association may file suit to collect any of the charges, dues and expenses mentioned in paragraphs 5, 6, 7 and 8 above, all of which shall be payable to the Association in Hood and Johnson Counties, Texas, or to enforce foreclosure of any lien therein granted.

J. Paragraph III. C. 16. thereof is amended to read as follows:

ADDITIONAL SUBDIVISIONS. As recited in the preamble to this instrument, Dedicator is subdividing and platting land near to PECAN PLANTATION, UNIT XVIII, in installments as a part of PECAN PLANTATION. Dedicator has heretofore subdivided and platted other units and Dedicator reserves the right to add to PECAN PLANTATION from time to time other land near PECAN PLANTATION, UNIT XVIII, and the other previously platted and subdivided units within PECAN PLANTATION. Dedicator further reserves the right to place on such additional subdivided land such restrictions and covenants as to use, improvements and otherwise as Dedicator shall deem advisable, whether more or less stringent than those provided herein; to extend the private

ways shown on the plat of the unit covered by this instrument so as to serve such additional subdivided land; to use the easements reserved herein to serve such additional subdivided land; to grant to the purchasers of such additional subdivided land the right to become members of the Association and to use the recreational facilities and private ways provided for herein. It is specifically understood that Dedicator may develop some additional land for single family residences, some for apartments, some for condominiums, and some for other commercial uses and may at its election create and install additional recreational facilities. Unless otherwise provided in the instrument creating any such additional subdivision unit of PECAN PLANTATION, all purchasers of lots in PECAN PLANTATION, UNIT XVIII, and all purchasers of lots in all other units of PECAN PLANTATION, whether created prior or subsequent to PECAN PLANTATION, UNIT XVIII, shall be entitled equally to the use of all private ways and recreational facilities provided in PECAN PLANTATION, and shall further be equally entitled to enforce any applicable restrictions, covenants or conditions, and to participate in any modification or change in said restrictions, covenants and conditions under the provisions of paragraph 15, above, and to become members of the Association, just as though all of said subdivision units had been created at one time and by one instrument.

EXECUTED this the 9th day of June, 1978.



Secretary

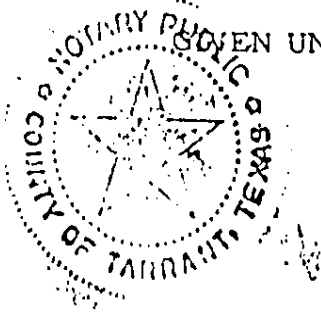
REPUBLIC LAND COMPANY,
d/b/a PECAN PLANTATION

R. W. Leonard
President

STATE OF TEXAS |

COUNTY OF TARRANT |

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared R. W. LEONARD, President of REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION, a 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 said REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION, a corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.



GIVEN UNDER MY HAND AND SEAL this the 9th day of June, 1978.

Harold H. [Signature]
Notary Public, Tarrant County, Texas

EXHIBIT "A"

Lots 2529 thru 2537, inclusive, Unit XVIII, Pecan Plantation Subdivision, a subdivision in Hood County, Texas, described by metes and bounds as follows:

Boundary description for two tracts of land out of the JAMES W. MOORE SURVEY, AB.-344, Hood County, Texas, being a portion of that certain 1741-97/100 acre tract conveyed to Republic Land Company by Lenmo, Inc. by deed recorded in Volume 179, Page 103, Deed Records, Hood County, Texas, and being more particularly described by metes and bounds in two parcels as follows:

PARCEL "A"

BEGINNING at the Southwest corner of Lot 1651, Pecan Plantation, Unit Seven, recorded in Volume 2, Page 48, Plat Records, Hood County, Texas, said point being in the East line of Bellechase Road;

THENCE, departing said road R.O.W., North 81 degrees 21 minutes East 40-0/10 feet and North 74 degrees 29 minutes East 125-35/100 feet to a point, said point being South 10 degrees 51 minutes West 38-0/10 feet from the most Easterly Southeast corner of said Lot 1651, said point also being in the West line of the Pecan Plantation Airstrip Property;

THENCE South 10 degrees 51 minutes West 112-0/10 feet and South 13 degrees 31 minutes East 120-45/100 feet to the beginning of a curve to the left, whose radius point bears South 13 degrees 32 minutes East 150-0/10 feet;

THENCE, around the arc of said curve and in a Southwesterly direction 353-5/10 feet to the end of said curve;

THENCE South 7 degrees 01 minute West 125-4/10 feet, South 7 degrees 27 minutes East 79-95/100 feet, South 6 degrees 53 minutes West 177-9/10 feet and North 79 degrees 05 minutes West 150-0/10 feet to a point in the East line of Bellechase Road;

THENCE, with said East R.O.W., North 10 degrees 55 minutes East 45-0/10 feet to the beginning of a curve to the left, having a radius of 557-20/100 feet, and around the arc of said curve and in a Northerly direction, 207-0/10 feet to the end of said curve;

THENCE North 10 degrees 22 minutes West 49-7/10 feet to the beginning of a curve to the right, having a radius of 722-48/100 feet, and around the arc of said curve, in a Northerly direction, 267-55/100 feet to the end of said curve;

THENCE North 10 degrees 51 minutes East 253-0/10 feet to the point of beginning, containing some 2-903/1000 acres of land.

BEGINNING at a point in the East line of Bellechase Road, said point being South 59 degrees 46 minutes East 50-0/10 feet from the East corner of Lot 1624, said Pecan Plantation, Section Seven, said point also being at the beginning of a curve to the left, having a radius of 377-56/100 feet, and around the arc of said curve, in a Northerly direction, 79-5/10 feet to a point;

THENCE, departing said East R.O.W., South 62 degrees 46 minutes East 100-0/10 feet, South 1 degree 11 minutes East 82-9/10 feet, South 22 degrees 30 minutes West 130-0/10 feet, South 17 degrees 47 minutes West 104-6/10 feet, South 7 degrees 14 minutes West 128-35/100 feet, South 3 degrees 22 minutes East 86-35/100 feet and South 58 degrees 19 minutes West 145-0/10 feet to a point in the curved East R.O.W. of said Bellechase Road, having a radius of 324-81/100 feet;

THENCE, around the arc of said curve, to the right and in a Northerly direction, 185-0/10 feet to the end of said curve;

THENCE North 6 degrees 38 minutes East 93-8/10 feet to the beginning of a curve to the right, having a radius of 597-27/100 feet, and around the arc of said curve, in a Northeasterly direction, 246-0/10 feet to the end of said curve;

THENCE North 30 degrees 14 minutes East 70-7/10 feet to the point of beginning, containing some 1-989/1000 acres of land.

Parcels "A" and "B" described above comprise the total area within Pecan Plantation Unit Eighteen of some 4-892/1000 acres of land.

FILED FOR RECORD
AT 11/15 A.M.
1978
Doris Dyer
Clerk County Court, Hood County, Texas.

FILED FOR RECORD THE ____ DAY OF _____ 1978 AT ____ M.

RECORDED THE ____ DAY OF _____ 1978 AT ____ M.

DEPUTY

DORIS DYER, COUNTY CLERK
HOOD COUNTY, TEXAS