## DECLARATION OF RESTRICTIONS OF SEMPRONIUS SUBDIVISION, WHICH IS A SUBDIVISION OWNED BY HIGHWAY 36 VENTURE, LLC

STATE OF TEXAS

COUNTY OF AUSTIN

WHEREAS, Highway 36 Venture, LLC is the sole owner of the following described in Austin County, Texas:

178.828 acres of land located in the C.R. Perry Survey, A-275, and the G. Gaskins Survey, A-176, Austin County, Texas, said 178.828 acres of land being out of a 405.585 acre tract of land described in a deed recorded under Instrument No. 182301 in the Official Public Records of Austin County, Texas, and said 178.828 acres of land being more fully described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all intents and purposes.

WHEREAS, the above described real property is sometimes referred to herein as the "178.828 Acres"; and

WHEREAS, the 178.828 Acres has been subdivided into lots and has been developed as a subdivision by Highway 36 Venture, LLC, and the subdivision is known as the "Sempronius Subdivision"; and

WHEREAS, a map of the Sempronius Subdivision has been approved by the Commissioners Court of Austin County, Texas and is filed in Volume 3 at Page 12 of the Map Records of Austin County, Texas; and

WHEREAS, a true and correct copy of the map of the Sempronius Subdivision which has been filed of record is attached hereto as EXHIBIT "B" and made a part hereof for all intents and purposes; and

WHEREAS, the individual lots of the Sempronius Subdivision, as depicted on the map attached hereto as EXHIBIT "B", are collectively referred to herein as the "Lots" and individually referred to herein as a "Lot"; and

WHEREAS, the purpose of this Declaration Of Restrictions Of Sempronius Subdivision, Which Is A Subdivision Owned By Highway 36 Venture, LLC ("Declaration") is to implement the placing of restrictions on the Sempronius Subdivision which includes each Lot which is a part of the Sempronius Subdivision.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT Highway 36 Venture, LLC, which is the owner of the Sempronius Subdivision and, as such, is the owner of

the Lots, hereby declares that the following restrictions ("Restrictions") shall apply and are hereby placed, as of the date of execution hereof, against the Sempronius Subdivision and each Lot which is a part of the Sempronius Subdivision.

- No manufactured homes and/or mobile homes shall be located and/or maintained at any time on any Lot.
- 2. No Lot may be used for any purpose other than single family residential use except as otherwise provided herein.
- 3. No more than two single family residential structures may be located on each Lot. One of the single family residential structures located on a Lot shall be a minimum of 1,800 square feet of floor area excluding porches (both open and screened), carports, and garages. The other single family residential structure located on a Lot shall be a minimum of 1,000 square feet of floor area excluding porches (both open and screened), carports, and garages. If a single family residential structure is located on a Lot which is less than 1,800 square feet, that single family residential structure may not be occupied as the sole or primary residence of the occupant(s) until construction of a single family residential structure is completed on that Lot which has a minimum of 1,800 square feet of floor area excluding porches (both open and screened), carports, and garages, as set out above. Notwithstanding anything to the contrary contained herein, after construction of the single family residential structure having a minimum of 1,800 square feet of floor area commences, the single family residential structure which has less than 1,800 square feet of floor area and which has been constructed on the Lot may be occupied as the primary residence of the owner of the Lot and the family of the owner of the Lot.
- 4. No single family residential structure on any Lot shall be greater than two stories in height. Construction of a single family residential structure, or any other building or improvement, on a Lot shall be completed within a reasonable period of time after construction has commenced.
- 5. There is an existing single family residential structure presently located on Lot No. 1 of the Sempronius Subdivision. Notwithstanding anything to the contrary contained herein, the restrictions concerning minimum number of square feet of a single family residential structure, as contained in paragraph 3 hereof, shall not be applicable to the existing single family residential structure which is presently located on Lot No. 1 of the Sempronius Subdivision. Further, the walls on the existing single family residential structure presently located on Lot No. 1 shall be deemed to be in compliance with the provisions of paragraph 7 below. However, if a new single family residential structure is constructed after the effective date of these Restrictions, such new construction shall adhere to the provisions of all of the Restrictions, and any remodeling or addition to the existing single family residential structure which is presently located on Lot No. 1 shall be in compliance with the Restrictions.
- 6. All construction, including remodeling, of single family residential structures and any other buildings on the Lots, beginning after the effective date of this Declaration, shall be of new construction and materials. No houses or other buildings may be moved onto any Lot other than small storage buildings used in conjunction with the occupancy of a single family

residential structure located on the Lot. Notwithstanding anything to the contrary contained herein, outbuildings may be located on a Lot. Outbuilding shall include garages, barns, storage buildings, and/or workshops. Notwithstanding anything to the contrary contained herein, the new construction provision contained in this paragraph 6 shall not apply to the existing single family residential structure and other buildings presently located on Lot No. 1 of the Sempronius Subdivision, but shall be applicable to any additional single family residential structure or other buildings constructed in the future on Lot No. 1.

- 7. Exterior walls of all of the buildings on a Lot must be constructed with a suitable grade of metal, wood, brick, and/or masonry siding so as to present an aesthetically pleasing appearance.
- 8. Commercial activities may not be conducted on a Lot, except those specifically authorized by these Restrictions. A home-based business conducted inside of a single family residential structure may be conducted on a Lot. However, such home-based business shall not be a retail business which attracts on-site customers and shall be incidental to the use of the Lot for single family residential use.
- 9. No single family residential structure or other permanent structure, including buildings, may be constructed within the detention and drainage easement area, as described on the map of the Sempronius Subdivision attached hereto as EXHIBIT "B".
  - 10. No Lot may be subdivided.
- 11. No structure, other than fences and driveways, may be located on a Lot within fifty feet (50') of the centerline of the road fronting that Lot. Further, no structures, other than fences may be located on a Lot within fifty feet (50') of a side boundary line of that Lot.
- 12. No obnoxious, illegal, and/or offensive activity shall be allowed to occur or to be engaged in on any Lot. No garbage, trash, ashes, debris, junk, inoperative equipment, or any refuse or waste shall be located and/or maintained on any Lot, other than as provided for in paragraph 21 hereof.
- 13. No Lot shall be used for storage or disposal of any toxic or hazardous waste as may be, from time to time, defined by application laws or regulations. However, this restriction shall not prohibit the storage of small amounts of such substances which are of ordinary use in households and by the occupants of households.
- 14. No structure located on a Lot and intended for permanent human habitation shall be occupied until such time as a sewage disposal system which will comply with the Austin County Septic Requirements for on-site sewage facilities (OSSF) has been approved and installed. In no event shall cesspools be installed nor raw sewage be dumped on any Lot or onto any roadway fronting a Lot.
- 15. Each Lot and all improvements thereon shall be kept in a well maintained, neat, safe, clean, and attractive condition at all times. This shall include regular maintenance and trimming of grass, trees, and other vegetation located on the Lot.

- 16. Fences may be built on a Lot. Fence posts shall be no more than ten feet (10') apart, with all corner posts guy-wired and/or braced. Corner posts must be a minimum of six inch (6") top posts. Electric fences are prohibited.
- 17. No signs, billboards, or advertising structures of any kind may be erected or maintained on any Lot. Notwithstanding anything to the contrary contained herein, the posting of a sign advertising a Lot for sale or lease is permitted, with such sign being limited to one sign not to exceed forty-eight inches by forty-eight inches (48" x 48"). Further, notwithstanding anything to the contrary contained herein, political signs, as allowed under subdivision laws of the State of Texas, may be posted within the time periods as may be permitted by those laws.
- 18. No recreational vehicles, travel trailers, and/or motor homes may be used to reside in while located on a Lot, except during the period of construction of a single family residential structure on the Lot.
- 19. Dogs, cats and other household pets may be maintained on a Lot provided that the number of such household pets shall not be excessive. Livestock, such as horses, cows, goats, rabbits, chickens, and other domestic fowl, may be maintained on a Lot by persons residing on that Lot. No feed lots or other similar-type agricultural activity which concentrates animals in a limited area and which may result in a health hazard, offensive odor, or concentration of animal waste shall be allowed. Notwithstanding anything to the contrary contained herein, no hogs or pigs may be located or maintained on any Lot, except that a reasonable number of hogs or pigs may be located and maintained on a Lot in connection with an FFA or 4-H (or similar organization) project being undertaken by a person who is twenty (20) years of age or younger and who resides on the Lot. Further, cattle may be maintained on a Lot to a degree necessary to obtain an open-space valuation/agricultural exemption for ad valorem tax purposes for that Lot. All animals maintained on any Lot must be kept in an enclosure which prevents the animals from leaving the Lot.
- 20. No hunting shall be allowed on any Lot. The discharge of firearms is prohibited on any Lot, except by a person defending himself/herself (or others who are on the Lot) or in connection with the eradication of predatory animals and feral hogs which are on the Lot.
- 21. No Lot may be used or maintained as a dumping ground for rubbish, trash, garbage, and other waste. All rubbish, trash, garbage, and other waste must be kept in enclosed sanitary containers and removed from the Lot regularly. Trash may be burned on a Lot, provided that the burning is controlled. Notwithstanding anything to the contrary contained herein, nothing shall be done nor any activity carried out on any Lot which is, becomes, and/or is considered to be a nuisance.
- 22. No Lot may be used for mining, excavation and/or removal of minerals, soil, rock, and/or gravel from the Lot.
- 23. 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. Further, no junk of

any kind or character, or any accessories, parts, or objects used with cars, boats, buses, trucks, trailers or recreational vehicles may be maintained on any Lot in a location or manner as to be visible from the road fronting the Lot. Notwithstanding anything to the contrary contained herein, none of the items referred to in this paragraph 23 shall be maintained on any Lot in a manner which is unsightly or which offends the normal sensibilities of the persons owning Lots in the Sempronius Subdivision.

- 24. The Restrictions shall constitute a covenant running with the land and touch and concern each Lot. The Restrictions may be enforced by any one or more of the owners (being owners at the time of enforcement) of any Lot.
- 25. Enforcement of any and all of the Restrictions shall be by a proceeding at law or in equity against any person or persons violating or attempting to violate the same. A proceeding may be either to restrain the violation thereof or for the recovery of damages. Any owner or owners of any Lot shall have the right to prosecute any violation or attempt to violate any of the Restrictions.
- 26. The waiver of any of the Restrictions shall not be a waiver or a breach of any of the other Restrictions, nor of a subsequent breach of the restriction waived.
- 27. The Restrictions shall be in addition to (and not in lieu of) any and all requirements, restrictions, or other provisions of any land use laws and regulations governing the use and operation of the Sempronius Subdivision, whether now or hereafter in effect.
- 28. The Restrictions shall be applicable to each Lot and any part of the Sempronius Subdivision.
- 29. The Restrictions shall continue to be applicable as provided for herein for a period of thirty (30) years immediately following the date of execution hereof and shall be applicable to each Lot during that period of time. The Restrictions may be amended by a vote for such amendment or amendments of at least seventy percent (70%) of the owners of the Lots. If a Lot has more than one (1) owner, those owners collectively shall have one (1) vote. Further, if there is more than one (1) owner of a Lot, the owners may split their votes. For example, if there are two (2) owners, each owner shall be entitled to one-half (½) of a vote. Notwithstanding anything to the contrary contained herein, the Restrictions shall, after the initial 30-year period, automatically renew for consecutive periods of ten (10) years each, unless, within sixty (60) days after the end of the prior period of the term of the Restrictions (initial period of 30 years and 10 years for each period thereafter), the Restrictions are terminated, in writing, by vote of at least seventy percent (70%) of the owners of the Lots.
- 30. Notwithstanding anything to the contrary contained herein, Highway 36 Venture, LLC (and its assigns), which is the developer of the Sempronius Subdivision, shall have the right to make amendments to the Restrictions, without the approval of any of the owners of the Lots, for the five (5) years immediately following the effective date of this Declaration, as set out below.

### EXECUTED EFFECTIVE the 17th day of November, 2021.

HIGHWAY 36 VENTURE, LLC

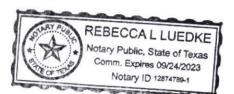
By: \_\_\_\_

JESSELEE BYLER, Manager

#### STATE OF TEXAS

#### COUNTY OF AUSTIN

This instrument was acknowledged before me on the day of November, 2021, by JESSE LEE BYLER, as Manager of HIGHWAY 36 VENTURE, LLC, a Texas limited liability company, on behalf of said limited liability company.



Notary Public, State of Texas

#### **EXHIBIT "A"**

ALL THAT CERTAIN 178.828—acre tract or parcel of land, lying and being situated in Austin County, Texas, part of the C. R. Perry Survey, Abstract 275, and the G. Gaskins Survey, Abstract 176, and being a portion of the residue of a tract said to contain 405.595 acres conveyed to Highway 36 Venture, LLC, and described by instrument recorded in Document No. 182301, Official Public Records of Austin County (O.P.R.A.C.), hereafter referred to as "parent tract." Said 178.828—acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found with cap marked "RPLS 5197" in the north margin of Sempronius Road (width varies) for the southeast corner hereof, being on the south line of said parent tract and at the southwest corner of the Highway 36 Venture, LLC, tract called 65.000 acres as described in Document No. 182301, O.P.R.A.C.;

THENCE along the north margin of Sempronius Road, South 77"46'01" West, a distance of 1087.05 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" on or near the division line between said Perry and Gaskins Surveys and South 77"54'10" West, a distance of 1056.23 feet to a 1/2-inch iron rod found at the southwest corner of said parent tract, same being the occupied southeast corner of the George William Wehrung, III, et ux. "Tract 3" called 90.25 acres as described in Volume 160, Page 331, et seq., Deed Records of Austin County (D.R.A.C.);

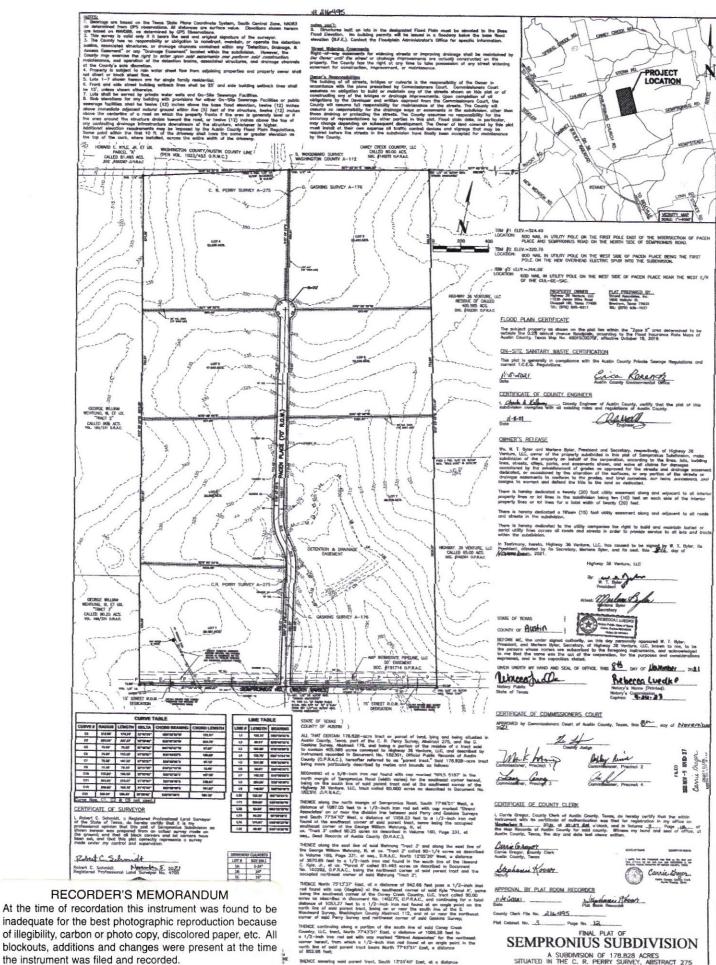
THENCE along the east line of said Wehrung "Tract 3" and along the east line of the George William Wehrung, III, et ux. "Tract 2" called 90-1/4 acres as described in Volume 160, Page 331, et seq., D.R.A.C., North 12'05'20" West, a distance of 3670.89 feet to a 1/2-inch iron rod found in the south line of the Howard C. Kyle, Jr., et ux. "Parcel A" called 81.493 acres as described in Document No. 103262, O.P.R.A.C., being the northwest corner of said parent tract and the occupied northeast corner of said Wehrung "Tract 2";

THENCE North 75°13'37" East, at a distance of 942.66 feet pass a 1/2-inch iron rod found with cap (illegible) at the southeast corner of said Kyle "Parcel A", same being the southwest corner of the Caney Creek Country, LLC, tract called 80.00 acres as described in Document No. 140275, O.P.R.A.C., and continuing for a total distance of 1053.27 feet to a 1/2-inch iron rod found at an angle point on the north line of said parent tract, being on or near the south line of the S. Woodward Survey, Washington County Abstract 112, and at or near the northeast corner of said Perry Survey and northwest corner of said Gaskins Survey;

THENCE continuing along a portion of the south line of said Caney Creek Country, LLC, tract, North 77\*43'51" East, a distance of 1006.28 feet to a 1/2-inch iron rod set with cap marked "Strand Associates" for the northeast corner hereof, from which a 1/2-inch iron rod found at an angle point in the north line of said parent tract bears North 77\*43'51" East, a distance of 852.98 feet;

THENCE severing said parent tract, South 13°23'45" East, at a distance of 2070.79 feet pass a 5/8-inch iron rod found with cap marked "RPLS 5197" at the northwest corner of said called 65.000-acre Highway 36 Venture, LLC, tract and continuing along the west line thereof for a total distance of 3721.47 feet to the Place of Beginning and containing 178.828 acres of land.

# EXHIBIT "B" MAP OF THE SEMPRONIUS SUBDIVISION



Instrument # 216657 11/17/2021 1:03 PM

STATE OF TEXAS COUNTY OF AUSTIN

I certify that this instrument was filed on the
date and time stamped by me and was recorded in the
Official Public Records of Austin County, Texas.

Carrie Gresor, County Clerk Austin County, Texas

84: Stephanie Kovar