

CYR86H R17766

**RESTRICTIONS FOR COMMERCIAL PROPERTY
SOLD BY PATTEN CORPORATION SOUTHWEST
ADJACENT TO EAGLE CREEK RANCH SUBDIVISION**

PATTEN CORPORATION SOUTHWEST, a Delaware Corporation authorized to do business and doing business in the State of Texas, as Owner of the herein described property (sometimes hereinafter referred to as "PATTEN" does hereby declare and adopt the following restrictions, which are hereby impressed upon all of the above described property, and these restrictions and covenants shall run with the land, to-wit:

1. There has been heretofore established an Architectural Control Committee by PATTEN under the provisions of those certain Subdivision Restrictions of the Eagle Creek Ranch Subdivision, Section 2-A. Except as otherwise authorized herein, no existing building or structure of any kind and no part of a used existing building or structure shall be moved onto, placed on, or permitted to remain on any portion of the above described property, and all construction must be of new material (except stone, brick, and inside structural material, if such use is approved in writing by the Architectural Control Committee) and no tar paper type roof or siding materials will be used on any structure, no sheet metal type of roof or siding materials will be used on any structure without the written approval of the Architectural Control Committee. Further, the exterior of any building must be painted, stained, or made of brick or rock. All buildings and structures shall be completely underskirted with no piers or pilings exposed to view. No Morgan-type portable buildings shall be used as a residence or commercial establishment except as may be authorized by the Architectural Control Committee. No natural drainage shall be altered, nor shall any drainage ditch, culvert, nor drainage structure of any kind be installed or altered, nor shall any curb or other impediment to the free flow of water be installed or altered without the prior written consent of either PATTEN or the Architectural Control Committee.
2. No building, fence, or other structure or improvement shall be erected, placed, or altered on any lot until two copies of the construction plans and specifications, including specification of all exterior and roofing materials, including color of paint or stain and a plan showing the proposed location of the structure, have been submitted to and approved in writing by the Architectural Control Committee as to harmony of external design with existing structures and as to location with respect to the topography and finish grade elevation and otherwise. If such construction, placement, or alteration is not commenced within eight months of such approval, the approval shall be null and void unless an extension is granted in writing. No building exceeding two stories in height shall be erected or placed on any portion of the above described property. Fences shall be permitted to extend to the side and back lot lines and to no less than twenty feet of the front lot lines, but without impairment of the easements reserved and granted in these restrictions.
3. No building or structure other than a fence shall be located nearer to any boundary line facing a public road or street than fifty (50) feet, or near to the side lot line or rear lot line than fifteen feet.
4. Livestock shall be limited to no more than one head (horse or cow) per acre without prior written consent of the undersigned or the Architectural Control Committee. Poultry and swine are prohibited except for school projects.
5. Easements are reserved on all lots hereunder along and within fifteen feet of all street lines along and within fifteen feet of all lot lines of all property hereunder. Said easements established in the next proceeding sentence are for the construction, operation, and perpetual maintenance of conduits, poles, wires, fixtures for electric lines, gas lines, telephone lines, water lines, sanitary and storm sewers, road drains or other public or quasi-public utilities, with the right of ingress and egress to and from and across said premises to employees of said utilities. Easements are reserved along and within fifteen feet of all lot lines or property lines for employees of all said utilities to trim any trees or shrubbery which may at any time interfere or threaten to interfere with the operation or maintenance of such lines, provided however, that none of the above easements in regard to side property lines or rear property lines shall inure to the benefit of or be used by any utility company to facilitate service to users not within the Eagle Creek Ranch Subdivision (or any section thereof) unless the undersigned shall have consented in writing thereto.

- Except as otherwise provided herein, no outbuilding other than a garage, barn, or storage building of size as herein provided shall be erected on any lot, and no outbuilding, garage, barn, or storage building erected on any lot shall at any time be used as a dwelling, temporary or permanent, nor shall any shack be placed on any lot. Camping shall be permitted on any portion of the property hereunder for a period of no longer than fourteen continuous days out of a thirty day period. Not more than one camping unit shall be used on any portion of the above described property at any time. Tents and similar types of camping equipment cannot be left on the property unattended for more than twenty four consecutive hours.
7. No outside toilet or privy shall be erected or maintained on any portion of the property herein described. The materials installed in, and the means and methods of assembly of all sanitary plumbing shall conform with the requirements of the Health Department of the State of Texas and of the local authorities having jurisdiction. A septic tank or other private sewage facility may be constructed only if it strictly complies with each and every and all of the requirements of the Health Department of the State of Texas and of all of the local authorities having jurisdiction thereof. It is expressly contemplated that by this provision that any usage of a septic system constructed or placed upon the above described property which is insufficient to meet the reasonably expected usage of such system shall constitute and be a violation of these restrictions and shall entitle the declarant herein to exercise its remedies hereunder.
 8. Any building, structure or improvement commenced on any portion of the above described property shall be completed as to exterior finish and appearance within twelve months from the commencement date. No lot or portion of any lot shall be used as a dumping ground for rubbish, trash, or debris, nor for the storage of any items of materials (except in the construction of a building) and the above described property shall be kept clean and free of all boxes, rubbish, trash, tall grass, or other debris. No refrigerators or other large appliances shall be placed outdoors, and no inoperative motor vehicle or vehicles without current license and inspection stickers shall be placed on or allowed to remain on any portion of the above described property. The undersigned, its successors and assigns, shall have the right to enter the property where a violation exists under this paragraph and to remove the incomplete structure or other items and/or clean the lot at the expense of the offending party. This cost and expense plus interest at the maximum lawful rate shall be secured by a lien on the property herein described upon the undersigned, its successors or assigns, recording with the County Clerk of Wilson County, Texas, a certificate to such effect and certifying the amount of such cost and expense. Such lien shall be junior and subordinate to any lien securing the purchase money or improvement loans on the above described property.
 9. No hunting or discharging of firearms shall be permitted on any portion of the above described property.
 10. The above described property may not be subdivided into two or more properties or lots without the consent of the undersigned, its successors or assigns, which consent may be granted or withheld at the sole discretion of the undersigned, its successors or assigns.
 11. It is expressly contemplated herein that the above described property may be used for commercial usage as well as for single family residential usage. In the event that the above described property, or portion thereof, is used for residential purposes, such usage shall be limited solely to a single residential structure (and such outbuildings as are permitted under these regulations) by a single family unit. Specifically, no multi-family units or multiple residential buildings shall be constructed or maintained on any portion of the above described property. No building may be erected or maintained on the above described property as a residential structure except for a private residence with a minimum floor area of twelve hundred square feet enclosed, a tool storage building, with a minimum floor area of thirty square feet and a maximum floor area of one hundred forty four square feet, enclosed, and a private garage or barn for the sole use of the purchaser of the above described property. The minimum floor area requirements for such residential structures as stated herein are exclusive of porches, stoops, or open or closed carports, patios, and garages.

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The above described property may also be used (in addition to residential purposes) for maintenance of a commercial or like manufacturing enterprise. In this regard, the setback lines herein provided shall not be construed as prohibiting the construction of any parking lots, driveways, or outdoor non-permanent display areas, so long as no portion of such driveways, parking lots, or outdoor display areas shall in any way interfere with or impede any of the utility easements hereinabove provided. Notwithstanding the generality of the foregoing, however, the above described property shall not be used for any of the following:

- A. There shall be no usage of the above described property which shall permit the consumption on premises of any alcoholic beverages unless the commercial business shall be a bonafide restaurant or cafe.
- B. There shall be no usage of the above described property for any heavy industry or major manufacturing plant, and any light manufacturing or light industry operations occurring on the above described property shall not, on a regular basis, occur between the hours of 10:00 p.m. and 6:00 a.m.
- C. There shall be no usage of the above described property so as to create obnoxious or offensive noises, nor shall any usage of the above described property create a noise of such a level so as to exceed the maximum permissible noise levels as established by the ordinances of the City of San Antonio for residential areas (as such noise shall be measured from any lot line of the above described property).
- D. There shall be no commercial usage of the above described property so as to create any air, ground, ground water or drainage water pollution which shall not be fully sanitized or corrected prior to the discharge of any air, smoke, vapors, water, or drainage from such commercial enterprise. Any such commercial operations shall strictly comply with the federal regulations of the Environmental Protection Agency and all other federal agencies as well as regulations imposed by the Texas Department of Health, the Texas Department of Water, the Railroad Commission of the State of Texas, or any other entity or body having jurisdiction thereof.
- E. There shall be no usage of the above described property for the storage (either above ground or below ground), manufacture, or disposal (either above ground or below ground) of any hazardous chemicals, materials, or waste products, as such materials, products, or waste are defined by the United States Department of Transportation, the Railroad Commission of Texas, the Texas Department of Health, the Texas Department of Water, or any other entity having jurisdiction thereof.
- F. There shall be no usage of the above described property for maintenance of any junkyard, automobile salvage operations, retail establishment for the sale of used cars, trucks, or other motor vehicles, or other or similar usage requiring the storage of inoperable or used motor vehicles or boats, except that the property may be utilized for a bonafide repair garage for motor vehicles or boats.

RECORDED IN Deed RECORDS
 FILE DATE: July 24 1991
 FILE TIME: 2:00 O'CLOCK P.M.
 VOL 781 PAGE 565

RECORDING DATE
July 24, 1991
 EVA S. MARTINEZ

COUNTY CLERK WILSON COUNTY