

RESTRICTIVE COVENANTS
TO
WATERFORD PARK, PHASE (1)

A SUBDIVISION OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

STATE OF TEXAS |

COUNTY OF BELL |

KNOW ALL MEN BY THESE PRESENTS:

That FIRST OMEGA COMPANY, LTD. a Texas Limited Partnership with its offices and principal place of business in Temple, Bell County, Texas, is the sole owner of 9.441 acres of land in Bell County, Texas, as described in field notes of Charles C. Lucko, R.P.L.S #4636, attached hereto marked Exhibit A and incorporated herein by reference for all pertinent purposes.

That the 9.441 acres of land owned by FIRST OMEGA COMPANY, LTD., which land is described in Exhibit A, attached hereto, and which 9.441 acres described in Exhibit A contains the following blocks and lots of WATERFORD PARK, PHASE (1), a subdivision of the City of Temple, Bell County, Texas:

WATERFORD PARK, PHASE (1)

Lots 01-07 in Block 01

Lots 01-04 in Block 04

Lots 01-19 in Block 05

That FIRST OMEGA COMPANY, LTD. does further make and impose the following restrictions, covenants and limitations with reference to the use of the roads, streets, and alleys of said WATERFORD PARK, PHASE (1), which shall be covenants running with the land;

1. **ARCHITECTURAL CONTROL COMMITTEE:** The undersigned shall create an Architectural Control Committee to consider variances and approve and/or disapprove the design, materials plans and specifications, which are required by these covenants.

a. **Review by Committee:** No improvements shall be erected, placed or altered on any lot, nor shall any landscaping be performed unless complete plans, specifications, and lot plans therefore, showing exterior design height, building material and color scheme thereof, the location of the structure plotted horizontally and vertically, the location of driveways, the general plan of landscaping, fencing, walls, and the grading plan shall have been submitted to and approved in writing by the Architectural Control Committee, and a copy of such plans, specifications, and lot plans as finally approved, deposited with the Architectural Control Committee.

b. **Purpose.** The Architectural Control Committee shall exercise its judgment to see that all improvements, construction, landscaping and alterations on lands within WATERFORD PARK, PHASE (1), conform to and harmonize with the existing and surrounding structures and that trees and environment are protected.

c. **Procedures.** The Architectural Control Committee shall approve or disapprove all plans and requests within thirty (30) days after submission. In the event the Architectural Control Committee fails to take any action within thirty (30) days after requests have been submitted, approval will be presumed, and this procedure will be deemed to have been full complied with.

d. **Records.** The Architectural Control Committee shall maintain written records of all applications submitted to it and of all actions taken.
"Exhibit B"

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e. **Members.** The Architectural Control Committee shall consist of not more than three (3) members who shall be appointed by the Board of Directors of the Corporation. The following are hereby appointed to serve at this time, to-wit: BETTY K. HOWE, DENNIS W. DONLEY, and JAMES I. HOWE. The majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of this committee, the undersigned reserves the authority to remove without cause any committee member and appoint his replacement. Neither the members of the committee nor its designated representative shall be entitled to any compensation for the services performed pursuant to this covenant.

f. **Modification.** The Architectural Control Committee shall have the authority to reduce the floor area requirements contained herein by 10% and to modify or waive the masonry requirement. In addition, when in the opinion of the Architectural Control Committee a waiver or modification of any other restrictive covenants herein would not impair or detract from the high quality of this subdivision, it may by written instrument in recordable form waive or modify any such restriction.

g. **Liability.** The Architectural Control Committee shall not be liable in damages to any person submitting requests for approval or to any owner within WATERFORD PARK, PHASE (1), by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove any such request.

2. **Lot Use:** No lot or any part thereof shall be used except for residential purposes.

3. **REPLATING AND SUBDIVIDING:** First Omega Company, Ltd. hereby reserves the exclusive right to replat or subdivide any or all of said WATERFORD PARK, PHASE (1), subdivision without prior approval of owners of property within WATERFORD PARK, PHASE (1), subdivision subsequent to the filing of these covenants. No lot and/or lots shall be subdivided into smaller lots or parcels of land for the purpose of building thereon, sale or leasing, having an area of less than 4,500 square feet.

4. **DWELLING TYPE PROHIBITED:** No existing building, trailer or trailer house, mobile home, basement, tent, shack, garage, garage apartment, portable building or servant's quarters shall ever be used as a dwelling, temporary or permanent.

5. **LIVING AREA:** No residence or dwelling unit shall be erected upon any lot or subdivision thereof, as permitted herein, which shall contain less than 1,400 SQUARE FEET OF FLOOR AREA, excluding the basement, the garage whether attached or detached, breezeways, porches and balconies whether enclosed or not:

This restriction shall not prevent the construction of attached or detached garages or other out buildings where the main building conforms to the area square footage as herein required.

7. **EXTERIOR WALL MASONRY:** Construction of new buildings and improvements only shall be allowed and new construction is limited to structures of NOT LESS THAN 50% OF THE EXTERIOR FIRST FLOOR WALL SURFACE TO BE MASONRY OR MASONRY VENEER.

8. **BUILDING SET-BACK:** That no building or any part thereof, such as a porch, landing, etc., shall be located on any lot nearer to the front property line than the minimum building setback lines shown on the recorded plat.

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- a. Notwithstanding the foregoing no building shall be located on any lot nearer than twenty-five feet (25') to the front lot line or nearer than fifteen feet (15') to any side street lot line.
- b. No dwelling shall be located on any interior lot nearer than ten (10') to the rear lot line.
- c. The Architectural Control Committee may grant set-back variances that do not conflict with city requirements or variances thereto.
9. **FUTURE REMODELING OR REBUILDING:** All restrictive covenants and conditions shall apply to future remodeling of and additions to buildings and to rebuilding in case of total or partial destruction of any existing structure.
10. **NOXIOUS OR OFFENSIVE ACTIVITIES:** No noxious or offensive activity shall be carried on upon any lot; nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
11. **PARKING:** No lot, street or alley of this subdivision shall be used for the parking or storage, temporary or otherwise, of any junked vehicle, abandoned or inoperable vehicle, trailer or boat, or any part thereof.
12. **VEHICLES, RESTRICTED:** No vehicle with tonnage in excess of three-fourths (3/4) ton, camper, trailer, mobile home, motor home, or boat shall be permitted to park overnight or for extended periods during the day in, on or about the streets and alleys of said subdivision, or park in, on or about the front or side yards of any lot therein.
13. **ANIMALS, LIVESTOCK OR POULTRY:** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes.
14. **FENCES:** No fence shall be constructed or allowed to remain in front of the [front] minimum building setback line. All fences shall be privacy type fences, composed of wood and/or masonry, and shall not exceed six feet (6') in height without prior Architectural Control Committee approval.
15. **FLAMMABLE OR EXPLOSIVE CARGO:** No vehicle of any size which normally or occasionally transports flammable or explosive cargo may be allowed in, on or about any part of said subdivision at any time.
16. **DUMPING OF RUBBISH:** No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste materials shall be kept only in sanitary containers. Said containers shall be kept clean and in a sanitary condition.
17. **SIGNS AND POSTERS:** No sign or poster of any kind shall be allowed on any lot of said subdivision except one sign of no more than four (4) square feet in area advertising the property for sale or rent or signs used by a building contractor to advertise construction on the lot. Variance allowing larger signs, by home building contractor's, may be submitted to the Architectural Control Committee.
18. **STORAGE AND OUT BUILDINGS:** The construction of any storage or other out building on any lot within this subdivision must first be approved by the city of Temple, Bell County, Texas.

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19. **MINING AND DRILLING:** No oil, gas or other mineral operations of any nature shall be permitted in said subdivision including the buildings, wells, tanks, excavations or derricks connected therewith.

20. **SITE LINE OBSTRUCTIONS AT CORNER LOTS:** No fence, wall hedge or shrub planting which obstructs site lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street line and a line connecting them at points twenty-five feet (25') from the intersections of the street line, or in the case of a rounded property corner from the intersection of the street lines extended. The same site line limitation shall apply on any lot within ten feet (10') from the intersection of a street with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such site line.

21. **YARD AND LOT MAINTENANCE:** The owners or occupants of all lots at all times shall keep weeds, grass and landscaping thereon cut and trimmed in a sanitary, healthful, safe and attractive manner.

22. **INDIVIDUAL SEWAGE SYSTEMS:** No individual sewage disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the City of Temple, Texas, and the Bell County Health Department. Approval of such system as installed shall be obtained from such authority.

23. **ANTENNA & ANTENNA TOWERS:** No Radio, Television or other type antenna, transmitting or receiving structure shall be permitted in front or side yards. Height of such structures constructed on houses or in rear yards shall not exceed twenty feet above ground level. Use of such structures shall be limited to activities which do not interfere with normal receiving of radio or television transmissions by occupants of neighboring lots.

23. **TERM OF COVENANTS:** The covenants, restrictions, conditions, and limitations set forth above, and each of them, shall be covenants running with the title of the above-described tract and every part thereof, and every subdivision thereof, until ten (10) years from the filing date of these covenants, after which time said covenants, restrictions, limitations, and conditions shall be automatically extended for successive periods of ten (10) years thereafter unless an instrument signed by a majority of the then owners of said tract or subdivision thereof, shall be duly executed and recorded, agreeing to change said covenants, restrictions, limitations and conditions in whole or in part. Filing of such change to the covenants shall not impose greater restrictions upon vacant lots without consent of the then owner of respective vacant lots.

24. **EASEMENTS:** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels within the easements, or which may obstruct or retard the flow of water through drainage easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. The owner of the of the property upon which a utility easement is located may use it for lawn purposes. Fencing across the easement shall be permitted.

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There are hereby created three foot (3') wide easements for drainage purposes on both sides of each side-lot line of each and every lot in this subdivision.

25. INVALIDATION: Invalidation of any one or more of these covenants, restrictions, conditions and limitations by judgment or court order, shall in no wise effect any of the other provisions hereof, which shall remain and continue in full force and effect.

26. COVENANT ENFORCEMENT: Enforcement of these covenants, restrictions, conditions and limitations shall be by proceedings at law or in equity, against any person or persons violating or attempting to violate any covenants, conditions, restrictions, or limitations, either to restrain violation or to recover damages.

27. ZONING REGULATIONS: These restrictions, covenants, conditions and limitations are in all respects subject to any applicable zoning regulations lawfully in force or hereafter adopted.

28. WATERFORD PARK, PHASE (1): That FIRST OMEGA COMPANY, LTD. does hereby certify that the land comprising WATERFORD PARK, PHASE (1) as indicated in the field notes and the plat marked Exhibit B, attached hereto, is wholly within the corporation limits of the City of Temple, Texas.

EXECUTED this 23rd day of December, 1994.

FIRST OMEGA COMPANY, LTD.
By: Omega Enterprises, Inc. (General Partner)

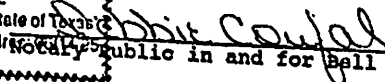
By: 
James I. Howe, Vice President

THE STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared JAMES I. HOWE, Vice President of OMEGA ENTERPRISES, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 23 day of December, 1994.



DEBBIE COUFAL
Notary Public - State of Texas
Commission Expires 12/25/95

Notary Public in and for Bell County, Texas

RETURN TO: James I. Howe
First Omega Company, Ltd.
P. O. Box 1908
Temple, Texas 76503-1908

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FIELD NOTES PREPARED BY ALL COUNTY SURVEYING

August 9, 1994

Surveyor's Field Notes for WATERFORD PARK PHASE (1), being :

9.441 Acres, being part of the REDDING ROBERTS SURVEY, Abstract No. 692, in Bell County, Texas, and being part of 4 tracts; one being called 9.54 acres in the deed to Edith I. Curry recorded in Volume 1642, Page 471 of the Bell County Deed Records, one being called 9.54 acres in the deed to Edgar W. Bruce recorded in Volume 1642, Page 465 of the said Deed Records, one being called 9.54 acres in the deed to Mabel C. Hill recorded in Volume 1642, Page 469 of the said Deed Records, and one called 9.54 acres in the deed to H. Rogers Bruce recorded in Volume 1642, Page 467 of the said Deed Records, and this 9.441 acres being described more particularly by these metes and bounds as follows:

BEGINNING at a 1/2" iron rod hereby set in concrete and being in the south line of the said Curry tract, and being at the intersection of the existing north Right-Of-Way line of F.M. 1741, with the proposed North Right-Of-Way line of F.M. 1741 (per data furnished this surveyor by Texas Department Of Transportation), which bears North 73 deg.25 min.27 sec. West, 86.65 feet from the southeast corner of the said Curry tract, said southeast corner of the said Curry tract also being the southwest corner of the previously mentioned Edgar Bruce tract, and said iron rod in concrete being in a curve which has a radius which bears South 3 deg.12 min.20 sec. West, 868.51 feet.

THENCE entering into the said Curry tract, and being along the said curve to the right, an arc distance of 44.33 feet; the Long Chord of said curve being South 85 deg.19 min.56 sec. East, 44.32 feet to a 1/2 inch iron rod set in concrete for an an angle point in the west line of this 9.441 acres.

THENCE continuing across the said Curry tract the following 2 courses and distances:

- 1.) North 6 deg.07 min.47 sec. East, 57.71 feet; a 1/2 inch iron rod set in conerete, and,
- 2.) North 16 deg.37 min.49 sec. East, 470.76 feet; a 1/2 inch iron rod set in concrete for the northwest corner of this 9.441 acres.

THENCE South 72 deg.48 min.25 sec. East, at 54.22 feet pass the east line of the said Curry tract, being the west line of the above mentioned Edgar Bruce tract, and continue crossing the said Bruce tract, a distance of 353.43 feet to a 1/2 inch iron rod hereby being set in concrete for an angle point in the north line of this tract.

THENCE South 45 deg.50 min.21 sec. East, continuing across the said Bruce tract, at a distance of 6.10 feet pass the east line of the said Edgar Bruce tract, being the west line of the previously mentioned Hill tract, 42.61 feet to a 1/2 inch iron rod hereby being set in concrete for an interior corner being in the northerly west line of this tract.

THENCE over and across the said Hill tract the following 6 courses and distances:

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- 1.) North 48 deg.43 min.44 sec. East, 150.56 feet; a 1/2 inch iron rod set in concrete, and being in a curve which has a radius point which bears South 42 deg.18 min.31 sec. West, 275.00 feet,
- 2.) with said curve to the left, an arc distance of 31.77 feet, the Long Chord of said curve bears North 51 deg.00 min.04 sec. West, 31.75 feet to a 1/2 inch iron rod set in concrete,
- 3.) North 35 deg.41 min.21 sec. East, 169.82 feet; a 1/2 inch iron rod set in concrete,
- 4.) South 55 deg.11 min.55 sec. East, 33.92 feet; a 1/2 inch iron rod set in concrete,
- 5.) South 44 deg.42 min.57 sec. East, 58.05 feet; a 1/2 inch iron rod set in concrete,
- 6.) South 41 deg.16 min.16 sec. East, at 111.02 feet pass the east line of the said Hill tract, being the west line of the previously mentioned H. Rogers Bruce 9.54 acres tract, and continue across the just mentioned Bruce 9.54 acres tract, for a total distance of 181.77 feet to a 1/2 inch iron rod set in concrete for the northernmost northeast corner of this tract.

THENCE over and across the said H. Rogers Bruce 9.54 acres tract the following 4 courses and distances:

- 1.) South 5 deg.16 min.00 sec. East, 103.24 feet to a 1/2 inch iron rod set in concrete,
- 2.) South 45 deg.11 min.39 sec. West, 108.90 feet; a 1/2 inch iron rod set in concrete, and being in a curve which has a radius point which bears North 45 deg.11 min.39 sec. East, 325.00 feet,
- 3.) with said curve to the right, an arc distance of 10.42 feet, the Long Chord of said curve bears North 43 deg.53 min.14 sec. West, 10.42 feet; a 1/2 inch iron rod set in concrete,
- 4.) **THENCE** South 47 deg.01 min.52 sec. West, at a distance of 73.97 feet pass the west line of the said H. Rogers Bruce 9.54 acres tract, and reenter the said Hill tract, and continue in all a total distance of 171.50 feet to a 1/2 inch rod found and placed in concrete for the northwest corner of that certain tract called 1.25 acres in the deed to H. Rogers Bruce of record in Volume 1173, Page 47 of the said Deed Records, and being in the southerly east line of the said Hill tract for an angle point in this east line.

South 15 deg.33 min.34 sec. West, along the west line of the said Bruce called 1.25 acre tract (record call of South 19 deg. West, 341 feet), same being the east line of the said Hill tract (record call of South 17 deg.59 min.46 sec. West, 341.09 feet), at a distance of 322.39 feet pass a 1/2 inch iron rod set in concrete in the said proposed North Right-Of-Way line of said F.M. 1741, and continue in all a total distance of 343.86 feet to a 1/2 inch iron rod found in the existing north Right-Of-Way line of F.M. 1741 for the southwest corner of the said Bruce called 1.25 acre tract, same being the southeast corner of the said Hill tract, and also being the southeast corner of this tract.

THENCE North 73 deg.25 min.27 sec. West, with the existing Right-Of-Way line of said F.M. 1741, same being the south line of the said Hill tract (record call of N 70 deg.35 min.36 sec. West, 273.19 ft.), and the south line the said Edgar Bruce tract (record call of N 70 deg.35 min.36 sec. West, 304.62 ft.), and the south line of the said Curry tract (record call of N 70 deg.35

min.36 sec. West, 261.59 ft.), at 273.01 feet pass the common south corner of the said Hill and Edgar Bruce tract, at 577.63 feet pass the common south corner of the said Edgar Bruce and Curry tract, and continue in all a total distance of 664.28 feet to the Point Of Beginning, and containing, 9.441 acres.

Surveyed June & July of 1994.

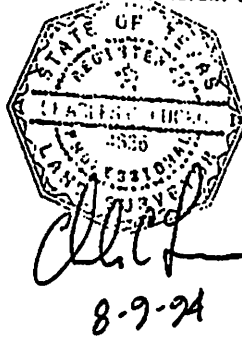
** The bearings recited herein are based upon physical " on-the-ground" ties into the Texas Department Of Transportation Aerial Control panels situated along the existing F.M. 1741 which bounds this tract on the south, and their information is taken to be on the Texas State Plane Coordinate System, and the herein mentioned "New Right-Of-Way Line" for F.M. 1741 Right-Of-Way maps are rotated to the same bearing basis.

This description is to accompany a plat of said Waterford Park, Phase (1) generated by Barton Engineering of Temple, Texas.

** NOTE- This description is for plat application and some of the monuments described herein as "set" may not be situated on the ground at the time of these notes, but it is the intent of this surveyor to have all pertinent monuments described herein to be placed upon completion of construction activity.

ALL COUNTY SURVEYING
1-800-749-PLAT

Charles C. Lucko, TX RPLS # 4636



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VADA SUTTON
CLERK, BELL CNTY TX.
DEPUTY

FILED FOR RECORD

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