

HIGHLANDS (THE) RESTRICTIONS

Volume 2, Page 5, Plat Records of Kerr County, Texas, 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

OTHER EXCEPTIONS

Easements and Building Set Back Lines as per the plat recorded in Volume 2, Page 5, Plat Records of Kerr County, Texas.

- Easement dated October 25, 1949, to L.C.R.A., recorded in Volume 1, Page 195, Easement Records of Kerr County, Texas. (As per Lots 2-7, Blk. 4; Lots 7 & 8, Blk. 1; Lots 22, Blk. 1; All of Blk. 2; Lots 1-9, Blk. 5; Lots 15-25, Blk. 5; Lot 22, Blk. 4)
- Easement dated February 26, 1951, to L.C.R.A., recorded in Volume 1, Page 295, Easement Records of Kerr County, Texas. (As per Lots 24 & 25, Blk. 5; Lot 9, Blk. 2; Lot 11, Blk. 4 & Lot 4, Blk. 1)
- Easement dated April 10, 1951 to L.C.R.A., recorded in Volume 1, Page 298, Easement Records of Kerr County, Texas. (As per Lots 1, Blk. 1; Lot 4, Blk. 1; Lot 2, Blk. 4)
- Any visible and/or apparent roadways or easements over or across the subject property.
- Rights of Parties in Possession. (AS PER OWNER'S POLICY ONLY)

PLAT OF THE HIGHLANDS

CITY OF KERR COUNTY, TEXAS
COUNTY OF KERR: KNOW ALL MEN BY THESE PRESENTS:
That J. Walter Fenzel, have caused to be surveyed and platted the lands hereinafter described

under the name of The Highlands and have caused the same to be subdivided into blocks, lots, streets, avenues, drives and public ways, and do hereby dedicate the streets, avenues, drives and public ways, as shown on the plat to the public use.

The following is a particular description of the lands to be embraced within the aforesaid plat or subdivision:

BEING a tract of land situated in Kerr County, Texas, about 2 miles N. 60 degrees W. of Kerrville its county seat and being 3.02 acres out of original Sec. 123, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 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2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193

street in which it fronts; and Plot 28 through 33, both inclusive, of Block 1 not closer than 35 feet to the street in which it fronts.

All dwellings and outhouses appurtenant thereto to be located on plots 1 through 19, both inclusive, of Block 2 shall be set back at least 50 feet on the street in which it fronts and plots 1, 8, 9 and 16 shall be set back at least 50 feet from the side street; all dwellings and outhouses appurtenant thereto to be located on Plot 1 of Block 2 must face Valley Drive; all dwellings and outhouses appurtenant thereto to be located on Plot 8 of Block 2 must face Valley Drive; all dwellings and outhouses appurtenant thereto to be located on Plot 9 of Block 2 must face West Lane; and all dwellings and outhouses appurtenant thereto to be located on Plot 16 of Block 2 must face in a southerly direction.

All dwellings and outhouses appurtenant thereto to be located on plots 1, 10 and 11 of Block 3, shall be set back at least 40 feet on the street in which it fronts; plots 2 and 3 through 9, both inclusive, of Block 3 not closer than 50 feet to the street in which it fronts; all dwellings and outhouses appurtenant thereto to be located on Plot 2 of Block 3 must face in a southerly direction; and all dwellings and outhouses appurtenant thereto to be located on Plot 11 of Block 3 must face Valley Drive.

All dwellings and outhouses appurtenant thereto to be located on plots 1 through 86, both inclusive, and 88 through 97, both inclusive, of Block 4, shall be set back at least 40 feet on the street in which it fronts; plots 27 through 89, both inclusive, of Block 4, not closer than 50 feet to the street in which it fronts; plots 30 and 31 of Block 4 not closer than 55 feet to the street in which it fronts; and all dwellings and outhouses appurtenant thereto to be located on Plot 31 of Block 4 must face Hillside Drive.

All dwellings and outhouses appurtenant thereto to be located on plots 1 through 25, both inclusive, of Block 5, shall be set back at least 40 feet on the street in which it fronts; plots 17 through 25, both inclusive, of Block 5, not closer than 35 feet to the street in which it fronts; and plots 18 of Block 5 must face Hillside Drive.

All dwellings and outhouses appurtenant thereto to be located on plots 1 through 16, both inclusive, of Block 6, shall be set back at least 40 feet on the street in which it fronts; plots 17 of Block 6, not closer than 35 feet to the street in which it fronts; and plots 18 of Block 6 not closer than 30 feet to the street in which it fronts.

All dwellings and outhouses appurtenant thereto to be located on plots 1 of Block 7, shall be set back at least 60 feet on the street in which it fronts and 60 feet from the side street and must also face West Lane; plots 2 of Block 7 not closer than 60 feet to the street in which it fronts; plots 3 of Block 7, not closer than 50 feet to the street in which it fronts; plots 4 through 6, both inclusive, of Block 7, not closer than 40 feet to the street in which it fronts; and plots 7 of Block 7, shall be set back at least 45 feet on the street in which it fronts and 45 feet from the side street and shall face in a southerly direction.

RACIAL RESTRICTIONS

None of the plots shown on said plat shall be conveyed, leased or given to, and no building erected thereon shall be used, owned or occupied by any person not of the white race. This prohibition, however, is not intended to include the occupancy or use by persons not of the white race while employed as servants of white people living on the premises.

RESERVES

No building or other improvement structure shall be erected or maintained on any part of any plot isolated as "reserve", but the owner of plots may erect or maintain a fence, wall or hedge along the property line within such reserve, but subject at all times to the prior right to use such area for public or quasi-public purposes.

A 10 foot easement is hereby reserved by the dedication, Walter Menzel, along the center line between the plot of Block 2 and 5 of said addition, same being the dividing line between the Northwest 1/2 and the Southwest 1/2 of Block 2 and the Northwest 1/2 and the Southwest 1/2 of Block 5; and 5 feet of said easement shall come off of the rear end of the Northwest 1/2 of Block 2 and the Southwest 1/2 of Block 5 and a 5 foot strip shall come off of the rear end of the Southwest 1/2 of Block 2 and the Southwest 1/2 of Block 5 of said addition. A 5 foot easement is also reserved off of the

rear end of each of the other Blocks in said subdivision. Said easement shall be used for the purpose of conducting, erecting, maintaining and operating power lines, gas lines, water lines, sewer lines and any and all other utilities that may be brought to and used in connection with said property. It is further covenanted and warranted that the right at any time to extinguish or vacate such easements and rights of way so as to all or any portion of said property, subject to any agreement regarding use of easement which may be in force at that time.

SIGNS, BILLBOARDS AND MISCELLANEOUS PROVISIONS

The construction or maintenance of a sign, billboard or advertising structure of any kind on any lot is prohibited, except that of one sign or billboard advertising the rental or sale of property shown on the recorded plat be permitted provided it does not exceed 3 X 5 feet in size and except that signs of a larger size advertising the subdivision may be erected by the said Walter Menzel. The said Walter Menzel reserves the right to maintain a sales office on the property during development and sale.

No tank for storage of oil or other fluids may be permitted or maintained on any of the lots above the surface of the ground.

REARER

All of the restrictions and covenants herein set forth shall continue and be binding upon the said Walter Menzel and upon his heirs and assigns for the period of twenty-five (25) years from the date of this instrument and shall automatically be extended thereafter for successive periods of ten (10) years, provided, however, that the owners of the lots having more than fifty (50%) percent of the area of the lots shown on the recorded plat may release all of the lots hereby restricted from any one or more of said restrictions and covenants, and may release any shown on said plat from any restrictions or covenants created by deed from the said Walter Menzel, at the end of the first twenty-five (25) year period, or at the end of any successive ten (10) year period thereafter, by executing and acknowledging an appropriate agreement or agreements in writing for such purpose and filing the same for record in the manner then required for the recording of land instruments, at least five (5) years before the expiration of any ten (10) year period hereafter and further provided that the owners of the legal title of the lots having more than seventy-five (75) percent of the area of the lots shown on this plat may, after fifteen (15) years from the date of this instrument be executing and acknowledging any appropriate agreement and filing the same for record, as outlined above, release any one or more of the restrictions or covenants as above mentioned.

NOTES TO BUYER

The restrictions herein set forth shall run with the land and bind the said Walter Menzel, his heirs and assigns, and all parties claiming, by, through or under him shall be taken to hold, execute and covenant with the said Walter Menzel, his heirs and assigns, and with each of them to conform to and observe said restrictions as to the use of said lots and the construction of improvements thereon, but no restriction herein set forth shall be personally binding on any corporation, person or persons except in respect to breaches committed during his or their holding of the title to said land, and the owner or owners of any of the above land shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions above set forth in addition to ordinary legal action for damages, and failure of the said Walter Menzel or owner or owners of any other lot or lots shown on this plat to enforce any of the restrictions herein set forth at the time of its violations, shall in no event, be deemed to be a waiver of the right to do so thereafter.

WALTER MENZEL'S RIGHT TO ASSIGN

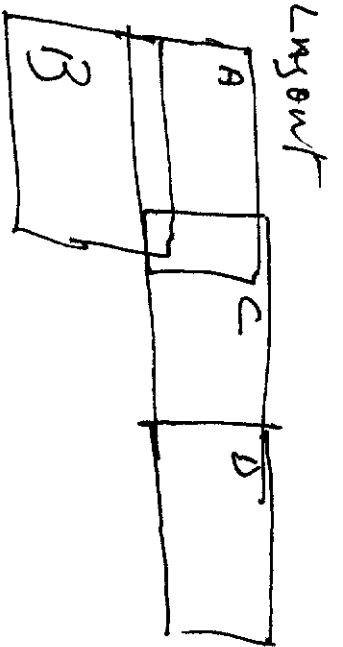
The said Walter Menzel, by appropriate instrument, may assign or convey to any person, organization or corporation any or all of the right, reservation, easements, and privileges herein reserved by the said Walter Menzel and upon such assignment or conveyance being made, his assigns or grantees may at their option, exercise, transfer or assign such rights, reservations, easements and privileges, or any one or more of them, at any time or times, in the same way and manner as directly reserved by them or it in this instrument.

PARTIAL INVOLUNTARY

Intention of any one of these covenants or restrictions by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect. IN WITNESS WHEREOF, the said Walter Menzel has caused this instrument to be executed at Knoxville, Texas, this 10 day of October, A. D. 1949.

Walter Menzel

By Edmund Strumwald Deputy



2/8

PLAT OF T HIGHLANDS

SUBDIVISION OF

P. R. OLIVER

CO. TEXAS

SCALE - 100 FT. - MAY 15, 1949

Walter Kessel

Walter Kessel
MANAGER &
OWNER

APPROVED

MAYOR
COUNCILMAN

G. E. Lehmann
W. F. Vann
J. L. Bullard
W. G. Garrett Jr.
Thomas W. Wren

CITY CLERK Ed E. Arndtger Jr. (SEAL)

APPROVED: Oct. 11, 1949

BY THE PLANNING AND ZONING COMMISSION
OF THE CITY OF KERRVILLE, TEXAS.

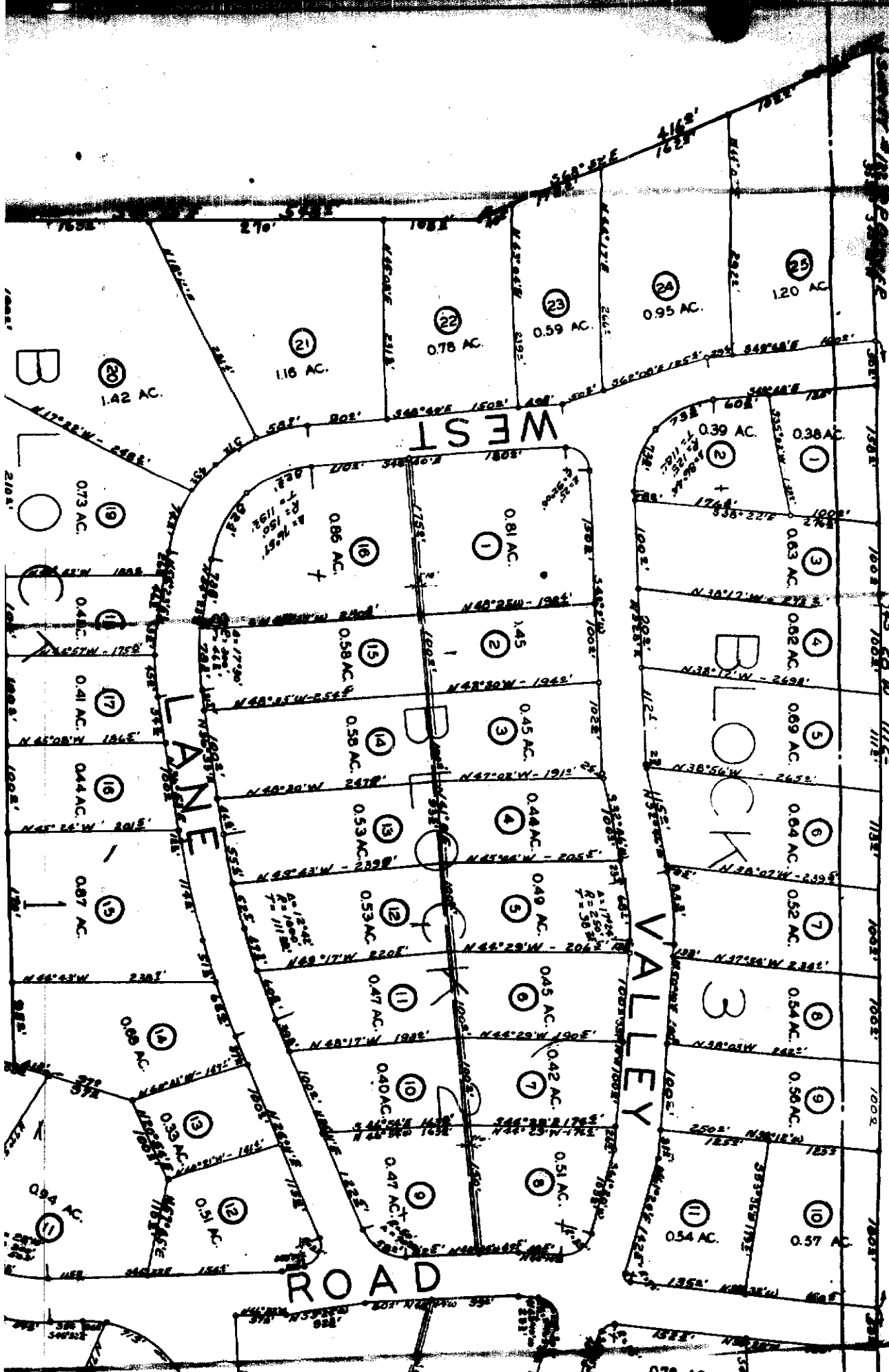
H. A. Curtis E. B. DeLong
T. G. Garrett Jr. W. F. McDaniel
Her Holley

F. M. Ragsdale (SEAL)

SUBMITTED & CERTIFIED CORRECT BY

A

THE CAR 300 FT. N. 50° E. 8.50' N. 33° 40' W. FROM
SOUTH OF THE CURVE OF
THE ROAD



B

B

3

ROAD

WEST

VALLEY

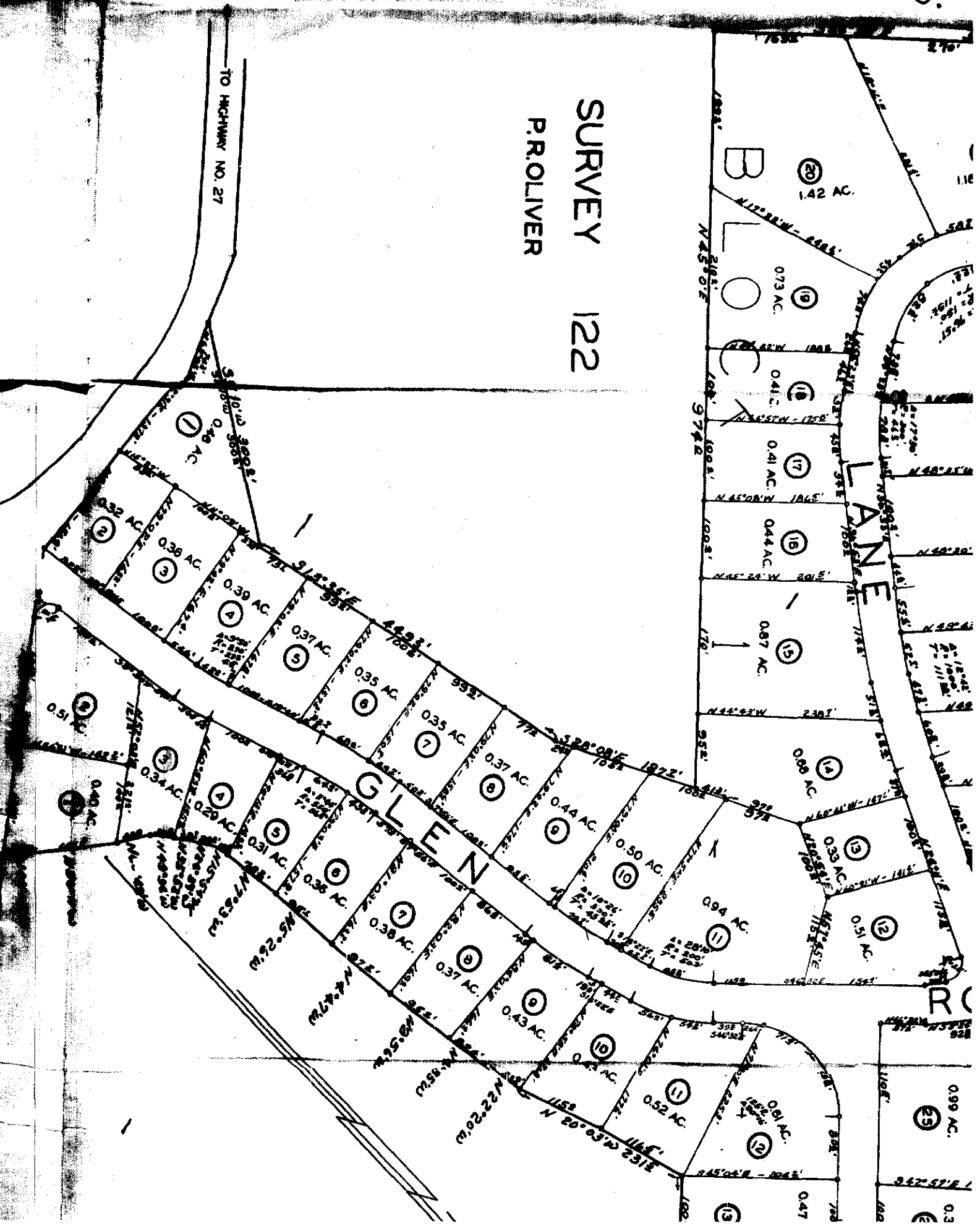
LANE

SURVEY 122
P.ROLIVER

TO HIGHWAY NO. 27

LANE

GLEN



F. LARA

