

: LEGION HILLS, PHASE FOUR

(Category: RESTRICTIONS)

Volume 7, Page 324, Plat Records of Kerr County, Texas; Volume 1502, Page 156, Official Public Records of Kerr County, Texas; Volume {PR,"insert volume number of first deed out by City",IN1,2}, Page {PR,"insert page number of first deed out of City",IN1,2}, Official Public 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.

Item: LEGION HILLS, PHASE FOUR

(Category: Subdivisions)

- a. Easement dated August 27, 1926 to Texas Public Utilities Co., recorded in Volume 46, Page 401, Deed Records of Kerr County, Texas.
- b. Easement and Right Of Way dated May 12, 1936 to Texas Power & Light Company, recorded in Volume 59, Page 332, Deed Records of Kerr County, Texas.
- c. Easement and Right Of Way dated May 11, 1936 to Texas Power & Light Company, recorded in Volume 59, Page 347, Deed Records of Kerr County, Texas.
- d. Easement and Right Of Way dated September 12, 1936 to Texas Power & Light Company, recorded in Volume 59, Page 620, Deed Records of Kerr County, Texas.
- e. Easements and Building Set Back Lines as per the Plat recorded in Volume 7, Page 324, Plat Records of Kerr County, Texas.
- f. Any visible and/or apparent roadways or easements over or across the subject property.
- g. Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

I hereby certify that the subdivision plat herein is existing in the original record according to the City of Kerrville Standard Specifications.

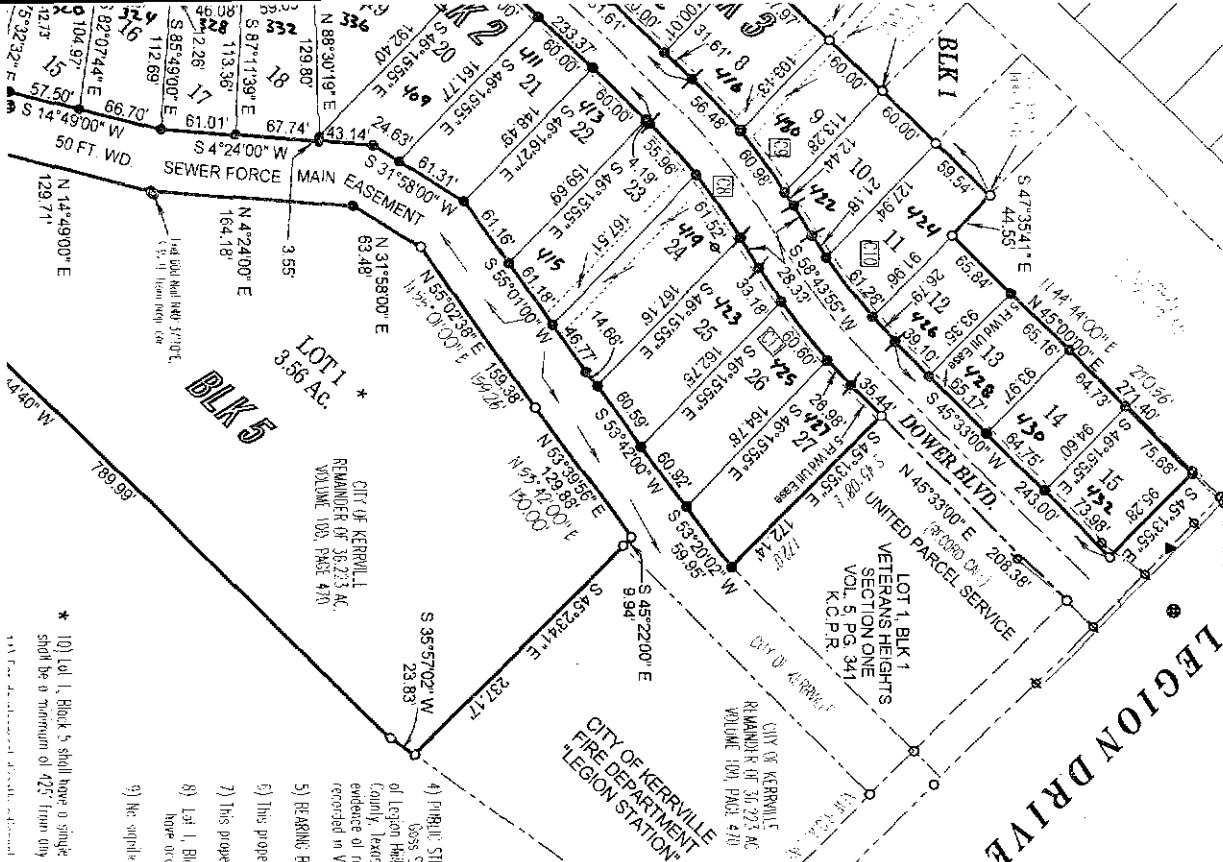
Witness my hand and the seal of the City of Kerrville, Texas, this 7th day of December, 2005.

Charles W. ...
City Engineer or Acting Engineer

#487

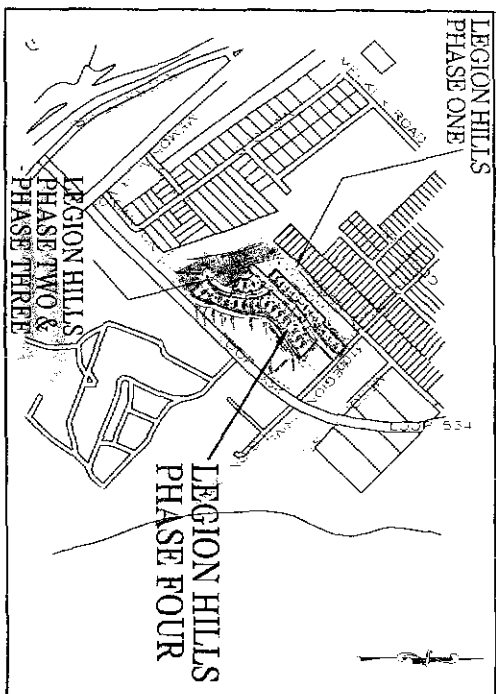
- 1) No portion of the land plat herein lies within the 100 year floodplain on the parcel number 4473052700 E, dated July 19, 2000.
- 2) There is no other description, all new lot corners and street centerline points are marked by a set 1/2" rebar rod and copper flag, 5/16" diameter.
- 3) EASEMENTS:
 - a) 14 foot wide utility easement across and upon the front of each lot.

No Tax Cert.
Property IN
City of Kerrville



* 10) Lot 1, Block 5 shall have a single access point to Loop 534. This access point shall be a minimum of 425' from any other access points in Loop 534.

- 4) PUBLIC STREETS:
 - a) 55' wide street on existing 54' wide public roadway dedicated by plat of Legion Hills, recorded in Volume 1, Page 41 of the Plat Records of Kerr County, Texas; thence, from its 50' wide public roadway dedicated by evidence of recording of this plat and also by plat of Legion Hills, Phase One as recorded in Volume 6, Page 387, Plat Records of Kerr County, Texas.
- 5) BEARING BASIS: City of Kerrville Coordinate System.
- 6) This property is zoned, 29E.
- 7) This property lies within the Kerrville Independent School District.
- 8) Lot 1, Block 5A shall face Flinders Drive for the front yard set back and shall have access only to Flinders Drive.
- 9) No signalized intersection exist within 500 feet of this plat.



STATE OF TEXAS,
COUNTY OF KERR,
CERTIFICATE OF APPROVAL AND DEDICATION

I, hereby certify that I am the owner of the property shown and described herein and that I hereby adopt this plan of subdivision with my free consent, establish the permanent building lines, and dedicate all public streets, alleys, paths, and other open spaces to public use as indicated.

Dated this 13th day of December, 2005.

STATE OF TEXAS,
COUNTY OF KERR,
CITY OF KERRVILLE

I, the undersigned authority, on this day personally appeared Paul A. Hoffman 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, and in the capacity therein stated.

Paul A. Hoffman
Given under my hand and seal of office this 13th day of December, 2005.

Kerr County, Texas

Filed for record on the 13th day of January, 2006 at 8:30 AM and was recorded on the 18th day of January, 2006 at 8:31 AM in Volume 7, Page 324 of the Kerr County Plat Records.



I declare that the relation and all other pertinent matters for the institution and maintenance of utility and all necessary utility lines

E TWO
JCK 2)

CITY OF KERRVILLE
COORDINATES:
N = 795124.60
E = 1962827.86
BEARS 2212 ft, N 380EG 2244W
from South corner SURVEY NO. 112

COORDINATE
N = 795032.11
E = 1962735.81

Bessie E. Cross
Remainder of 70 Acres
Volume 70, Page 581

N HILLS, PHASE THREE

ANDERS DRIVE

50 FT WD R.O.W.

5 FT W

5 FT W

LEGION HEIGHTS
Vol. 1, Pg. 41

GOSS STREET
50-110 ROW
LEGION

A close-up photograph of a survey map. The map shows a section line between Township 20N and Range 6E. Key features include:

- Section Line:** A dashed line running diagonally across the frame.
- Labels:** "LEGION HILLS" and "PHASE ONE" are printed in large, bold letters.
- Reference:** "Vol. 6, Pg. 397" is written near a specific point on the section line.
- Bearings and Distances:** Along the section line, there are markings such as "N 29° 00' E" and "60.00".
- North Arrow:** Located in the upper left corner, pointing towards the top right.
- Other Text:** "TOWNSHIP 20N" and "RANGE 6E" are visible at the top of the image.

PATRIOT DRIVE

SEWER FORCE

BLK 5

LEGION DRIVE

No 7A
Property
City of 7

- [illegible]

BUILDING SET-BACK LINES SHALL BE IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KERRVILLE, TEXAS.

No existing structures lie upon this subdivision nor within 2 feet of its water, sewer and underground utilities are in place up to beginning of the new extension proposed for Flanders Drive and sewer is in place throughout as shown hereon.

A drainage study conforming to the applicable drainage specifications shall be submitted to, and approved by, the city engineer before a building permit is issued for any lot in this subdivision. Drainage improvements which adequately address the findings of the study shall be made part of the building permit application and shall be constructed concurrently with the development of the site.

The fully developed, concentrated storm water runoff resulting from the one hundred (100) year frequency storm is contained within the drainage easements shown and of public right-of-way dedicated by this plat.

Dated this 7 day of Dec 2005

Charles H. Heston
Professional Engineer No. 97173

CURVE DATA

ID	DELTA	RADIUS	ARC LENGTH	TANGENT	CURBO	CH BEARING
C2	58°26'40"	225.00'	229.51'	125.88'	219.68'	N36°25'18"E
C3	21°12'39"	30.00'	18.50'	9.36'	18.40'	N14°04'15"E
C4	94°26'37"	15.00'	24.73'	16.21'	22.07'	S89°18'41"E
C5	67°02'21"	15.00'	27.79'	14.24'	20.66'	S20°56'50"W
C6	49°31'06"	175.00'	151.24'	80.41'	146.58'	N16°10'50"W
C7	51°00'03"	225.00'	200.28'	107.32'	193.15'	N17°04'19"E
C8	14°18'44"	117.50'	117.55'	59.08'	117.75'	N61°38'39"E
C9	14°10'59"	525.00'	129.96'	65.31'	54.89'	N61°38'31"E
C10	13°11'02"	415.00'	109.30'	64.17'	170.54'	S52°08'30"W
C11	13°11'02"	525.00'	129.80'	64.17'	170.54'	S52°08'30"W

POINTS AND LINES LEGEND

WATER MAIN	—W—
SEWER MAIN	—S—
DRY LINE	—D—
OPEN SPACE	—O—
LEGION HILLS, PHASE TWO	—LH2—
LEGION HILLS, PHASE THREE	—LH3—
FLANDERS DRIVE	—FD—
PATRIOT DRIVE	—PD—
SEWER FORCE	—SF—
TEXAS STATE HIGHWAY LOOP NO. 534	—TSHL534—
BLK 2	—B2—
BLK 3	—B3—
BLK 4	—B4—
BLK 5	—B5—

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**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
LEGION HILLS-PHASE IV
A SUBDIVISION OF THE CITY OF KERRVILLE, TEXAS**

Preamble

This Declaration of Covenants, Conditions, and Restrictions is made on January 24, 2006, at Kerrville, Texas, by the City of Kerrville ("Declarant"), whose mailing address is 800 Junction Highway, Kerrville, Texas, 78028-5804.

Recitals

1. Declarant is the owner of all that certain real property ("the Property") located in Kerr County, Texas, described as follows:

Lots 11 through 27, inclusive, of Block 2; Lots 3 through 15, inclusive, of Block 3; and Lots 5, 6 and 7 of Block 4; all lots being part of Legion Hills Subdivision -- Phase IV, a subdivision of the City of Kerrville, Texas, as shown on the Plat thereof recorded in Volume 6, page 397, of the Plat Records of Kerr County, Texas; and

2. The Declarant has devised a general plan for the entire Property as a whole with specific provisions for the particular parts and parcels of the Property. This general plan provides a common scheme of development designed to protect and safeguard the Property over a long period.

3. This general plan will benefit the Property in general, the parcels and lots that constitute the Property, the Declarant, and each successive owner of an interest in the Property.

4. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the Property according to these covenants, conditions, and restrictions in furtherance of this general development plan.

NOW, THEREFORE, it is declared that all of the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions.

ARTICLE ONE

Definitions

1.01. "Developer" means Declarant and its successors and assigns who acquire more than two undeveloped Lots from Declarant for the purpose of development.

1.02. "Lot" means any of the plots of land shown on the plats and subdivision maps recorded in Volume 6 at Page 397 of the Plat Records of Kerr County, Texas (the "Map"), on which there is or will be built a single family dwelling.

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1.03. "Owner" means the record owner or owner of the fee simple title to any Lot or portion of a Lot in the Property on which there is or will be built a detached single-family dwelling. "Owner" includes contract sellers but excludes person having only a security interest.

1.04. A "qualified person" means a person who is a licensed architect, landscape architect, licensed general contractor, or city planner.

1.05. "Common Area" means the entire Property except the Lots, subject to all easements and rights described in this Declaration.

ARTICLE TWO

Exterior Maintenance

2.01. If an Owner of any Lot fails to maintain the premises in a neat and orderly manner, the Developer shall have the right, through its agents and employees, to enter the Lot in order to repair, maintain, and restore the Lot, including landscaping, and the exterior of any building and other improvements located on the Lot, all at the expense of the Owner.

ARTICLE THREE

Use Restrictions and Standards

3.01. **Residential Use Only:** All Lots shall be used for single-family residential purposes only. Single-family use consists of use as a dwelling by two or more natural persons who are related by marriage or kinship or by not more than four natural persons who are not related by marriage or kinship. However, Developer as well as any other person engaged in the construction and sale of residences on the Property shall have the right, during the construction and sales period, to use facilities as may be reasonably necessary or convenient for its business purpose of constructing and selling residences on the Property.

3.02. **Re-subdivision or Consolidation:** No Lot shall be re-subdivided or split.

3.03. **Easements:** Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat for utility installation and maintenance. No utility company, water district, political subdivision, or other authorized entity using these easements shall be liable for any damage done by them or their assigns, agents, employees, or servants, to shrubbery, trees, flowers, or to other property of the Owner situated in the easement.

3.04. **Noxious or Offensive Activities Prohibited:** No noxious or offensive activity shall be conducted on any Lot that may be or may become an annoyance or nuisance to the neighborhood.

3.05. Prohibited Residential Uses: No structure not approved for residential use by the Developer, including but not limited to trailers, mobile homes, manufactured homes, motor homes, basements, tents, shacks, garages, and other outbuildings and accessory structures, shall be used on any Lot at any time as a residence, either temporarily or permanently.

3.06. Signs: No signs of any type shall be allowed on any Lot except one sign of not more than five square feet advertising the property for sale or rent. However, Developer, as well as any other person engaged in the construction and sale of residences on the Property shall have the right, during the construction and sales period, to construct and maintain signs advertising the construction and sale.

3.07. Oil Development and Mining Prohibited: No oil well drilling, development, or refining, and no mineral quarrying or mining operations of any kind shall be permitted on any Lot. No oil well, tank, tunnel, mineral excavation, or shaft shall be permitted on any Lot. No derrick or other structure designed for use in boring for oil, natural gas, or other minerals shall be erected, maintained, or permitted on any Lot.

3.08. Rubbish, Trash, and Garbage: No Lot shall be used or maintained as a dumping ground for rubbish or trash. All garbage and other waste shall be kept in sanitary containers. There shall be no burning or incinerations of trash, garbage, leaves, brush, or other debris.

3.09. Sewage Disposal: No individual sewage-disposal system shall be permitted on any Lot.

3.10. Junked Vehicles: No junked vehicles shall be left parked in the street in front of any Lot, or on the driveway or any portion of the Lot. A junked vehicle shall mean (a) any vehicle that is self-propelled and does not have lawfully attached to it an unexpired license plate, valid motor vehicle inspection certificate, or (b) is wrecked, dismantled or partially dismantled, or discarded, or (c) is inoperable and has remained inoperable for more than 72 consecutive hours.

3.11. Water Supply: No individual water supply system shall be permitted on any Lot.

3.12. Animals: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that a number not exceeding two dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.

3.13. Large Vehicles and Trailers: No truck larger than three quarters ton, bus, passenger vehicle in excess of 15 seats, van used for other than personal use, or trailer shall be left parked in the street in front of any Lot, except for construction and repair equipment while a residence or residences are being built or repaired in the immediate vicinity. No truck, bus, passenger vehicle in excess of 15 seats, or boat or trailer shall be

parked on the driveway or any portion of the Lot in such manner as to be visible from the street.

3.14. Prohibited Activities: No professional, business, or commercial activity to which the general public is invited shall be conducted on any Lot.

3.15. Watercraft, Motor Homes, and Recreational Vehicles: No motor homes, recreational vehicles, watercraft, including but not limited to boats, jet boats, or ski boats shall be parked in the street in front of any Lot or on any portion of the Lot in the area between the street and the front yard set back line.

3.16. Set-Backs: Rear and side setbacks shall be in accordance with Zoning Ordinance of the City of Kerrville. In addition, no radio or television antenna or guy wires shall be installed on any portion of any lot forward of the front set-back line of the house. No fence, wall, or hedge shall be placed or permitted to remain, on any Lot nearer to the street or streets adjoining the Lot than is permitted for the main residence on the Lot, except for decorative subdivision entry fences.

3.17. Sidewalks: Each residence shall have a sidewalk constructed across its entire lot frontage in accordance with City specifications.

3.18. Driveways: Driveways shall be constructed of asphalt, reinforced concrete or paving brick in accordance with accepted good practices and codes and ordinances.

3.19. Temporary Structures, Move-On Structures and Garage Apartments: No mobile homes, trailers, tents, shacks, garage apartments, or other outbuildings or accessory structures, shall be erected or permitted to remain on any Lot. No trailers, mobile homes, motor homes, basements, tents, shacks, garages, garage apartments or other outbuildings or accessory structures, shall be used on any Lot at any time as a residence, either temporarily or permanently. One well-maintained storage building per lot will be permitted, but such storage building shall not exceed 100 square feet in area, nor shall the storage building exceed a height of eight feet.

3.20. Protection of Natural Vegetation: Dwellings designed for lots containing large trees shall be designed around the trees in-as-far as possible. Trees with trunks larger than four inches in diameter shall not be removed without prior consent of the Developer.

3.21. Exterior Finish: All alterations or additions to an existing dwelling must have an exterior finish consisting of materials substantially similar to the materials and colors of the exterior of the existing dwelling.

3.22. Fences: Fences may only be constructed on the portion of the Lot behind the front setback. No fence shall exceed eight feet in height. All fences must be constructed of chain-link or wood.

ARTICLE FOUR
General Provisions

4.01. Enforcement: The Developer or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations imposed by this Declaration. Failure to enforce any covenant or restriction shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. All waivers must be in writing and signed by the party to be bound.

4.02. Severability: Invalidity of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

4.03. Covenants Running With the Land: These easements, restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the Property. Consequently, they shall run with the real property and shall be binding on all parties having any right, title, or interest in the Property in whole or in part, and their heirs, successors, and assigns. These easements, covenants, conditions, and restrictions shall be for the benefit of the Property, each Lot, and each Lot Owner.

4.04. Duration and Amendment: The covenants, conditions, and restrictions of this Declaration shall be effective for a term of 20 years from the date this Declaration is recorded, after which period the covenants, conditions, and restrictions shall be automatically extended for successive periods of 10 years subject to termination by an instrument signed by more than 75 percent of the Owners. An instrument signed by more than 75 percent of the Owners may amend the covenants, conditions, and restrictions of this Declaration. Neither any amendment nor any termination shall be effective until recorded in the official records of Kerr County, Texas, and all requisite governmental approvals, if any, have been obtained.

4.05. Attorneys' Fees If any controversy, claim, or dispute arises relating to this instrument, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.

4.06. Liberal Interpretation This Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the property.

(signatures begin on following page)

This Declaration is executed this 8th day of FEBRUARY, 2006, at Kerrville, Kerr County, Texas.

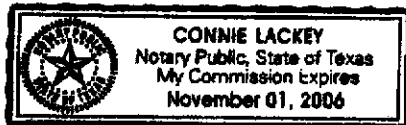
CITY OF KERRVILLE, TEXAS

By: *Paul A. Hofmann*
Paul A. Hofmann, City Manager

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF KERR §

This instrument was acknowledged before me on the 8th day of FEBRUARY, 2006, by Paul A. Hofmann, City Manager of the City of Kerrville, Texas, a Texas home rule municipality, for said municipality.



Connie Lackey
Notary Public, State of Texas

Filed by:
Parker Harrison

& Return to:
City of Kerrville
800 Junction Highway
Kerrville, TX 78028

FILED FOR RECORD
at 9:10 o'clock A.M

FEB 09 2006

JANNETT PIEPER
Clerk County Court, Kerr County, Texas
Chad Thompson Deputy

H:\Legal\Home Programs\Forms\DECLARATION OF COVENANTS Phase IV 011706.doc

**Declaration of Covenants, Conditions, And
Restrictions For Legion Hills-Phase IV - Page 6 of 6**

Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law.
THE STATE OF TEXAS }
COUNTY OF KERR
I hereby certify that this instrument was FILED in the File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Kerr County, Texas on

FEB 10 2006



James R. Piper
COUNTY CLERK, KERR COUNTY, TEXAS