

RESTRICTIVE COVENANTS

The following restrictions as to land use and other restrictive covenants are hereby imposed upon the above-described tract or parcel of land, and the same shall be covenants running with the land binding upon Grantees' heirs, successors and assigns for a period of thirty (30) years from and after the date hereof, to wit:

LAND USE, BUILDING TYPES, DWELLING SIZES, CONSTRUCTION

1. No Lot may be used for any purpose except single family residential or recreational use. A guest house is permitted on a Lot provided that it is not leased independently of the Residential Dwelling.
2. No residential structure shall be built on the tract except for single family residential, recreational, farming or ranching purposes unless its living area has a minimum of eighteen hundred (1,800) square feet of floor area excluding open or screened porches, carports and garages, and does not exceed two stories. No single wide, double wide or triple wide mobile homes or manufactured homes are permitted on this property. No temporary residence is allowed on this property. No homes will be moved on this property unless approved by Grantors, Hwy 36 Ventures LLC.
3. Exterior walls of all Residential Dwellings and recreational structures must be completed with a suitable grade of metal, wood, brick or masonry siding so as to present a consistent and aesthetically pleasing appearance.
4. Professional or commercial activities in homes, residences, or outbuildings are permitted, provided that such activities are incidental to the residential use of said homes, residences, or outbuildings. Any such activities that disturb the tranquility and harmony of the neighborhood by reason of odor, dust, smoke, noise, pollution, increased traffic, or danger of fire or explosion are strictly prohibited.
5. Sewage Disposal: No structure intended for permanent human habitation should be occupied until such time as a sewage disposal system which will comply with the Austin County Septic Requirements for on-site-sewer-facilities (OSSF) has been approved and installed. In no event shall cesspools be installed, nor raw sewage be dumped on any portion of the property.
6. Toxic or Hazardous Waste Prohibited: No portion of the property shall be used for storage or disposal of any toxic or hazardous waste as same may be, from time to time, defined by applicable law or regulation.
7. No lot or tract may be re-subdivided into small lots or tracts.

TEMPORARY STRUCTURES

Recreational vehicles, travel trailers, and motor homes may be temporarily located on a Lot and used for residential purposes only during the construction phase of an approved Residential Dwelling.

BUILDING LOCATIONS

No building may be located on any Lot within fifty (50) feet of the center line of the road frontage or within fifty (50) feet of the side Lot property line.

LOT MAINTENANCE

The owner of each Lot or Lots shall be responsible for keeping the premises, building, improvements, appurtenances, and landscaping in a well-maintained, safe, clean, and attractive condition at all times, so as to not detract from the value, use, or enjoyment of adjacent Lots or from the aesthetic quality of the Subdivision as a whole.

FENCES

Fence posts should be no more than ten (10) feet apart, with all corners properly wired and braced. Corner posts must be a minimum of six (6) inch top posts. Electric fences along Pacen Pace Road or within 50 feet of the road are not permitted unless attached to a permanent fence such as described above.

SIGNS

No signs, advertisement, billboards for advertising structures of any kind may be erected or maintained on any residential or recreational lot. Provided however, the posting of signs advertising a property that is for sale is permitted. Such signs are limited to one sign not to exceed forty-eight (48) inches square. Provided further, political signs as allowed by law are permitted. As a general rule, political signs may be posted ninety (90) days before an election and must be removed within 10 days after an election.

PETS, LIVESTOCK, POULTRY, AND FOWL

Dogs, cats, and other household pets may be kept on any Lot, provided they are not kept, bred, or maintained in excessive numbers, or for any commercial purpose. Livestock, including but not limited to horses, cows, goats, rabbits, chickens, and other domestic fowl, may be kept for the personal use and pleasure of the Owner of any Lot and to support any applicable agricultural exemptions for ad valorem tax purposes, as may be allowed under Texas Law, but not for commercial business purposes. The creation of "feed lots" or any other type of agricultural activity, which concentrates animals in such a manner as to create a health hazard or offensive odor, or concentration of animal waste products, is prohibited.

NUISANCES

No noxious or offensive trade or activity will be permitted on any Lot, nor may any activity be done thereon which is or may become an annoyance or a nuisance to the neighborhood, illegal, dangerous, or which may have the effect of degrading the residential and recreational environment of the subdivision. This includes, but is not limited to, odor, fumes, dust, smoke, noise, pollution and anything with a high risk of fire or explosion.

HUNTING / DISCHARGING OF FIREARMS

Discharging a firearm on one's property is at the Owners risk and responsibility. In the event this results in personal injury or damage to another owner's property, the owner is at risk of criminal charges for personal injury or civil lawsuits for property damage.

GARBAGE AND REFUSE DISPOSAL

No lot may be used or maintained as a dumping ground for rubbish. All trash, garbage, and other waste must be kept in sanitary containers until it is properly disposed.

MINERALS, DRILLING, AND EXCAVATION

No oil drilling, development, refining, quarrying or mining operations will be permitted upon or in any Lot.

WATER AND SEWAGE DISPOSAL SYSTEMS

Water wells and septic systems may be utilized and maintained on any Lot for the personal use of any Owner, lessee, their immediate family, and non-commercial invitees. All toilets, lavatories, and bath facilities must be installed indoors and must be connected with adequate grease traps, septic tanks, and lateral lines. Such systems may not be used for commercial purposes and must be constructed to comply with the minimum specifications required by local governing agencies in Austin County, Texas.

ABANDONED JUNKED MOTOR VEHICLES

No Lot may be used as a depository for abandoned or junked motor vehicles. An abandoned motor vehicle is one without a current vehicle registration. No junk of any kind or character, or any accessories, parts, or objects used with cars, boats, buses, trucks, trailers, or RVs may be kept on any Lot in such a location or manner as to be visible from the road.

STORAGE

No Lot shall be used for temporary or permanent storage of commercial equipment, material, or vehicles, except those used in direct connection with the construction, use, or enjoyment of any Lot of residential or recreational property.

ENFORCEABILITY

The provisions of this declaration run with the Property and are binding upon and inure to the benefit of each Owner and occupant of a Lot in the Subdivision, or any portion thereof, and their respective heirs, legal representatives, successors, and assigns. Any Owner may enforce the provisions of this Declaration in any court of law or equity having jurisdiction to hear such actions.

The above stated restrictive covenants shall be in addition to (and not in lieu or alteration of) any and all requirements, restrictions or other provisions of any land use laws and regulations governing the use and operation of the above described property, whether now or hereafter in effect.