

Item: **VIRGIL MERRELL (ALL EXCEPT 5)**

(Category: RESTRICTIONS)

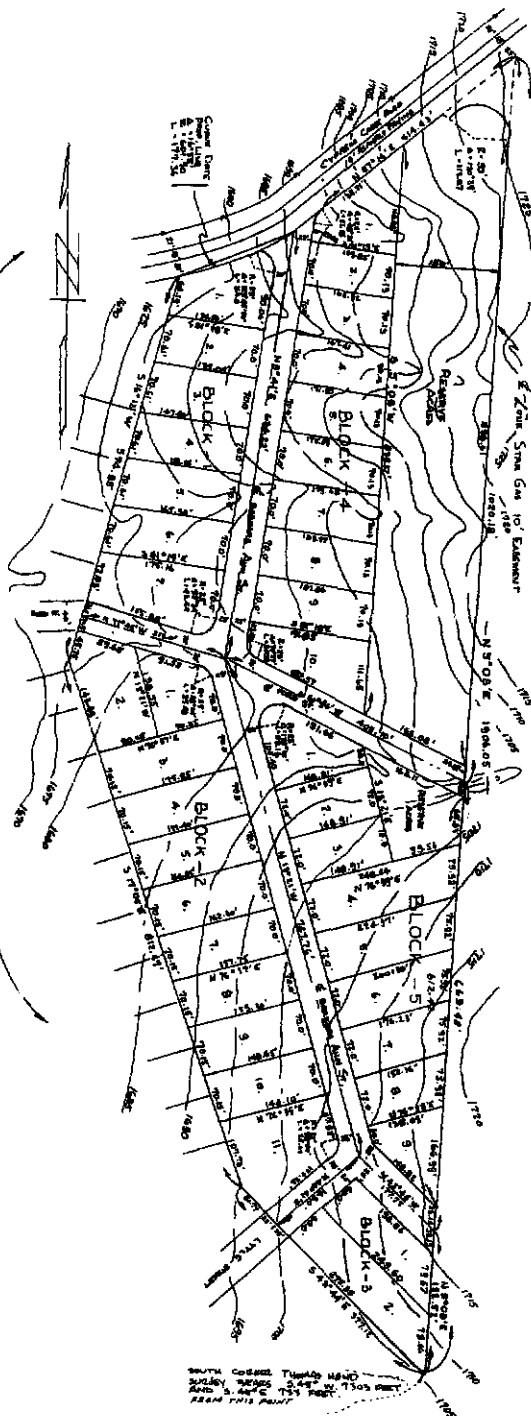
Volume 115, Page 94, Deed Records of Kerr County, Texas; Volume 3, Page 32, Plat Records of Kerr County, Texas (SECOND SECTION OF SECOND ADDN); Volume 3, Page 16, Plat Records of Kerr County, Texas (THIRD ADDN); Volume 3, Page 33, Plat Records of Kerr County, Texas (FOURTH ADDN); Volume 3, Page 59, Plat Records of Kerr County, Texas (FIFTH ADDN); Volume 3, Page 96, Plat Records of Kerr County, Texas (FIFTH ADDN, SECTION 2); Volume 3, Page 124, Plat Records of Kerr County, Texas (SIXTH ADDN), BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

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Item: **VIRGIL MERRELL (ALL EXCEPT FIFTH ADDN)**

(Category: Subdivisions)

- a. Easement to L.C.R.A., dated May 6, 1947, recorded in Volume 82, Page 138, Deed Records of Kerr County, Texas.
- b. Easement to Lone Star Gas Company, dated July 31, 1950, recorded in Volume 1, Page 397, Easement Records of Kerr County, Texas.
- c. Easement to L.C.R.A., dated March 6, 1959, recorded in Volume 104, Page 467, Deed Records of Kerr County, Texas.
- d. Easements and Building Set Back Lines as per the Restrictions recorded in Volume 115, Page 94, Deed Records of Kerr County, Texas.
- e. Easements and Building Set Back Lines as per the Plat recorded in Volume 3, Page 32, Plat Records of Kerr County, Texas. (SECOND SECTION OF SECOND ADDN)
- f. Building Set Back Lines as per the Plat recorded in Volume 3, Page 33, Plat Records of Kerr County, Texas. (FOURTH ADDITION)
- g. Easements and Building Set Back Lines as per the Plat recorded in Volume 3, Page 16, Plat Records of Kerr County, Texas. (THIRD ADDN)
- h. Building Set Back Lines as per the Plat recorded in Volume 3, Page 124, Plat Records of Kerr County, Texas. (SIXTH ADDN)
- i. Right Of Way and Easement to Kerrville Telephone Company and L.C.R.A., dated December 6, 1972, recorded in Volume 7, Page 494, Easement Records of Kerr County, Texas. (LOTS 10,BLK.1, & LOTS 1,2,3,4,5, BLK.2 OF SIXTH ADDN)
- j. Any visible and/or apparent roadways or easements over or across the subject property.
- k. Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)



SCALE 1=100'  
OUT OF THE THOMAS HAMB SURVEY NO. 113  
ABSTRACT 108 . KERR COUNTY, TEXAS  
CONTAINING 16.9003 ACRES

STATE OF TEXAS  
COUNTY OF KERR

KNOW ALL MEN BY THESE PRESENT, THAT VIRGIL MERRILL, BEING THE OWNER OF THE HERE-IN DESCRIBED TRACT OF LAND KNOWN AS VIRGIL MERRILL SECOND ADDITION TO THE CITY OF KERRVILLE, DOES HERE-BY ADAPT THE PLAT WHERE-ON THIS IS INSCRIBED AS A SUBDIVISION OF KERR COUNTY AND OF THE CITY OF KERRVILLE, TEXAS TO BE KNOWN AS VIRGIL MERRILL SECOND ADDITION AND DOES HERE-BY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER, THE STREETS SHOWN HERE-ON. IN WITNESS WHERE-OF, I, VIRGIL MERRILL HAVE AFFIXED MY HAND AT KERRVILLE, TEXAS THIS 25 DAY OF May A.D. 1963

Virgil Merrell  
VIRGIL MERRELL

STATE OF TEXAS  
COUNTY OF KERR

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, ON THIS DAY PERSONALLY APPEARED VIGAIL METZELL KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT - AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE THEREIN EXPRESSED

5-22-6-007. WEST  
FRED A. M. WEST  
NOTARY PUBLIC  
KERR COUNTY, TEXAS

**APPROVAL BY THE CITY OF KERRVILLE**

STATE OF TEXAS  
COUNTY OF KERR

THIS PLAT OF JIRGAL MERKEL SECOND ADDITION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KERRVILLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

APPROVED BY THE PLANNING AND ZONING COMMISSION ON THE 8th  
DAY OF May A.D. 1963

E.C. Parker Jr.  
E.C. PARKER JR. - CHAIRMAN

STATE OF TEXAS  
COUNTY OF KERR

APPROVED BY THE COMMISSIONERS COURT OF KERR COUNTY,  
TEXAS ON THE 23<sup>rd</sup> DAY OF May A.D. 1963 BY ORDER

NO. 9440 OF SAID COURT AND WAS FILED FOR RECORD ON THE 13<sup>TH</sup>  
DAY OF MAY, A.D. 1963, AT 5:30 O'CLOCK, P.M. AND RECORDED ON THE 14<sup>TH</sup>  
DAY OF MAY A.D. 1963 AT 11:30 O'CLOCK A.M. IN VOLUME  
2 PAGE 101 OF THE PLAT RECORDS OF SEB COUNTY, TEXAS

Emilie M. Muecke  
EMILIE M. MUECKE

COUNTY CLERK OF WIER COUNTY

[illegible]

Sam A. Morse  
SAM A. MORSE  
REGISTERED PUBLIC SURVEYOR NO. 782



line of Ross Street intersects the said fence line, said iron stake marking the most Southerly corner of that 4.12 acre tract which was conveyed by the Guaranteed Home Financing Company, Inc., to W. A. Furman; THENCE with the East side of the said 4.12 acre tract N. 25° 44' E. 205.4 feet to an iron stake, N. 6° 18' W. 175.3 feet to an iron stake, and N. 32° 44' W. 451.6 feet to an iron stake set for the NE corner; THENCE N. 16° 15' E. 327.3 feet to a fence corner; -----, ----- post, the SE corner of the Richard Flach 3.6 acre tract; THENCE N. 16° 15' E. 486.69 feet; THENCE S. 76° 02' E. 639.40 feet and N. 54° 58' 30" E. 539.50 feet along said South line of Cypress Creek Road to a point for P. C. of a curve to the right, said curve having a radius of 50 feet and an interior angle of 130° 29'; THENCE along said curve a distance of 113.87 feet to its P. T. in the centerline of the Lone Star Gas Company 10 foot easement; THENCE S. 05° 27' 30" W. 61.08 feet, and S. 05° 08' 30" W. 1799.08 feet along the East line of this tract, same being the centerline of the Lone Star Gas Company easement to a point for the Southeast corner of this tract; THENCE S. 59° 49' W. 591.80 feet to the POINT OF BEGINNING; this property being out of and a part of that property conveyed by Aime W. and L. A. Real, Individually and as Independent Executors of the Estate of Frank Flach, et al to the Guaranteed Home Financing Company, by deed dated March 26, 1946, recorded in Volume 79, page 45, Kerr County Deed Records, to which reference is here made for all purposes.

WHEREAS, the said Virgil Merrell, as the owner and developer of such lands has caused a portion of said lands to be subdivided into lots, blocks and streets, known as VIRGIL MERRELL FIRST ADDITION, a plat of which appears of record in Volume 2, page 99, Kerr County Plat Records, and in the near future will subdivide the remainder of said tract, the same to be known and designated as VIRGIL MERRELL SECOND ADDITION, and the said Virgil Merrell is desirous of providing for the orderly and uniform development of said lands and every part thereof;

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That I, Virgil Merrell, do hereby adopt and by these presents do impose upon all of said lands, the following restrictions as to the use and occupancy thereof:

1. Such property and every part thereof shall be used for private dwelling purposes only. No store or business house, no gas, oil or automobile service station, and no flat or apartment house, though intended for dwelling purposes, and no building of any kind whatsoever shall be erected or maintained thereon, except private dwelling houses and such out-buildings as are customarily appurtenant to dwellings, each house being detached and being designed for occupancy for a single family only.

2. No noxious or offensive activity shall be carried on in any structure or upon any part of said land, nor shall any structure be moved on said land from outside the subdivisions.

3. No more than one dwelling, and its appurtenant garage, and/or other outbuilding shall be erected on any one lot.

4. No dwelling shall be erected on any of said land which contains less than 1,000 square feet of living area, exclusive of open porches and/or garages, whether the same be attached or detached.

5. Every dwelling erected on any of said land shall have an exterior of at least 75% brick, brick veneer, stone or stone veneer, provided that gables shall not be considered in calculating the wall area, and provided further that no house shall be constructed of concrete block.

6. Every dwelling shall front on the street on which the lot fronts, excepting only where a dwelling is constructed on a corner lot, and in that event, such dwelling shall nevertheless present a good frontage on the street where the narrow dimension of said corner lot fronts.

7. All outbuildings shall correspond in style and architecture to that of the dwelling to which the outbuilding is appurtenant; and no such outbuilding shall have more stories than the dwelling to which it is appurtenant. No such outbuilding shall be constructed nearer to any street than the rear of the dwelling; and no outbuilding shall be constructed before the dwelling house is constructed.

8. No dwelling house shall be constructed nearer than 25 feet from the street on which it fronts nor shall the same be constructed nearer than 15 feet from any side street; and there shall be a minimum clearance between every dwelling or outbuilding and the side or rear lines of any lot, of 6 feet.

9. No signs, billboards or advertising structures shall be maintained on any of said land except that signs, not to exceed 3 x 5 feet may be temporarily erected for the purposes of advertising any <sup>of</sup> said property for sale or rent; and the developer reserves the right during the development of such subdivisions to maintain a larger sign for purposes of advertising the subdivisions.

10. The undersigned, Virgil Merrell, shall have and there is expressly reserved unto him, his heirs, legal representatives or assigns, the right to grant easements for all utilities purposes along the back lines (that is the block centerline) of the lots in such subdivisions, such easement or easements not to exceed 12 feet in width; and it is further provided that no permanent structure including a fence, shall be built nearer to any such lot line than 6 feet.

11. The building of fences is expressly permitted, provided that the same are not constructed nearer to any street than the nearest portion of the appurtenant dwelling and that the same shall be constructed of wood, either painted or stained finish, rock, brick, or shall be of hurricane or cyclone type wire with metal posts.

12. No animals, excepting household pets, shall be kept on any of said land; and no poultry shall be kept thereon.

13. No shack, trailer or tent shall ever be occupied or maintained on said premises for occupancy, provided however, that vacation type house trailers or "campers" belonging to the property owner may be stored on said premises.

14. No part of said property shall ever be owned, used or occupied by persons of the negro or Mexican race, except as servants of white persons owning or occupying said property, and then separate quarters shall be provided for the occupancy of such servants.

15. Said Virgil Merrell further reserves the right to adopt additional restrictions with respect to any unsold portion of such lands at any time, without the joinder of other owners in the subdivisions; provided however, that any such additional restrictions shall not affect the lands which are sold prior to the adoption thereof.

The foregoing restrictions shall run with the land and shall remain in full force and effect for a period of 50 years from the date hereof; and the performance of same shall be enforceable by injunction upon the proper application therefor by the undersigned Virgil Merrell, or by any one or more owners of land in the subdivisions, all of whom shall have the right to maintain such an action to enjoin or to correct a breach of these or any additional restrictions.

IN TESTIMONY WHEREOF, witness my hand, this the 23rd day of April, 1963.

/s/ Virgil Merrell  
/t/ Virgil Merrell

THE STATE OF TEXAS I  
COUNTY OF KERR I

BEFORE ME, the undersigned authority, on this day personally appeared Virgil Merrell, known

to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of April, A. D., 1963.

Seal

Karen Parks  
Notary Public, Kerr County, Texas

We, Richard T. McDonald and wife, Mabel Inez McDonald, the owners of Lot No. One (1), Block No. Four (4), in said Virgil Merrell First Addition, do hereby adopt, ratify and confirm the foregoing restrictions and do further hereby agree to abide by the same in all respects.

WITNESS our hands this 23rd day of April, A. D., 1963.

/s/ Richard T. McDonald  
/t/ Richard T. McDonald

/s/ Mabel Inez McDonald  
/t/ Mabel Inez McDonald

THE STATE OF TEXAS I  
COUNTY OF KERR I

BEFORE ME, the undersigned authority, on this day personally appeared Richard T. McDonald and wife, Mabel Inez McDonald, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Mabel Inez McDonald, wife of the said Richard T. McDonald, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mabel Inez McDonald acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25th day of April, A. D., 1963.

Seal

Karen Parks  
Notary Public, Kerr County, Texas

Filed for record April 26, 1963 at 9:00 o'clock A. M.  
Recorded April 29, 1963 at 11:45 o'clock A. M. (ms)  
Volume 115, page 94  
EMMIE M. MUENKER, County Clerk

By Mary Ellen Smith Deputy

0-0

# WARRANTY DEED

RECEIVED  
FEB 16 1963  
General Land Office

RECEIVED  
APR 22 19  
General Land Office

THE STATE OF TEXAS I  
COUNTY OF BANDERA I

KNOW ALL MEN BY THESE PRESENTS:

That we, Lucia L. Garza, a widow, Celia Rodriguez, joined proforma by her husband, Cirlo Rodriguez, all of Bandera County, Texas, for and in consideration of the sum of SEVEN THOUSAND FIVE HUNDRED AND NO/100 (\$7,500.00) DOLLARS to us in hand paid by the Veterans' Land Board of Texas, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the Veterans' Land Board of Texas, all that certain tract and parcel of land situated in the Counties of Bandera, Kerr and Kendall Counties, State of Texas, described as follows, to-wit:

Containing a called acreage of 119.716 acres of land, being the West part of the Garza ranch, situated in Kendall, Kerr and Bandera Counties, Texas, about 10 miles S. W. of Boerne and being 97.056 acres out of Survey No. 13, G. C. & S. F. R. R. Co. and 22.66 acres out of Survey No. 240, G. C. & S. F. R. R. Co. Also being 61.256 acres, in Bandera County; 52.3 acres, in Kerr County and 6.16 acres, in Kendall County and is described as follows: