

**RESTRICTIONS FOR CERTAIN LOTS IN
COUGAR RIDGE SUBDIVISION, UNIT ONE**

4/C

**TO
PUBLIC**

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF COMAL §

THAT, the undersigned, being the owners of the following described lots situated in the County of Comal, State of Texas, to wit:

All that certain tract or parcel of land lying and being situated in Comal County, Texas, being known and designated as Lots 1, 2, 3, 4, 5, 10, 11, 14, 15, 16, 17, 18, 21, 22, 27, 28, 29, 36, 37, 38, 39, 40, 41, 42, and 43, COUGAR RIDGE SUBDIVISION UNIT ONE, according to map or plat recorded in Volume 7, Page 26-27, Comal County, Texas Map and Plat Records.

does hereby impress all the property included in such subdivision with the following restrictions:

I.

All lots, with the exception of Lots 8, 9 and 10, which may be used for multi family purposes, shall be used for single family residence purposes only, and no business, professional or commercial use shall be made of any of said lots, even though such business, professional or commercial use shall be subordinate to the use of the premises as a residence, and by way of illustration and not by way of limitation, the premises shall not be used for carrying on the trade or profession of doctor, lawyer, dentist, engineer, geologist or geophysicist, accountant, contractor, barber, florist, beauty operator, realtor, chiropractor, osteopath, radio or television repairman, architect, children's nursery, automobile repairman, boat builder or boat repairman. It is further expressly provided that no activity shall be carried on upon any lot which might reasonably be considered as giving annoyance to neighbors of ordinary sensibilities and which might be calculated to reduce the desirability of the property as residential neighborhood even though such activity be in the nature of a hobby and not carried on for profit.

II.

No building shall be erected on any lot until the building plans and specifications and plat showing the location of such have been approved in writing as to the direction it shall face on the lot, quality of workmanship and materials, conformity and harmony of external design with structures to be erected or existing structures in the addition, and as to the location and size of the building with respect to topography and finished elevation, by an Architectural Control Committee (ACC) composed of Lee R. Roper, Charles S. Beeson and Billy D. Hooper, or by a representative designated by a majority of the members of said Committee. A copy of such plans and specifications and plat shall be delivered to Lee R. Roper, Charles S. Beeson, Billy D. Hooper, for the Committee's permanent files. In the event of the inability, failure or refusal to act or the death or resignation of any member of said Committee, the remaining members shall have full authority to approve or disapprove such plans, specifications, size and location, and either of such events Lee R. Roper and/or Charles S. Beeson, may designate a successor Committee member with like authority. In the event said Committee or its designated representative fails to approve or disapprove such plans, specifications and location within thirty (30) days after such plans and specifications have been submitted to it, or in any event if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required, and this covenant will have thereupon been fully complied with.

III.

The minimum floor living area of any multi family structure which shall be limited to those

locations or Lots 8, 9 and 10, shall be 2200 square feet of heated and/or air conditioned living area. The minimum ground floor living area of one and a one-half story and two story multi family structures which shall be limited to Lots 8, 9 and 10, exclusive of porches, terraces, garages and detached accessory buildings shall be 1,100 square feet of heated and/or air conditioned living area.

The minimum floor living area of the main structure of any single family dwelling, exclusive of porches, terraces, garages and detached accessory building shall be 1,400 square feet of heated and/or air conditioned living area. The minimum ground floor living area of one and one-half and two story residences exclusive of porches, terraces, garages and detached accessory building shall be 750 square feet of heated and /or air conditioned living area.

The outer walls of either the multi family structures allowed on Lots 8, 9 and 10, or the single family residences allowed on all the other lots in such subdivision, shall be at least fifty percent (50%) by area composed of rock, brick, stucco on tile, or stucco over wood framing, however, in the case of one and one-half story, two story dwellings or a split level dwelling, part of which is two story, the outer walls of the upper story area thereof may be exempted from the above masonry requirements provided that the plans and the materials specified for such upper story outer walls are approved either orally or in writing by the Architectural Control Committee named or referred to in said restrictions.

All footings, piers and foundations of the residence building on any lot in said addition shall be concrete or masonry construction.

No buildings shall be located nearer to the front property line than twenty-five (25) feet. No such residence building shall be located nearer than ten (10) feet to a side property line. No other building should be located nearer than ten (10) feet to a side property line. No residence building shall be located nearer to the rear property line than thirty (30) feet. No fence, wall or other structure shall be constructed placed or altered on any lot nearer to any street than the minimum building set back lines unless written approval thereof is obtained from the Architectural Control Committee. On all corner lots no buildings shall be located nearer than fifteen (15) feet to any side street line and a detached garage on a corner lot may not be nearer to the side street than the wall of the main residence. For the purposes of this covenant, eaves, steps or open terraces, driveways or walkways shall not be considered as a part of the building, provided, however, that there be a minimum of eight (8) feet between the edges of overhangs of adjacent structures, and provided that this shall not be construed to permit any encroachment on another lot.

Notwithstanding the above provisions, the Architectural Control Committee is hereby given the authority to waive either orally or writing the set back requirements and the direction that a building must face when, in the opinion of said committee the proposed of the building will add to the appearance and value of the property and will not detract from the appearance and value of the other properties. Remodeling shall comply with these restrictions.

IV.

There is hereby reserved an easement or right-of-way over a strip along the front, side and rear boundary of the lots as platted, ten(10) feet in width for the purpose of installation or maintenance of utilities by private or public authority or public utility company. No structure of a permanent nature shall be erected within such easements.

V.

There is provided for each lot in the subdivision a source of water from CANYON LAKE WATER SUPPLY CORPORATION. No individual water supply system shall be permitted on any lot.

VI.

No outside toilet shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and Local Department of

Health.

VII.

No sign of any kind shall be displayed to the public view on any vacant lot. On lots containing a residence (or during construction of a residence) there will be permitted one sign of not more than five (5) square feet, advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

VIII.

No lot herein may be resubdivided.

IX.

No nuisance of any kind shall be created or permitted. Specifically said property shall not be used for the purpose of raising hogs, goats, or other animals, or as a place for keeping horses, roosters, mules, chickens, cattle or animals of any kind provided, however, that pets in reasonable number may be kept for personal use and pleasure as long as they do not danger or become a nuisance to others in the subdivision, in the opinion of the Architectural Control Committee. No animal shall be kept or maintained for commercial purposes on the subject premises. Dogs must be kept within enclosed fences.

No trash, ashes or other refuse may be stored, thrown or dumped on any lot in the subdivision.

No junk or wrecking yard shall be located on any lot and no wrecked or junked vehicles may be permitted to be placed or to remain on any lot in the subdivision.

X.

All driveways in the addition shall be surfaced with concrete, asphalt or base material and all residence structures shall be completed within 14 months from the laying of the foundation.

XI.

No Building constructed elsewhere shall be moved onto any lot in COUGAR RIDGE SUBDIVISION, UNIT ONE. No structure of a temporary character, trailer, mobile home, modular home, tent, shack, garage, barn or other building shall be used on any lot as a residence.

XII.

Oil gas or other mineral exploration shall not be permitted upon any lot in COUGAR RIDGE SUBDIVISION, UNIT ONE. Oil, gas or other mineral receptacles or tunnels, pipelines or mining equipment shall not be permitted upon any of said lots. Quarrying or mining operations of any kind shall not be permitted upon any of said lots.

XIII.

Any sheet metal roofing used must be approved orally or in writing by the Architectural Control Committee and no rolled asphalt roofing shall be permitted unless same is used as a base for gravel, tile, stone, rock or composition roofing.

XIV.

These amended covenants and restrictions shall remain in force and effect on each lot in COUGAR RIDGE SUBDIVISION, UNIT ONE, until January 1, 2027, after which time they may be amended and/or extended by majority vote of the then owners of seventy-five percent (75%) of the acreage contained in the addition for such period or periods of time as may from

time to time be decided by the owners of the various lots within the addition.

XV.

Each and every owner of any lot or tract embraced within said addition shall have the right, and is hereby expressly authorized at said owner's expense to sue and obtain an injunction, either prohibitive or mandatory, to prevent the breach or to enforce the observance of each and every restriction, covenant and condition as hereby amended and to sue for damages, court costs and attorney's fees for any breach thereof.

If any one of these amended restrictions shall be held to be unconstitutional, invalid, or for any reason not enforceable against any lot in the subdivision by judgment or court order, none of the other lots or amended restrictions shall be affected or impaired thereby but shall remain in full force and effect.

Said restrictions are hereby made covenants running with the land and shall be binding upon each present and future owner of one or more lots in COUGAR RIDGE SUBDIVISION, UNIT 1, and upon the undersigned and each grantee thereof, their heirs, devisees, executors, administrators, successors and assigns.

EXECUTED this the 8th day of April, A.D., 1997

RANCHO DEL LAGO, INC.


BY: LEE R. ROPER, President

THE STATE OF TEXAS

§

§

COUNTY OF COMAL

§


This instrument was acknowledged on this 8th day of April, 1997 by LEE R. ROPER, President of RANCHO DEL LAGO, INC., in the capacity therein stated and as the act and deed of said corporation.


NOTARY PUBLIC STATE OF TEXAS



Doc# 9706007144
Pages: 4
Date : 04-09-1997
Time : 02:22:01 P.M.
Filed & Recorded in
Official Records
of COMAL County, TX.
JOY STREATER
COUNTY CLERK
Rec. \$ 15.00

STATE OF TEXAS
COUNTY OF COMAL
This is to certify that this document was
FILED and RECORDED in the
Public Records of Comal County, Texas
on the date and time stamped hereon.


COUNTY CLERK

DOC# 9706007144

AMENDED RESTRICTIONS FOR CERTAIN LOTS IN
COUGAR RIDGE SUBDIVISION, UNIT ONE

TO

PUBLIC

A
/C

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COMAL §

THAT, the undersigned, being the owners of the following described lots situated in the County of Comal, State of Texas, to wit:

All that certain tract or parcel of land lying and being situated in Comal County, Texas, being known and designated as Lots 1, 2, 3, 4, 5, 10, 11, 14, 15, 16, 17, 18, 21, 22, 27, 28, 29, 36, 37, 38, 39, 40, 41, 42, and 43, COUGAR RIDGE SUBDIVISION UNIT ONE, according to map or plat recorded in Volume 7, Page 26-27, Comal County, Texas Map and Plat Records.

does hereby impress all the property included in such subdivision with the following restrictions:

I.

All lots, with the exception of Lots 8, 9 and 10, which may be used for multi family purposes, shall be used for single family residence purposes only, and no business, professional or commercial use shall be made of any of said lots, even though such business, professional or commercial use shall be subordinate to the use of the premises as a residence, and by way of illustration and not by way of limitation, the premises shall not be used for carrying on the trade or profession of doctor, lawyer, dentist, engineer, geologist or geophysicist, accountant, contractor, barber, florist, beauty operator, realtor, chiropractor, osteopath, radio or television repairman, architect, children's nursery, automobile repairman, boat builder or boat repairman. It is further expressly provided that no activity shall be carried on upon any lot which might reasonably be considered as giving annoyance to neighbors of ordinary sensibilities and which might be calculated to reduce the desirability of the property as residential neighborhood even though such activity be in the nature of a hobby and not carried on for profit.

II.

No building shall be erected on any lot until the building plans and specifications and plat showing the location of such have been approved in writing as to the direction it shall face on the lot, quality of workmanship and materials, conformity and harmony of external design with structures to be erected or existing structures in the addition, and as to the location and size of the building with respect to topography and finished elevation, by an Architectural Control Committee (ACC) composed of Lee R. Roper, Charles S. Beeson and Billy D. Hooper, or by a representative designated by a majority of the members of said Committee. A copy of such plans and specifications and plat shall be delivered to Lee R. Roper, Charles S. Beeson, Billy D. Hooper, for the Committee's permanent files. In the event of the inability, failure or refusal to act or the death or resignation of any member of said Committee, the remaining members shall have full authority to approve or disapprove such plans, specifications, size and location, and either of such events Lee R. Roper and/or Charles S. Beeson, may designate a successor Committee member with like authority. In the event said Committee or its designated representative fails to approve or disapprove such plans, specifications and location within thirty (30) days after such plans and specifications have been submitted to it, or in any event if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required, and this covenant will have thereupon been fully complied with.

III.

The minimum floor living area of any multi family structure which shall be limited to those

locations or Lots 8, 9 and 10, shall be 2200 square feet of heated and/or air conditioned living area. The minimum ground floor living area of one and a one-half story and two story multi family structures which shall be limited to Lots 8, 9 and 10, exclusive of porches, terraces, garages and detached accessory buildings shall be 1,100 square feet of heated and/or air conditioned living area.

The minimum floor living area of the main structure of any single family dwelling, exclusive of porches, terraces, garages and detached accessory building shall be 1,400 square feet of heated and/or air conditioned living area. The minimum ground floor living area of one and one-half and two story residences exclusive of porches, terraces, garages and detached accessory building shall be 750 square feet of heated and /or air conditioned living area.

The outer walls of either the multi family structures allowed on Lots 8, 9 and 10, or the single family residences allowed on all the other lots in such subdivision, shall be at least fifty percent (50%) by area composed of rock, brick, stucco on tile, or stucco over wood framing, however, in the case of one and one-half story, two story dwellings or a split level dwelling, part of which is two story, the outer walls of the upper story area thereof may be exempted from the above masonry requirements provided that the plans and the materials specified for such upper story outer walls are approved either orally or in writing by the Architectural Control Committee named or referred to in said restrictions.

All footings, piers and foundations of the residence building on any lot in said addition shall be concrete or masonry construction.

No buildings shall be located nearer to the front property line than twenty-five (25) feet. No such residence building shall be located nearer than ten (10) feet to a side property line. No other building should be located nearer than ten (10) feet to a side property line. No residence building shall be located nearer to the rear property line than thirty (30) feet. No fence, wall or other structure shall be constructed placed or altered on any lot nearer to any street than the minimum building set back lines unless written approval thereof is obtained from the Architectural Control Committee. On all corner lots no buildings shall be located nearer than fifteen (15) feet to any side street line and a detached garage on a corner lot may not be nearer to the side street than the wall of the main residence. For the purposes of this covenant, eaves, steps or open terraces, driveways or walkways shall not be considered as a part of the building, provided, however, that there be a minimum of eight (8) feet between the edges of overhangs of adjacent structures, and provided that this shall not be construed to permit any encroachment on another lot.

Notwithstanding the above provisions, the Architectural Control Committee is hereby given the authority to waive either orally or writing the set back requirements and the direction that a building must face when, in the opinion of said committee the proposed of the building will add to the appearance and value of the property and will not detract from the appearance and value of the other properties. Remodeling shall comply with these restrictions.

IV.

There is hereby reserved an easement or right-of-way over a strip along the front, side and rear boundary of the lots as platted, ten(10) feet in width for the purpose of installation or maintenance of utilities by private or public authority or public utility company. No structure of a permanent nature shall be erected within such easements.

V.

There is provided for each lot in the subdivision a source of water from CANYON LAKE WATER SUPPLY CORPORATION. No individual water supply system shall be permitted on any lot.

VI.

No outside toilet shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and Local Department of

Health.

VII.

No sign of any kind shall be displayed to the public view on any vacant lot. On lots containing a residence (or during construction of a residence) there will be permitted one sign of not more than five (5) square feet, advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

VIII.

No lot herein may be resubdivided.

IX.

No nuisance of any kind shall be created or permitted. Specifically said property shall not be used for the purpose of raising hogs, goats, or other animals, or as a place for keeping horses, roosters, mules, chickens, cattle or animals of any kind provided, however, that pets in reasonable number may be kept for personal use and pleasure as long as they do not danger or become a nuisance to others in the subdivision, in the opinion of the Architectural Control Committee. No animal shall be kept or maintained for commercial purposes on the subject premises. Dogs must be kept within enclosed fences.

No trash, ashes or other refuse may be stored, thrown or dumped on any lot in the subdivision.

No junk or wrecking yard shall be located on any lot and no wrecked or junked vehicles may be permitted to be placed or to remain on any lot in the subdivision.

X.

All driveways in the addition shall be surfaced with concrete, asphalt or base material and all residence structures shall be completed within 14 months from the laying of the foundation.

XI.

No Building constructed elsewhere shall be moved onto any lot in COUGAR RIDGE SUBDIVISION, UNIT ONE. No structure of a temporary character, trailer, mobile home, modular home, tent, shack, garage, barn or other building shall be used on any lot as a residence.

XII.

Oil gas or other mineral exploration shall not be permitted upon any lot in COUGAR RIDGE SUBDIVISION, UNIT ONE. Oil, gas or other mineral receptacles or tunnels, pipelines or mining equipment shall not be permitted upon any of said lots. Quarrying or mining operations of any kind shall not be permitted upon any of said lots.

XIII.

Any sheet metal roofing used must be approved orally or in writing by the Architectural Control Committee and no rolled asphalt roofing shall be permitted unless same is used as a base for gravel, tile, stone, rock or composition roofing.

XIV.

In addition to the covenants, restrictions and reservations stated above, each tract shall be subject to a water assessment of \$600.00 for the purpose of installing a water system to bring water to the tract. Said water assessment shall be due and payable to RANCHO DEL LAGO,

INC., or its assigns, on or before six (6) months after the tract is conveyed by RANCHO DEL LAGO, INC..

XV.

These amended covenants and restrictions shall remain in force and effect on each lot in COUGAR RIDGE SUBDIVISION, UNIT ONE, listed above until January 1, 2027, after which time they may be amended and/or extended by majority vote of the then owners of seventy-five percent (75%) of the acreage contained in the addition for such period or periods of time as may from time to time be decided by the owners of the various lots within the addition.

XVI.

Each and every owner of any lot or tract embraced within said addition shall have the right, and is hereby expressly authorized at said owner's expense to sue and obtain an injunction, either prohibitive or mandatory, to prevent the breach or to enforce the observance of each and every restriction, covenant and condition as hereby amended and to sue for damages, court costs and attorney's fees for any breach thereof.

If any one of these amended restrictions shall be held to be unconstitutional, invalid, or for any reason not enforceable against any lot in the subdivision by judgment or court order, none of the other lots or amended restrictions shall be affected or impaired thereby but shall remain in full force and effect.

Said restrictions are hereby made covenants running with the land and shall be binding upon each present and future owner of one or more of the lots listed above in COUGAR RIDGE SUBDIVISION, UNIT 1, and upon the undersigned and each grantee thereof, their heirs, devisees, executors, administrators, successors and assigns.

EXECUTED this the 14th day of April, A.D., 1997

RANCHO DEL LAGO, INC.

Lee R. Roper

BY: LEE R. ROPER, President

THE STATE OF TEXAS

§
§
§

COUNTY OF COMAL

Doc# 9706008701
Pages: 4
Date : 04-29-1997
Time : 11:44:50 A.M.
Filed & Recorded in
Official Records
of COMAL County, TX.
JOY STREATER
COUNTY CLERK
Rec. \$ 15.00

This instrument was acknowledged on this 14th day of April, 1997 by LEE R. ROPER, President of RANCHO DEL LAGO, INC., in the capacity therein stated and as the act and deed of said corporation.

Laurie LaSarge
NOTARY PUBLIC STATE OF TEXAS



DOC# 9706008701