

**WEST GATE PLACE ONE**

(Category: RESTRICTIONS)

Volume 3, Page 137, Plat Records of Kerr County, Texas; Volume 165, Page 54 and Volume 305, Page 299, Deed 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.

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**WEST GATE PLACE SECTION ONE**

(Category: Subdivisions)

- a. Easement to L.C.R.A., dated February 10, 1948, recorded in Volume 1, Page 58, Easement Records of Kerr County, Texas.
- b. Easements and Building Set Back Lines as per the plat recorded in Volume 3, Page 137, Plat Records of Kerr County, Texas.
- c. Building Set Back Lines as per the Restrictions recorded in Volume 165, Page 54, Deed Records of Kerr County, Texas.
- d. Easement to the Kerrville Telephone Company and L.C.R.A., dated June 7, 1973, recorded in Volume 7, Page 634, Easement Records of Kerr County, Texas. (Lots 1, 2, 18, 19, 20, 21, 25, Block 1, Lots 26 & 27, Block 2 and Lots 25 & 26, Block 3, Lot 13, Block 4 & Lots 1 & 12, Block 5 only)
- e. Any visible and/or apparent roadways or easements over or across the subject property.
- f. Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

**ENZEL**  
**DE**

SIERRA DEL SOL ADDN.  
RESIDENTIAL  
THIS SIDE

SUR. NO. 123, F - 44A

SUR. NO. 122, PR OLIVER

THIS CORNER IS LOCATED  
APPROXIMATELY 3910 FEET  
N. 45° E. FROM THE WEST OR UPPER  
RIVER CORNER OF SUR 12,  
P. R. OLIVER.

[illegible]

**I'W. DRIVE**

**THE HIGHLANDS RESID.**

Lot No.	Area (Ac.)	Dimensions
6	0.210	15' x 130'
7	0.212	15' x 130'
8	0.214	15' x 130'
9	0.300	15' x 130'
10	0.302	15' x 130'
11	0.304	15' x 130'
12	0.306	15' x 130'
13	0.308	15' x 130'
14	0.310	15' x 130'
15	0.312	15' x 130'
20	0.314	15' x 130'

**S. 44°23' W.**

**DRIVE**

[illegible]

**S. 44° 23' W.**

## DRIVE

25' BLDG. No. 211	LINE No. 213	No. 215	No. 301	No. 303	No. 305	No. 307	No. 309	No. 311	15 No. 313
6	7	8	9	10	11	12	13	14	15
BLOCK									

S. 44°23'W. 1374.0

**BETTY MOSTY HALL THIS SIDE**

ITE PLACE, Section One,

This plot of West Gate Place has been submitted and considered by

No. 215 8	No. 301 9	No. 303 10	No. 305 11	No. 307 12	No. 309 13	No. 311 14	No. 313 15
1 C K		1		80	80	80	180

4°23'W. 1374.0

BETTY MOSTY HALL THIS SIDE

This plat of West Gate Place has been submitted and considered by the Planning and Zoning Commission of the City of Kerrville, Texas, and approved by such commission on the 7th day of June, A.D. 1973.

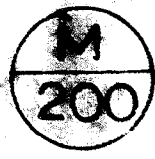
L. G. NEELY - CHAIRMAN  
Planning and Zoning Commission

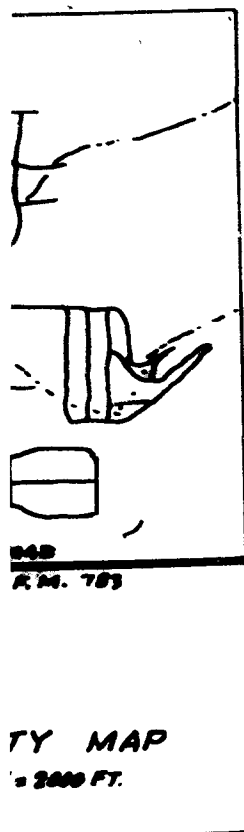
Approved by the Commissioners Court of Kerr County, Texas, on the 8th day of June, A.D. 1973 by Order No. 11862 of said Court and was filed for record on the 8th day of June, A.D. 1973 at 11:00 o'clock A.M. and was recorded on the 8th day of June A.D. 1973 at 11:05 o'clock A.M. in Volume 3 at Page 137 of the Plat Records of Kerr County, Texas

Emmie M. Muunker  
Emmie M. Muunker  
County Clerk of Kerr County, Texas

said County,  
to me to be  
knowledge  
with Lumber  
expressed.  
1973.

PLAT OF  
WEST GATE PLACE SECTION ONE  
SURVEY NO. 122, P. R. OLIVER  
ABSTRACT NO. 265  
KERR COUNTY, TEXAS  
SCALE: 1" = 100 FT.  
MAY 25, 1973





N. 45° 37' W. 130

**EASEMENTS**

Easements for drainage and all utilities, electric, gas and water, are provided to the extent as indicated on the plat.

Building set back lines shall be 25 feet minimum from street lines, except those instances shown on the plat to be 15 feet.

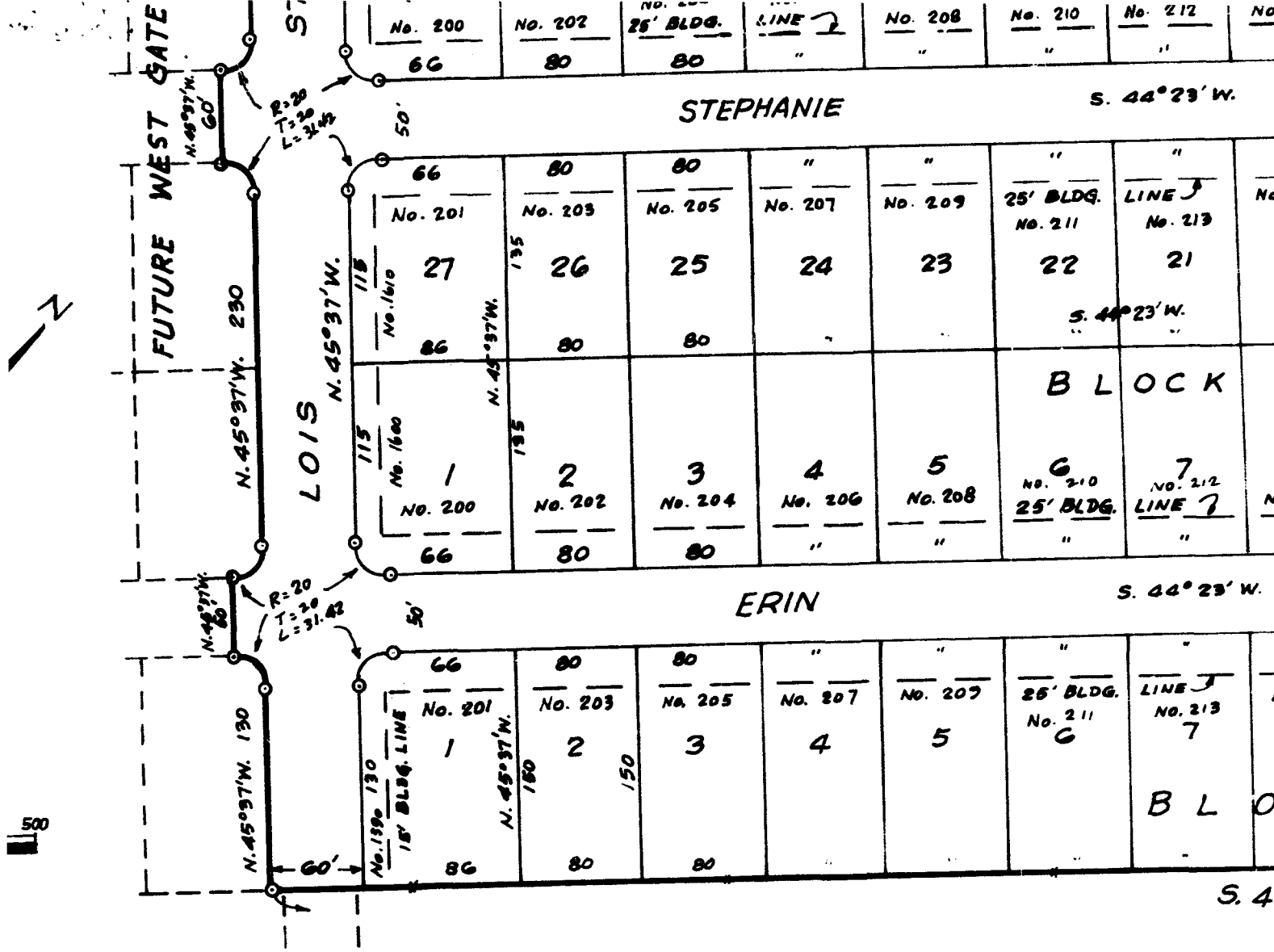
A 5 foot easement is provided on the front of lots for any utility that extends over into lots.

I, *Charles B. Dominguez*, Registered Professional Engineer No. 1633, Registered Public Surveyor No. 222, State Land Surveyor and County Surveyor of Kerr County, Texas, do hereby certify the survey represented by the plat on which this is inscribed, on the ground, law, and this plat does truly represent the property in question. I certify that monument at each corner of subdivision and an iron stake at each corner of each lot.

*Charles B. Dominguez*  
Registered Professional Engineer  
No. 1633  
Kerr County, Texas

and  
*Charles B. Dominguez*  
Charles B. Dominguez  
Registered Public Surveyor No. 1713  
Telephone 897-6671 or 896-1000

1713



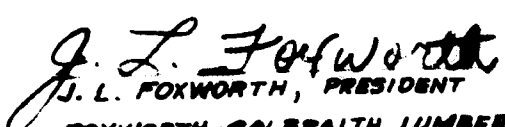
and water,  
 im street  
 15 feet.  
 or any


**DESCRIPTION**

This subdivision, to be known as WEST GATE PLACE, Section One  
 Lots 1 thru 37, Block 1; Lots 1 thru 27, Block 2; Lots 1 thru 26,  
 Block 3; being a total of 30.7 acres in Survey No. 122, P.R.  
 Oliver, Abstract No. 265.

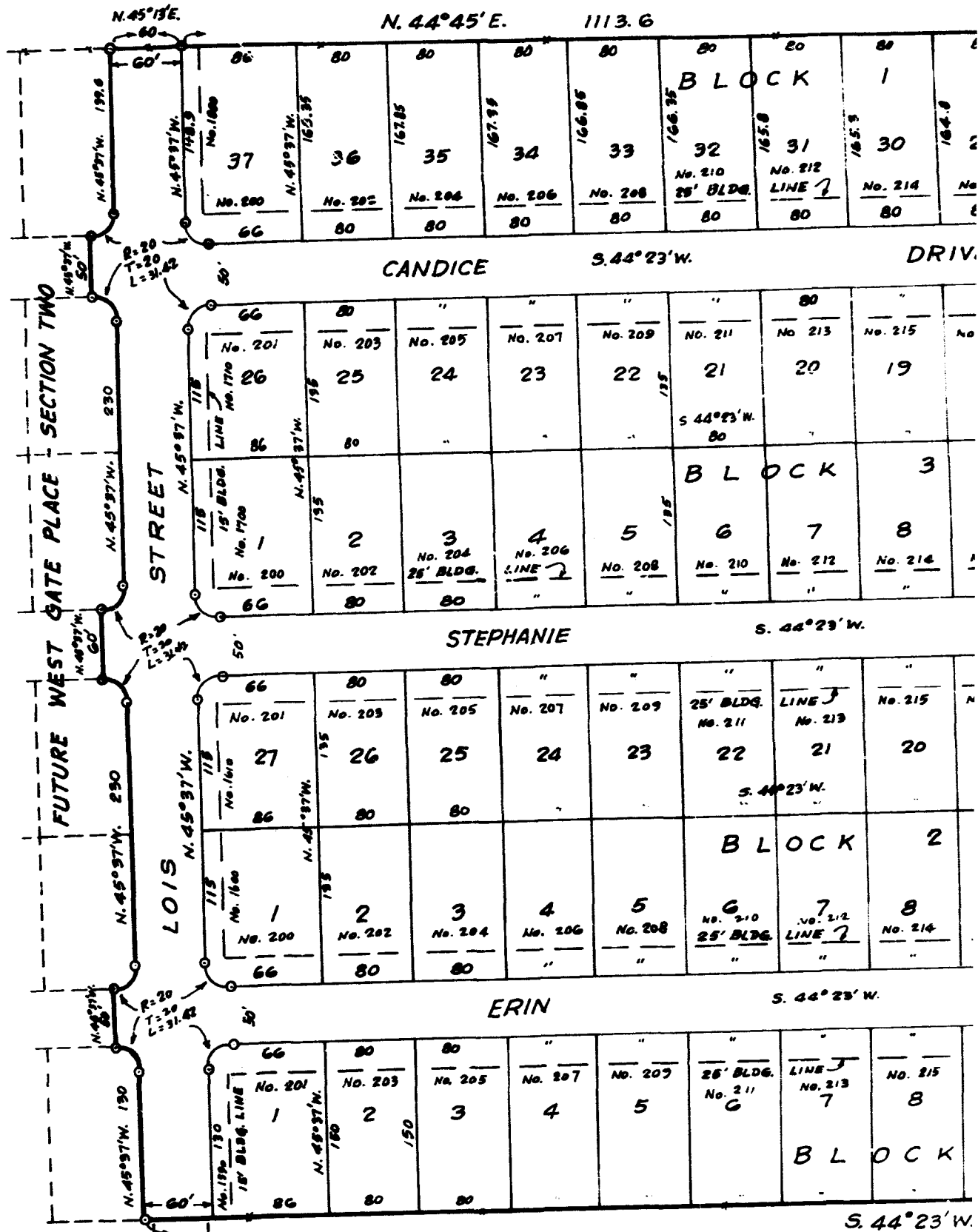
**CERTIFICATION OF AUTHENTICATION & DEDICATION**

STATE OF TEXAS:  
 COUNTY OF DALLAS: Know all men by these presents that Foxworth  
 Galbraith Lumber Co., a Texas Corporation, being the owner of the  
 herein described tract or tracts of land known as WEST GATE PLACE, doe  
 hereby adopt the plat whereon this is inscribed, as a subdivision of Kerr  
 Texas, and dedicates to the public for public use forever, the streets shoi  
 hereon. In witness thereof, I, J. L. Foxworth, President of Foxworth-Galbr  
 Lumber Co., have affixed my hand at Dallas, Texas, this 25<sup>th</sup> day of M

  
 J. L. FOXWORTH, PRESIDENT  
 FOXWORTH-GALBRAITH LUMBER CO.

ATTEST:   
 J. B. MORROW

WALTER WENZEL  
THIS SIDE



#### DESCRIPTION

This subdivision, to be known as WEST GATE PLACE, Section One, Lots 1 thru 37, Block 1; Lots 1 thru 27, Block 2; Lots 1 thru 26, Block 3; being a total of 30.7 acres in Survey No. 122, P.R.

s, electric, gas and water,  
1 on the plat.

## WEST GATE PLACE SECTION ONE

## RESTRICTIONS

2886

THE STATE OF TEXAS

1

COUNTY OF KERR

1

KNOW ALL MEN BY THESE PRESENTS:

1

WHEREAS, FOXWORTH-GALBRAITH LENDER COMPANY, a Delaware Corporation, herein after referred to and identified as "Owner", is the owner of tracts of land situated in Kerr County, Texas, said tracts of land comprising all of the land which has been subdivided as WEST GATE PLACE SECTION ONE, a plat of said subdivision having been filed for record in Volume 3, Page 137 of the Plat Records of Kerr County, Texas; and

WHEREAS, it is deemed to be in the best interests of the above described Owner and of the persons who may purchase lots described in and covered by the above mentioned plat that there be established and maintained a uniform plan for the improvement and development of the lots covered as a highly restricted and modern subdivision

NOW, THEREFORE, Owner does hereby adopt the following covenants and restrictions, which shall be taken and deemed as covenants to run with the land and shall be binding on Owner and all persons acquiring title under it until January 1, 2003, at which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years unless and until by duly recorded instrument signed by a majority of the property owners in said addition it is agreed to change said covenants, conditions and restrictions in whole or in part

If Owner, or any of its respective successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any of the real property situated in the above referred to subdivision to prosecute any proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation

Invalidation of any one of these covenants by judgment or court order shall in nowise affect any of the other provisions hereof, which shall remain in full force and effect.

Such restrictions, reservations, covenants and easements are as follows, to wit:

1. Land Use: Except as herein noted, no lot shall be used for anything other than single family residential purposes. The term "residential purposes", as used herein shall be held and construed to exclude hospitals, clinics, duplex houses, apartment houses, boarding houses, hotels and to exclude commercial and professional uses whether from homes, residences, or otherwise, and all such uses of said property are hereby expressly prohibited. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than three (3) cars.
2. Signs: No sign of any kind shall be displayed, erected, or maintained on any residential lot except one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sale, or signs used by Foxworth-Galbraith Lumber Company in connection with the development of WEST GATE PLACE SECTION ONE.
3. Animals: No animals, livestock, or poultry of any kind shall be bred, raised, 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 or food producing purpose.
4. Legal and Noxious Use: No premises or any part thereof shall be used for illegal or immoral purposes. Nothing shall be done upon any premises that may be or become obnoxious to the occupants or owners of any other premises by reason of smoke, odor, noise, fumes, vapors, glare, radiation, vibration, or unsightliness.
5. Other Buildings: No house trailer, truck body, basement, tent, shack, garage, barn, or other out building shall at any time be used as a residence, nor shall any residence of any temporary character be permitted.
6. Temporary Buildings: No temporary building shall be erected or maintained on any lot except during actual construction of a dwelling being erected thereon, and then such temporary building must be on the lot on which construction is in progress.



and not on adjoining lots, streets, or easements; and at completion of construction, the temporary building must be removed immediately. No such temporary building shall be used for residential purposes during construction. All buildings constructed upon residential lots shall be completed within a reasonable time.

7. Garages and Servant's Quarters: No garage apartments or detached garages shall be permitted. Living quarters on a residential lot for other than the family occupying the principal residence may be used only for bona fide servants, and such living quarters shall be within or attached to the main residence.
8. Septic Tanks and Water Supply: No outside toilets or septic tanks will be permitted, and no private water wells or water supply will be permitted.
9. Approval by Architectural Control Committee: No improvements of any character shall be erected, or the erection thereof begun, or changes made in the exterior design thereof after the original construction on any lot, until construction plans and specifications and plans showing the location of the structure have been submitted to and approved in writing by the Architectural Control Committee as hereinafter constituted. Such approval shall include exterior design, type and quality of materials to be used, colors to be applied to the exterior of the structure, and location with respect to topography and finished grade elevation. Pre-Fab and Sectional Housing Construction shall be prohibited in this addition.
10. Lot Size: No dwelling shall be erected or placed on any ground area less than one complete lot.
11. Old Buildings and Used Materials: No structure shall be moved onto any residential lot and no used lumber shall be used in connection with the construction of a dwelling on any lot.
12. Rentals: Renting to roomers or to a second family occupying the premises is prohibited.
13. Direction of Dwelling and Set Backs: All improvements shall be constructed on the lot so as to front upon the street which such lot faces and no improvement including any building or part thereof, eaves, cornices, or overhangs shall extend beyond the minimum building set back line at the front of the lot. The Architectural Control Committee shall reserve the right to designate the direction in which improvements on any corner lots shall face, and

such decisions shall be made bearing in mind the best general appearance of that immediate section. Dwellings on corner lots shall have a presentable frontage on all streets to which that particular lot is adjacent.

14. Antenna: No television or radio antenna shall be erected or maintained at the front of any dwelling. No radio, aerial wires nor guy wires for antenna shall be maintained on any portion of a lot forward of the front building line of said lot.

15. Front Yards: The area of the lot at the front of a dwelling shall be maintained so as to be an aesthetic asset to the dwelling. This area, known as the front yard extends the full width of the lot between the dwelling and the street. The front yard shall not be used for vegetable gardening, nursery, or any purpose other than as a maintained grass lawn with shrubbery, ornamental trees and flowers as normally constitute the base planning and landscaping of a dwelling. Within the front yard shall not be regularly kept, stored, or parked any vehicle other than the private passenger automobiles owned and used by an occupant of the dwelling upon the lot, which vehicles shall not be parked, kept or stored except upon the surfaced driveway that serves the garage.

16. Maintenance of Lots: No owner of any lot, either vacant or improved shall be permitted to let such lot go unmaintained, and no weeds or grass shall be permitted upon any lot in excess of twelve (12) inches in height.

17. Obstructions: No fence, wall hedge, or shrub planting which obstructs sight lines at elevations between two (2) and eight (8) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and the line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight angle limitations shall apply to any lot within ten (10) feet from the intersection of a street right of way line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such sight distance of such intersections unless the foliage line is maintained at a height of not less than eight (8) feet above the roadway.

18. Easements: The use of easements as shown on the recorded plat is granted to the public and to the utility companies as set forth on said plat for the purposes of drainage, sanitary and storm sewer lines, the location of gas, water, electrical and telephone lines and conduits, and the maintenance thereof. 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 in the easements, or which may obstruct or retard the flow of water through drainage channels in the 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.
19. Other Improvements: No walls or hedges shall be constructed between the building set back line exceeding six and one-half (6-1/2) feet in height along any side lot line. No outbuilding shall exceed in height the building to which it is appurtenant. Every outbuilding except a greenhouse shall correspond in style and architecture to the dwelling to which it is appurtenant.
20. Storage of Materials: Storage of any type or kind of material or products is prohibited upon all lots except that building material may be placed or stored upon a lot when the builder is ready to commence improvements and then such materials shall be placed within the property lines of the lot upon which improvements are to be erected, and shall not be placed in the street or between the pavement or property line. No stumps, trees, underbrush, or any refuse of any kind, or scrap metal from the improvements being erected on any lot shall be placed on any adjoining lots, streets, or easements. All such material, if not disposed of immediately, must remain on the property upon which construction work is in progress, and at the completion of such improvements, such material must be immediately removed from the property.
1. Mining: No quarrying or mining operations or mineral extractions of any kind shall be permitted upon or in any lot, nor shall any type of wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derricks or other structure designed for drilling shall be erected, maintained, permitted upon any lots.

22. Garbage Cans: No garbage cans or refuse containers shall be placed or permitted to remain at the front of a dwelling either within the street or upon the lot except upon those days scheduled for garbage and refuse collection by a public agency or a privately contracted collector. Subsurface garbage containers shall be permitted if approved by the Architectural Control Committee.
23. Dumping: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other 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.
24. Driveways: Every dwelling shall have an attached two (2) car garage and a driveway surfaced with concrete. Any other surfacing material must be approved by the Architectural Control Committee.
25. House Foundations: House foundations must be so constructed that there is no visible opening (other than the necessary vents) between the floor of the house and the ground.
26. Building Set Back Lines: No dwelling or outbuilding on a residential lot shall be closer to the front line than twenty-five (25) feet or the building line shown upon the plat of said subdivision, whichever may be the greater. On interior lots no dwelling or outbuilding shall be closer than six (6) feet to a side lot line. On corner lots no dwelling or outbuilding shall be closer than fifteen (15) feet or the building line shown upon the plat of said subdivision whichever may be the greater, to the street forming the side lot line of the lot. No dwelling shall be closer than twenty (20) feet to the rear lot line, except where a variance, because of the shape of the lot, may be granted by the Architectural Control Committee. The right shall be reserved by the Architectural Control Committee to increase the set back restrictions in the case of unusual or irregular shaped lots where same shall seem to be required for the best appearance of the immediate section.
27. Exterior Material: All dwellings in this section must have not less than fifty (50) per cent of the area of their exterior walls covered with brick, masonry (masonry is not to be construed as including unpainted concrete blocks or common clay tiles), or similar material, except where the use of wood or glass will produce an equal or better appearance, which variation shall be at

the discretion of the Architectural Control Committee. No asbestos shingle siding shall be permitted as an exterior siding on any dwelling. Roofs shall be of Red Cedar Shingles or Red Cedar Shakes.

28. Dwelling Size: The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than eighteen hundred (1800) square feet, and not less than twelve hundred (1200) square feet for a dwelling of more than one story.

29. Architectural Control Committee: The Architectural Control Committee is composed of Walter L. Foxworth, J. C. Galbraith III and Herman Smith. A majority of the Architectural Control Committee may designate a representative to act for it in all matters arising under these restrictions. In the event of the death or resignation of any member of the Architectural Control Committee, the remaining member or members shall have full right and authority to fill the vacancy or vacancies on the committee. All such appointments and designations of persons as successors to the Architectural Control Committee or as a representative of the Committee shall be made in writing and filed for recording in the office of the County Clerk of Kerr County, Texas. The Architectural Control Committee's approval or disapproval as required in these covenants shall be in writing. In the event that the Committee or its representative shall have failed to approve or disapprove any design or location within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such building or the making of such building or the making of such alterations shall have been commenced prior to completion thereof, such approval shall not be required and these requirements shall be deemed to have been fully complied with. Neither the members of the Architectural Control Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time after January 1, 1984, the then record owner of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

WITNESS ITS HAND THIS 20th day of June, A. D., 1973.

FOXWORTH-GALBRAITH LUMBER COMPANY

By: J. C. Galbraith, Jr.  
C. Galbraith, Jr.  
Vice-President



Kenneth D. Adams  
Kenneth D. Adams  
Assistant Secretary

FILED FOR RECORD

at 11:30 o'clock A. M.,

JUN 28 1973

Emmie M. Muenker  
Clerk County Court, Tarrant County, Texas  
By Linda Decker Deputy

THE STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared J. C. Galbraith, Jr., Vice-President of Foxworth-Galbraith Lumber Company, a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein set forth and as the act and deed of said corporation.

GIVEN under my hand and seal of office, this 20th day of June 1973.



Marzelle White MARZELLE WHITE  
Marzelle White, Notary Public  
in and for Dallas County, Tex.

Filed for record June 28, 1973 at 11:30 o'clock A. M.  
Recorded July 5, 1973  
EMMIE M. MUENKER, Clerk

By Margaret Muenker Deputy

WEST GATE PLACE ADDITION, KERR COUNTY, TEXAS  
RESIGNATION OF ARCHITECTURAL CONTROL COMMITTEE

The undersigned individuals, Walter L. Foxworth, J. C. Galbraith, III, Herman Smith and Kenneth Humphreys, being all the present members of Architectural Control Committees established under the following restrictions for West Gate Place, an addition in Kerr County, Texas, by Foxworth-Galbraith Lumber Company, the original owner and developer of said addition:

West Gate Place, Section One	Restrictions dated June 20th, 1973 Recorded Vol. <u>3</u> Page <u>137</u> , Deed Records, Kerr County, Texas
West Gate Place, Section Two	Restrictions dated September 12, 1978 Recorded Vol. <u>4</u> Page <u>134</u> , Deed Records, Kerr County, Texas
West Gate Place, Section Three	Restrictions dated March 10, 1981 Recorded Vol. <u>4</u> Page <u>218</u> and Vol. <u>4</u> Page <u>245</u> , Deed Records, Kerr County, Texas;

acknowledging that the need for an Architectural Control Committee has been fulfilled since these additions are fully built and developed, and that the continued existence of an Architectural Control Committee is no longer required, hereby resign from said Architectural Control Committees effective this date.

And the said Foxworth-Galbraith Lumber Company, a Delaware Corporation, the original owner and developer of the tracts of land separately subdivided as West Gate Place-Section One, West Gate Place-Section Two and West Gate Place-Section Three, does hereby consent to the resignation of these resigning members of the Architectural Control Committee, since these tracts of land have been fully developed and all duties and performances required of an Architectural Control Committee have been accomplished.

WITNESS OUR HANDS at Kerrville, Texas, this 19th day of October A. D., 1984.

Walter L. Foxworth  
Walter L. Foxworth

James C. Galbraith, III  
James C. Galbraith, III

Herman Smith  
Herman Smith

Kenneth Humphreys  
Kenneth Humphreys

FOXWORTH-GALBRAITH LUMBER COMPANY  
A Delaware Corporation

By J. C. Galbraith, Jr.  
J. C. Galbraith, Jr., President

State of Texas X

County of Dallas X

BEFORE Me, the undersigned authority on this day personally appeared Walter C. Foxworth, and James C. Galbraith III, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 15 day of October, A.D., 1984.

*Mary Lou Whitlow*  
 Notary Public, State of Texas.  
 MARY LOU WHITLOW

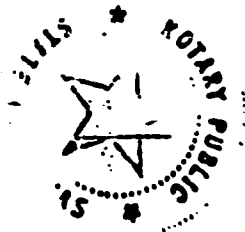
STATE OF TEXAS X

X

COUNTY OF KERR X

BEFORE ME, the undersigned authority on this day personally appeared Herman Smith and Kenneth Humphreys, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 15 day of October A.D., 1984.



*Sarah E. Wheat*  
 Notary Public, State of Texas.  
 SARAH E WHEAT

STATE OF TEXAS X

COUNTY OF DALLAS X

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared J. C. Galbraith, Jr., President, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said Foxworth-Galbraith Lumber Company, a Corporation, and that he executed the same as the act of such Corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 15 day of October A.D., 1984.

*Mary Lou Whitlow*  
 Notary Public, State of Texas  
 MARY LOU WHITLOW



Return to  
FOWOITPA-GALBREITH LBE CO  
1660 Junction Hwy  
Kearville TX 78028

Walter L. Fowmorth et al  
to  
The Public

FILED FOR RECORD  
12:27 o'clock P. M.

OCT 18 1984

PATRICIA DYE  
Clerk, County Court, West County, Texas  
By Glenn McEwen Deputy

Filed for record October 18, 1984 at 12:27 o'clock P M  
Recorded October 22, 1984  
PATRICIA DYE, Clerk By Mary C. Hansen Deputy