

P257440

AMENDED RESTRICTIONS, COVENANTS
AND EASEMENTS

161-47-1042

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

06/01/93 00263795 P257440 \$ 15.00

THESE AMENDED RESTRICTIONS, COVENANTS AND EASEMENTS are made on the date hereinafter set forth by the undersigned owners, hereinafter referred to as the "MAJORITY OWNERS", being the owners of a majority of the tracts which comprise "CYPRESS AIR STRIP ESTATES".

W I T N E S S E T H:

WHEREAS, the MAJORITY OWNERS are owners of certain tracts or parcels of land within that certain tract or parcel of land known as "CYPRESS AIR STRIP ESTATES", an unrecorded subdivision made by Irving L. Peabody Engineers, Inc., dated October 1, 1968 in Harris County, Texas and being a track of land described by metes and bounds in a deed to Anna Robuck from Julius Juergen dated July 27, 1952 and recorded in Volume 905, Page 674, Harris County Deed Records, said tract being a 141.54 acre tract of land out of the George Haig alias James P. Douglas Survey Abstract 338 Certificate No. 60 dated August 30, 1845 Patent No. 290 Harris County, Texas, said tract of land being more particularly described in EXHIBIT "A" attached hereto; and

WHEREAS, that certain tract or parcel known as CYPRESS AIR STRIP ESTATES was made subject to certain RESTRICTIONS, COVENANTS, AND EASEMENTS hereinafter referred to as the "ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS", dated DECEMBER 13, 1968 in HARRIS COUNTY, TEXAS and recorded in VOLUME 7442, PAGES 1 through 10, HARRIS COUNTY DEED RECORDS; and

WHEREAS, said ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS provided that:

"These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until June 1, 1993, at which time said covenants shall automatically be extended for successive periods of Ten (10) years unless an instrument signed by a majority of the then owners of the tracts has been recorded, agreeing to change said covenants in whole or in part."; and

WHEREAS, the original desire to create and maintain a

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private airport no longer is deemed viable by the MAJORITY OWNERS; and

WHEREAS, it is the desire of the MAJORITY OWNERS to hereby amend the said ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS.

NOW, THEREFORE, WE, the MAJORITY OWNERS do hereby declare that said "CYPRESS AIR STRIP ESTATES" shall be and from this time forward is subject to the following AMENDED COVENANTS, RESTRICTIONS AND EASEMENTS.

1. EASEMENTS

a. Taxi strips, or taxi ways as designated in the ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS, can be used by residents of the Estates for ingress and egress but are not to be considered roadways at any time;

b. All utility easements as designated in the ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS are hereby reserved for such easement purposes;

c. There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide upward from a plane twenty (20) feet above the ground located adjacent to all utility easements except as otherwise shown in the ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS;

d. There is also dedicated over and under all taxi strips or taxi ways an easement for the purpose of installing water and sewer lines and drainage ditches if necessary including the right to install or maintain such facilities.

2. RESTRICTIONS AND COVENANTS

a. No tract shall be used except for residential purposes, except:

i that Tract Nos. 1 through 10, Block 2 and 11 through 13, Block 1 as designated in the ORIGINAL RESTRICTIONS COVENANTS AND EASEMENTS may be used for any legal purpose;

ii Lot 7, Block 1, which is designated and reserved as a drill site in said ORIGINAL RESTRICTIONS COVENANTS AND EASEMENTS remains designated and reserved as for all mineral explorations; all minerals for the entire subdivision being reserved to Ray Reeves; All drilling operations must be commenced and performed from said Lot 7,

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Block 1;

iii All parts of the 141.54 acre tract of land known as "CYPRESS AIR STRIP ESTATES" an unrecorded subdivision that are not specifically described as an easement or tract or lot in said ORIGINAL RESTRICTIONS, COVENANTS AND EASEMENTS can be used for any purpose;

b. No building shall be erected, altered, placed or permitted to remain on any residence tract other than on single family dwelling not to exceed two stories in height and a private garage for not more than three cars;

c. No residential structure shall be placed on a residential tract unless its living area has a minimum of 900 square feet of floor area excluding porches and garages;

d. No residence shall be located on any tract nearer than 25 feet to the front line, nor nearer than 10 feet to any side street line, nor nearer than 20 feet from the rear lot line, nor nearer than 10 feet from any side line, except as may be herein specified to the contrary;

e. No noxious or offensive activity shall be carried on upon any tract or shall anything be done thereon which may be an annoyance or nuisance to the neighborhood;

f. No tract shall be used or maintained as a dumping ground for rubbish, trash, garbage or other wastes. Garbage and waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition;

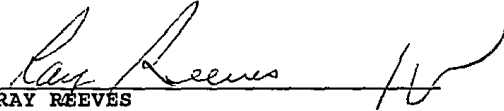
g. These covenants are to run with the land and shall be binding upon all the parties and all persons claiming under them until June 1, 1994, at which time said covenants shall be automatically extended for successive periods of Three (3) years unless an instrument signed by a majority of the then owners of the tracts has been recorded, agreeing to change said covenants in whole or in part;

h. The violation of any restriction or covenant herein shall not operate to invalidate any mortgage, deed of trust, or other lien acquired and held in good faith against said property or any part thereof but such liens may be enforced against any and all property covered thereby, subject nevertheless to the restrictions herein;

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i. If any one of such restrictions shall be held to be invalid, or for any reason is not enforceable, none of the others shall be affected or impaired thereby, but shall remain in full force and effect.

Executed this 28TH day of MAY, 1993.


RAY REEVES

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AMENDED RESTRICTIONS, COVENANTS
AND EASEMENTS

EXHIBIT "A"

BEING that certain tract or parcel of land known as "CYPRESS AIR STRIP ESTATES", an unrecorded subdivision made by Irving L. Peabody Engineers, Inc., dated October 1, 1968 in Harris County, Texas and being a track of land described by metes and bounds in a deed to Anna Robuck from Julius Juergen dated July 27, 1952 and recorded in Volume 905, Page 674, Harris County Deed Records, said tract being a 141.54 acre tract of land out of the George Haig alias James P. Douglas Survey Abstract 338 Certificate No. 60 dated August 30, 1845 Patent No. 290 Harris County, Texas, said tract of land being more particularly described as follows:

COMMENCING for reference, in the southwest corner of the George Haig, alias James P. Douglas Survey, A-338;

THENCE North 00° 33' 55" East 1476.01 feet along the west line of said survey to a buggy axle, said axle being the Southwest corner of that certain 141.54 tract of land described by metes and bounds in a deed to Anna Robuck from Julius Juergen dated July 27, 1952 and recorded in Volume 905, Page 674, Harris County Deed Records;

THENCE North 00° 29' 50" East a distance of 30.00 feet along the westerly line of said CYPRESS AIR STRIP ESTATES to a 3/4 inch iron rod in the true POINT OF BEGINNING of the tract herein described;

THENCE North 00° 29' 50" East a distance of 1445.65 feet along the westerly line of said CYPRESS AIR STRIP ESTATES to a 5/8 inch iron rod;

THENCE South 89° 39' 10" East a distance of 4176.62 feet along the northerly line of said CYPRESS AIR STRIP ESTATES to a 5/8 inch iron rod;

THENCE South 00° 29' 20" West a distance of 1445.70 feet along the easterly line of said CYPRESS AIR STRIP ESTATES to a 5/8 inch iron rod;

THENCE North 89° 39' 08" West a distance of 4176.83 feet along the southerly line of said CYPRESS AIR STRIP ESTATES to the POINT OF BEGINNING and containing 141.54 acres of land.

