

TENTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CIRCLE C RANCH SUBDIVISION

THE STATE OF TEXAS
COUNTY OF TRAVIS

3:55 PM 8988 11.00 1 1 05/

This Tenth Amendment to Declaration of Covenants, Conditions and Restrictions is made to be effective the date set forth below by CIRCLE C LAND CORP., a Texas corporation.

RECITALS: 3:55 PM 8988 5.00 1 1 05/ 930480.29- 091.72-

A. By Declaration of Covenants, Conditions and Restrictions for Circle C Ranch Subdivision recorded in Volume 10585, Page 110, Real Property Records of Travis County, Texas (the "Original Declaration"), Circle C Development Corporation, a Texas corporation (the "Original Declarant") imposed certain covenants, restrictions, charges and liens upon certain real property as therein described.

B. The Original Declaration has been amended by documents recorded in Volume 10627, Page 771; Volume 10729, Page 1153; Volume 10778, Page 284; Volume 10847, Page 1704; Volume 10961, Page 0851; Volume 11003, Page 1060; Volume 11134, Page 1045; and Volume 11824, Page 0883; Volume 11924, Page 0139; Volume 11924, Page 0959; and Volume 11925, Page 0009, respectively, of the Real Property Records of Travis County, Texas (which Original Declaration, as so amended, is herein referred to as the "Declaration").

B. Circle C Development Corporation assigned its rights and privileges as "Declarant" under the Declaration to Circle C Development Joint Venture, and Circle C Development Joint Venture subsequently assigned its rights and privileges as "Declarant" under the Declaration to Circle C Land Corp., a Texas corporation (hereinafter referred to as the "Declarant").

C. Article I, Section 3 of the Declaration has the right at any time and from time to time to bring within the scheme of the Declaration additional properties, and in addition to supplement or modify the Declaration as may be appropriate for such additional property.

D. Declarant desires to bring certain property within the scheme of the Declaration and to modify the Declaration as to said property as hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Addition to Property Subject to Declaration. The following tracts of land (the "Additional Land") are hereby added to the Properties subject to and covered by the Declaration:

(a) 16.9384 acres of land, more or less, more particularly described on Exhibit A attached hereto and incorporated herein, also known as Phase C, Section Two (2), Circle C Ranch, a subdivision in Travis County, Texas, according to the map or plat thereof filed with the City of Austin under file number C8-84-164.3A.

2. Modification of the Declaration as to the Added Tracts. The Additional Land shall be held, transferred, sold, conveyed, occupied and used subject to the covenants, restrictions, charges and liens as set forth in the Declaration, provided that as the same relate to the Additional Land, the terms and provisions of the Declaration are modified as follows:

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The living area of the main residential structure located on any Lot exclusive of porches and parking facilities shall not be less than three thousand two hundred (3,200) square feet.

(b) Article V, Section 3(h) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

h. Carports, sports courts, and swimming pools. No carports, sports courts of any kind, or swimming pools shall be constructed, erected or permitted to remain on any Lot without the express prior written approval of the Architectural Control Committee. Any outdoor lighting related to carports, sports courts, or swimming pools shall be subject to the requirements of Section 5 hereof.

(c) Article V, Section 4 is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 4. Minimum Setback Lines. All setback lines shall be in accordance with the approved final plat for the Additional Land. No structure may be placed within the setback lines; however, subject to applicable City of Austin Zoning Ordinances and other governmental regulations, the following improvements are allowed within minimum setback areas:

- a. structures below and covered by the ground;
- b. steps, walks, driveways, and curbing;
- c. retaining or screening walls as approved by the Architectural Control Committee;
- d. landscaping;
- e. any other improvement approved in writing by the Architectural Control Committee, provided that roofed structures other than relatively minor encroachments shall in no event be so approved.

(d) Article V, Section 8(e) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

e. Fences. The Owner of each Lot upon which a residential structure has been constructed (or is under construction) shall further construct or cause to be constructed, at Owner's expense, a six-foot privacy fence along the rear and side Lot lines, the materials and location of which shall be subject to approval by the Architectural Control Committee. Where fences are constructed adjacent to any school or open space, such fences shall be constructed with face toward the school or open space, according to the Design Guidelines. Cost of construction and maintenance of fences along common Lot lines may be shared by the Owners of adjacent Lots;

STATE OF TEXAS       §  
                              §  
COUNTY OF TRAVIS   §

**FIELDNOTE DESCRIPTION** of a tract or parcel of land containing 16.9384 acres situated in the Samuel Hamilton Survey No. 16, Travis County, Texas, being a portion of that certain 2,807.1345 acre tract conveyed to Circle C Land Corp, by a deed recorded in Volume 11620, Page 1126 of the Deed Records of Travis County, Texas; being all of proposed Circle C Ranch Phase C, Section Two Subdivision and is more particularly described by metes and bounds as follows:

**BEGINNING** at an iron rod set for the northeast corner of a 0.6188 acre tract dedicated as right-of-way by a deed recorded in volume 10833, Page 1073 of the said Deed Records, in the south line of a 285.4585 acre tract conveyed to the City of Austin for Parkland by a deed recorded in Volume 9495, Page 281 of the above said Deed Records;

**THENCE**, S63°58'39"E, with the south line of the said 285.4585 acre parkland tract 63.02 feet to an iron rod found for an angle point;

**THENCE**, S82°23'21"E, continuing along the said south line 409.56 feet to an iron rod set for a corner, said iron rod bears N82°23'21"W, a distance of 16.23 feet from an iron rod found for an angle point, in the said south line,

**THENCE**, leaving the said south line of the Parkland Tract and crossing through the 2,807.1345 acre tract, with the following eight (8) courses:

- 1) S07°36'39"W, 125.00 feet to an iron rod set;
- 2) S00°30'10"W, 50.39 feet to an iron rod set;
- 3) S07°36'39"W, 100.00 feet to an iron rod set;
- 4) S26°53'42"W, 230.30 feet to an iron rod set;
- 5) S63°59'18"W, 138.44 feet to an iron rod set;
- 6) S29°10'20"W, 113.90 feet to an iron rod set;
- 7) S02°42'45"E, 86.93 feet to an iron rod set;
- 8) S09°22'23"W, 105.00 feet to an iron rod set in the north right-of-way line of La Crosse Avenue dedicated by the Circle C Phase B, Section 9 Subdivision as shown on a map or plat thereof recorded in Book 89, Pages 300-301 of the said Map Records of Travis County, Texas;

**THENCE**, N80°37'37"W, with the said north line of La Crosse Avenue, 403.43 feet to an iron rod set at the point of curvature of a curve to the right;

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THENCE, continuing along the north line of La Crosse Avenue, with the said curve to the right, having a central angle of  $51^{\circ}15'00''$ , a radius of 950.00 feet, a long chord of 821.71 feet (chord bears  $N55^{\circ}00'07''W$ ) for an arc distance of 849.76 feet to an iron rod found in concrete for the point of tangency;

THENCE,  $N29^{\circ}22'37''W$ , with the north line of La Crosse Avenue, 18.69 feet to an iron rod set at the point of curvature of a curve to the right;

THENCE, with the curve to the right having a central angle of  $101^{\circ}27'48''$ , a radius of 25.00 feet, a long chord of 38.71 feet (chord bears  $N21^{\circ}21'17''E$ ) for an arc distance of 44.27 feet to an iron rod set at the point of compound curvature of a second curve to the right; said curve to the right being in the east right-of-way line of Escarpment Boulevard;

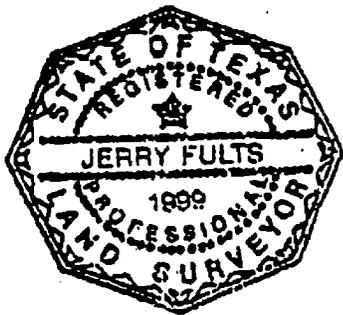
THENCE, along the said east line of Escarpment Boulevard with the said curve to the right having a central angle of  $02^{\circ}20'50''$ , a radius of 4,680.00 feet, a long chord of 191.72 (chord bears  $N73^{\circ}15'36''E$ ) for an arc distance of 191.73 feet to an iron rod set at the point of compound curvature of a third curve to the right; being the most westerly southwest corner of the above mentioned 0.6188 acre tract;

THENCE, along the east line of the said 0.6188 acre tract, with the said curve to the right, having a central angle of  $4^{\circ}05'51''$ , a radius of 2,053.00 feet, a long chord of 146.79 feet (chord bears  $N76^{\circ}28'57''E$ ) for an arc distance of 146.82 feet to an iron rod set at the point of reverse curvature of a curve to the left;

THENCE, continuing along the said east line of the 0.6188 acre tract with the said curve to the left having a central angle of  $19^{\circ}06'47''$ , a radius of 1,951.00 feet, a long chord of 647.82 feet (chord bears  $N68^{\circ}58'29''E$ ) for an arc distance of 650.83 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 16.9384 acres of land area.

That I, Jerry W. Fults, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 22 day of APRIL, 1993.



*Jerry W. Fults*  
JERRY W. FULTS  
Registered Professional Land Surveyor  
State of Texas - No. 1999

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that the instrument was FILED on  
the date and at the place stamped herein by me; and  
was duly RECORDED, in the Volume and Page of the  
same RECORDS of Travis County, Texas, as

MAY 5, 1993

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*Dana DeBeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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TRAVIS COUNTY, TEXAS

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DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED