

01-94030110JPB

FILM CODE  
00005162942

33  
0

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

THE STATE OF TEXAS	\$	3:17 PM 3690	27.00 INDX
	\$		06/30/94
COUNTY OF TRAVIS	\$	3:17 PM 3690	5.00 RECM
	\$		06/30/94
		3:17 PM 3690	1.00 SEC
			06/30/94
			34-11-CHK\$

This Fourteenth 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:

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; Volume 11824, Page 0883; Volume 11924, Page 0139; Volume 11924, Page 0959; Volume 11925, Page 0009; Volume 11929, Page 0356; Volume 12081, Page 1479; Volume 12159, Page 3169, and Volume 12159, Page 3177, respectively, of the Real Property Records of Travis County, Texas (which Original Declaration, as so amended, is herein referred to as the "Declaration").

C. 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").

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

E. 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:

Parcel A: 100.2215 acres of land, more or less, out of the J. Burlison Survey No. 64, the John M. Bright Survey No. 63, and the Corbet Stevens Survey No. 63, Travis County, Texas, as more particularly described on Exhibit A attached hereto and made a part hereof.

Parcel B: 100.2215 acres of land, more or less, out of the J. Burlison Survey No. 64 and the John M. Bright Survey No. 63, Travis County, Texas, as more particularly described on Exhibit B attached hereto and made a part hereof.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0642

Parcel C: 100.2215 acres of land, more or less, out of the J. Burleson Survey No. 64 and the John M. Bright Survey No. 63, Travis County, Texas, as more particularly described on Exhibit C attached hereto and made a part hereof.

Parcel D: 35.764 acres of land, more or less, out of the J. Burleson Survey No. 64, Travis County, Texas, as more particularly described on Exhibit D attached hereto and made a part hereof.

2. Modification of the Declaration as to the Added Tract. 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, and only with respect to the Additional Land, the terms and provisions of the Declaration are modified as follows:

(a) Article III, Section 6 of the Declaration is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 6. Commencement Date of Assessments. The first annual assessment provided for herein shall commence to accrue as to each Lot within the Additional Land on the date (the "Commencement Date") that both (a) a final plat that includes the Lot within the property covered by such final plat is recorded in the Plat Records of Travis County, Texas, and (b) the streets, curbs and gutters, electric, water and wastewater facilities (the "Infrastructure Improvements") have been completed insofar as necessary to serve the Lot in accordance with the standards required by the appropriate governmental entity or utility providing service, all as evidenced by (i) a letter from the engineers for Declarant stating the streets, curbs and gutters and water and wastewater facilities are completed to the Lot(s), and (ii) written notice from Pedernales Electric Cooperative, Inc. stating that the improvements required for residential electrical installations have been completed to the Lot(s). No special assessment shall be made with respect to the Additional Land before the Commencement Date for the accrual of the annual assessment.

(b) Article V, Section 2 of the Declaration is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

Section 2. Minimum Square Footage Within Improvements. The living area of the main residential structure located on any Lot, exclusive of porches and parking facilities, (i) shall not be less than two thousand two hundred (2,200) square feet and not more than three thousand one hundred (3,100) square feet for the Lots within the Additional Land designated as "60 Foot Lots" on Exhibit E attached hereto and made a part hereof; (ii) shall not be less than two thousand eight hundred (2,800) square feet and not more than three thousand six hundred (3,600) square feet for the Lots within the Additional Land designated as "70 Foot Lots" on said Exhibit E; and (iii) shall not be less than three thousand two hundred (3,200) square feet for the Lots within the Additional Land designated as "80 Foot Lots" on said Exhibit E.

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

h. Carpports, sports courts, and swimming pools. No carpports, 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 carpports, sports courts, or swimming pools shall be subject to the requirements of Section 5 hereof.

(d) 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(s) 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.

(e) 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 construct or cause to be constructed, at such 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; however, each such Owner shall be fully liable for the construction and maintenance of fences along the rear and side Lot lines of his respective Lot.

(f) Article V, Section 9(b)(iv) is hereby deleted in its entirety, and the following is substituted in the place and stead thereof:

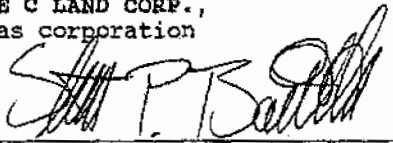
iv. The exterior walls of all residential structures constructed on any Lot within the Additional Land

designated as "60 Foot Lots" on Exhibit E attached hereto and made a part hereof must have a minimum of 100% masonry coverage on any side facing a street (including both walls facing streets on corner lots), and 50% masonry coverage on any other side, provided the entire structure shall have no less than 70% masonry coverage, and provided that the rear wall of any residential structure that backs up to a four-lane divided street, or to a street on which no driveway access is permitted, must have a minimum of 100% masonry coverage. Under no circumstances shall any residential structure be deemed to have more than one back. In case of any dispute, the Architectural Control Committee shall determine which sides of the residential structure are facing a street, or are on the side or on the back of the residential structure. The exterior walls of all residential structures within the Additional Land designated as "70 Foot Lots" and "80 Foot Lots" on Exhibit E attached hereto must have a minimum of 100% masonry coverage on any side facing a street (including both walls facing streets on corner lots), 100% masonry coverage on any other side, and 100% masonry coverage on the rear or back of such structure.

EXECUTED this the 27<sup>th</sup> day of June, 1994.

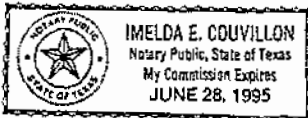
CIRCLE C LAND CORP.,  
a Texas corporation

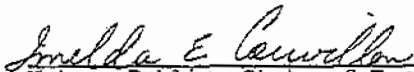
By:

  
Steven P. Bartlett, President

THE STATE OF TEXAS        §  
COUNTY OF TRAVIS        §

This instrument was acknowledged before me on this the 27<sup>th</sup> day of June, 1994, by Steven P. Bartlett, President of Circle C Land Corp., a Texas corporation, on behalf of said corporation.



  
Notary Public, State of Texas  
Print Name: \_\_\_\_\_

AFTER RECORDING, RETURN TO:

Mr. R. Alan Haywood  
Graves, Dougherty, Hearon & Moody, P.C.  
P.O. Box 98  
Austin, Texas 78767

AFTER RECORDING RETURN TO:  
ATTN: John Bruce  
STEWART TITLE  
PO BOX 1806  
AUSTIN, TX 78767

F:\RAHAYWOOD\3008.169\14th.Amend, June 6, 1994

4

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0644

100.2215 Acres  
Parcel A

J. Burleson Survey No. 64  
John M Bright Survey No. 63  
Corbet Stevens Survey No. 63  
August 10, 1989  
89526.10/g# / Page 1

STATE OF TEXAS    )  
                          )  
COUNTY OF TRAVIS )

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 100.2215 acres out of the J. Burleson Survey No. 64, the John M. Bright Survey No. 63, and the Corbet Stevens Survey No. 63, Travis County, Texas, being all of that 100.2215 acre tract conveyed to Carlene H. Klaus by deed recorded in Volume 9724, Page 329 of the Deed Records of Travis County, Texas; the herein described tract is more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for the southeast corner of the said 100.2215 acre Klaus Tract, being the southwest corner of that 100.2215 acre tract conveyed to Ursula H. Kutra by deed recorded in Volume 9724, Page 317 and a point in the northerly line of that 100.0000 acre tract described as Tract Four, and conveyed to Circle C Development Joint Venture by deed recorded in Volume 10836, Page 216 both of the said deed records;

THENCE, N 59° 06' 19" W, a distance of 1015.95 feet to an iron rod found for the southwest corner of the said 100.2215 acre Klaus Tract, being the northwest corner of the said 100.0000 acre tract and a point in an easterly line of that 2807.1345 acre tract, described as Tract Four, and conveyed to Circle C Development Joint Venture by a deed recorded in Volume 10836, Page 216 of the Travis County Deed Records;

THENCE, with the common line between the said 100.2215 acre Klaus Tract and the 2807.1345 acre tract for the following seven (7) courses:

- 1) N 28° 55' 58" E, 48.56 feet to an iron pipe found;
- 2) N 28° 55' 36" E, 567.05 feet to an iron pipe found;
- 3) N 29° 11' 33" E, 1609.85 feet to a metal fence post;
- 4) N 28° 57' 57" E, 345.44 feet to an iron pipe found;
- 5) S 60° 21' 51" E, 76.63 feet to an iron pipe found;
- 6) N 29° 28' 21" E, 119.02 feet to a 60-d nail found in a 10" Oak;
- 7) N 27° 46' 53" E, 140.43 feet to an iron pipe found for a northerly corner of the said 2807.1345 acre tract, being the southeast corner of that certain 135.661 acre tract conveyed to Herbert Hafif by deed recorded in Volume 8242, Page 524 of the said deed records;

THENCE, along the common fenced line between the said 100.2215 acre Klaus Tract and the 135.661 acre tract, the following four (4) courses:

- 1) N 29° 16' 04" E, 374.23 feet to an iron rod found;
- 2) N 33° 13' 41" E, 507.32 feet to an iron rod found;
- 3) N 29° 53' 38" E, 440.11 feet to an iron rod found;
- 4) N 30° 23' 23" E, 98.78 feet to an iron rod found for the northwest corner of the said 100.2215 acre Klaus Tract;

THENCE, S 59° 27' 22" E, leaving the easterly line of the said 135.661 acre tract, 737.66 feet to an iron rod found in the northerly line of the said 100.2215 acre Klaus Tract;

THENCE, S 59° 25' 12" E, continuing with the northerly line of the said 100.2215 acre Klaus Tract, a distance of 252.58 feet to an iron rod found for the northeast corner of the aforesaid 100.2215 acre Klaus Tract, being the northwest corner of the aforesaid 100.2215 acre Kutra Tract;

EXHIBIT A  
Page 1 of 2

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0645

100.2215 Acres  
Parcel A

J. Burleson Survey No. 64  
John M Bright Survey No. 63  
Corbet Stevens Survey No. 63  
August 10, 1989  
89526.10/gw/Page 2

THENCE, S 30° 22' 21" W, with the common line between the said 100.2215 acre Klaus Tract and the 100.2215 acre Kutra Tract, 4256.39 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 100.2215 acres (4,365,649 square feet) of land area.

This description was based on an actual survey on the ground under my direction.

*Jerry Fults* \_\_\_\_\_ DATE *8-10-89*  
REGISTERED PUBLIC SURVEYOR NO. 1999

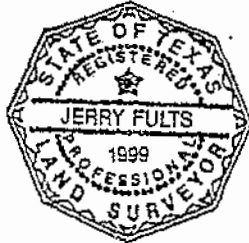


EXHIBIT A  
Page 2 of 2

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0646



100.2215 Acres  
Parcel C

J. Burleson Survey No. 64  
John M. Bright Survey No. 63  
August 10, 1989  
89526.10/gw

STATE OF TEXAS )(  
)(  
COUNTY OF TRAVIS )(  
..

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 100.2215 acres out of the J. Burleson Survey No. 64 and the John M. Bright Survey No. 63, Travis County, Texas, being all of that 100.2215 acre tract conveyed to Amelia H. Mettke by deed recorded in Volume 9724, Page 321 of the Deed Records of Travis County, Texas; the herein described tract is more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for the southeast corner of the said 100.2215 acre Mettke Tract being the northeast corner of that 100.0000 acre tract described as Tract Four and conveyed to Circle C Development Joint Venture by deed recorded in Volume 10836, Page 216 of the said deed records and a point in a westerly line of that 2807.1345 acre tract described as Tract One and also conveyed to Circle C Development Joint Venture by deed recorded in Volume 10836, Page 216 of the said deed records;

THENCE, N 59° 06' 19" W, with the northerly line of the said 100.0000 acre tract, for a distance of 1013.19 feet to an iron rod found for the southwest corner of the 100.2215 acre Mettke Tract, being the southeast corner of that 100.2215 acre tract conveyed to Ursula H. Kutra by deed recorded in Volume 9724, Page 317 of the said deed records;

THENCE, N 30° 22' 21" E, with the common line between the 100.2215 acre Mettke Tract and the 100.2215 acre Kutra Tract, 4260.42 feet to an iron rod found for the northwest corner of the said 100.2215 acre Mettke Tract, being the northeast corner of the 100.2215 acre Kutra Tract;

THENCE, S 59° 14' 29" E, with the northerly line of the said 100.2215 acre Mettke Tract, 1013.17 feet to an iron pipe found for the northeast corner of the aforesaid 100.2215 acre Mettke Tract, being a point in a westerly line of the said Circle C Development Joint Venture 2807.1345 acre tract;

THENCE, with the common fenced line between the 2807.1345 acre tract and the 100.2215 acre Mettke Tract, the following four (4) courses:

- 1) S 29° 26' 58" W, 1049.60 feet to an iron rod found;
- 2) S 29° 50' 58" W, 378.40 feet to an iron rod found;
- 3) S 30° 34' 49" W, at 240.00 feet pass a concrete monument found for the northwest corner of Circle C Ranch, Phase B, Section Two, a subdivision recorded in Book 87, Pages 72B through 73A of the Plat Record of Travis County, Texas, for a total distance of 429.51 feet to an iron rod found;
- 4) S 30° 47' 29" W, at 1390.93 feet pass a concrete monument found for the southwest corner of said Circle C Ranch, Phase B, Section Two, for a total distance of 1733.93 feet to a nail found in a fence corner;

THENCE, S 30° 53' 41" W, continuing along the common line between the said 100.2215 acre Mettke Tract and the 2807.1345 acre tract, 671.62 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 100.2215 acres (4,365,649 square feet) of land area.

This description was based on an actual survey on the ground under my direction.

*Jerry Fults*  
REGISTERED PUBLIC SURVEYOR NO. 1999



8-10-89

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0648

EXHIBIT C



STATE OF TEXAS       §  
                              §  
COUNTY OF TRAVIS   §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 35.764 acres situated in the J. Burleson Survey No.64, Abstract No. 113, Travis County, Texas, being a portion of that 100.0000 acre tract, described as Tract Four, conveyed to Circle C Land Corp. by deed recorded in Volume 11620, Page 1126 of the Travis County Deed Records; the herein described 35.764 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for the northeast corner of the said 100.0000 acre tract being the southeast corner of that 300.6645 acre tract conveyed to B.S. & G. Partnership, by deed recorded in Volume 11620, Page 1452 of the Travis County Deed Records and in the west line of Circle C Ranch, Phase B, Section Eleven, a subdivision recorded in Volume 92, Pages 68 through 70 of the Travis County Plat Records.

THENCE, S30°53'41"W, leaving the southerly line of the 300.6645 acre tract, with the west line of the said Circle C Ranch, Phase B, Section Eleven being the east line of the said 100.0000 acre tract, 22.70 feet to an iron rod set for the southeast corner of the herein described tract, from which an iron rod found for the southeast corner of the aforesaid 100.0000 acre tract bears S30°53'41"W, 1,416.70 feet;

THENCE, leaving the west line of said Circle C Ranch, Phase B, Section Eleven and crossing the said 100.0000 acre tract for the following twenty-four (24) courses:

- 1) N71°16'24"W, 225.97 feet to an iron rod set;
- 2) S61°01'16"W, 284.66 feet to an iron rod set
- 3) S40°24'41"W, 151.17 feet to an iron rod set;
- 4) S62°34'32"W, 70.00 feet to an iron rod set;
- 5) N27°25'28"W, 241.03 feet to an iron rod set;
- 6) S62°34'32"W, 221.55 feet to an iron rod set for the point of curvature of a curve to the left;
- 7) With the said curve to the left having a central angle of 03°50'05", a radius of 730.00 feet, a chord distance of 48.85 feet (chord bears S60°39'29"W) for an arc distance of 48.86 feet to an iron rod set;
- 8) N29°56'22"W, 223.00 feet to an iron rod set;
- 9) N27°02'50"W, 104.84 feet to an iron rod set;
- 10) S64°08'06"W, 199.25 feet to an iron rod set;
- 11) S64°06'21"W, 327.72 feet to an iron rod set;
- 12) S76°26'12"W, 116.19 feet to an iron rod set;



- 13) N83°44'41"W, 121.67 feet to an iron rod set on a curve to the left;
- 14) With the said curve to the left having a central angle of 11°23'42", a radius of 300.00 feet, a chord distance of 59.57 feet (chord bears N03°58'52"E) for an arc distance of 59.66 feet to an iron rod set;
- 15) N01°42'59"W, 156.88 feet to an iron rod set for the point of curvature of a curve to the left;
- 16) With the said curve to the left having a central angle of 50°18'24", a radius of 300.00 feet, a chord distance of 255.03 feet (chord bears N26°52'11"W) for an arc distance of 263.41 feet to an iron rod set for the point of tangency;
- 17) N52°01'23"W, 385.14 feet to an iron rod set for the point of curvature of a curve to the right;
- 18) With the said curve to the right having a central angle of 33°28'48", a radius of 300.00 feet, a chord distance of 172.82 feet (chord bears N35°16'59"W) for an arc distance of 175.30 feet to an iron rod set for the point of tangency;
- 19) N18°32'35"W, 113.77 feet to an iron rod set for the point of curvature of a curve to the right;
- 20) With the said curve to the right having a central angle of 31°44'09", a radius of 300.00 feet, a chord distance of 164.05 feet (chord bears N02°40'30"W) for an arc distance of 166.17 feet to an iron rod set for the point of tangency;
- 21) N13°11'34"E, 89.87 feet to an iron rod set for the point of curvature of a curve to the left;
- 22) With the said curve to the left having a central angle of 38°45'48", a radius of 300.00 feet, a chord distance of 199.12 feet (chord bears N06°11'20"W) for an arc distance of 202.97 feet to an iron rod set for the point of tangency;
- 23) N25°34'15"W, 130.42 feet to an iron rod set for the point of curvature of a curve to the left;
- 24) With the said curve to the left having a central angle of 43°06'40", a radius of 300.00 feet, a chord distance of 220.44 feet (chord bears N47°07'35"W) for an arc distance of 225.73 feet to an iron rod set in the west line of the said 100.0000 acre tract, being a point in an easterly line of the remainder of that 2,807.1345 acre tract, described as tract I, conveyed to Circle C Land Corp. as recorded in Volume 11620, Page 1126 of the Travis County Deed Records, from which an iron rod found for a common corner of the said 100.0000 acre tract and the remainder of the said 2,807.1345 acre tract bears S28°56'21"W, 257.67 feet;

THENCE N28°56'21"E, with the said west line of the 100.0000 acre tract and the said east line of a Remainder of 2,807.1345 acre tract, 26.69 feet to an iron rod found for the northwest corner of the aforesaid 100.0000 acre tract and the southwest corner of the aforesaid 300.6645 acre tract for the northwest corner of the herein described tract;

THENCE S59°06'19"E, with the north line of the said 100,000 acre tract, being the south line of the said 300.6645 acres, at 1,015.99 feet pass an iron rod found, at 2,041.12 feet pass an iron rod found, for a total distance of 3,054.38 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 35.764 acres of land area.

That I, Gregory A. Way, 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 2nd day of March, 1994.



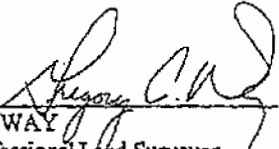
  
GREGORY A. WAY  
Registered Professional Land Surveyor  
No. 4567 - State of Texas

Exhibit E

/// = 60' Lots

||| = 70' Lots

=== = 80' Lots

THE HIELSCHER



REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0652

12219 0652

FILED

94 JUN 30 PH 3: 09

DANA DEBEAUVOR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

COUNTY OF TRAVIS  
STATE OF TEXAS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped herein by me, and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on \_\_\_\_\_

JUN 30 1994



*Dana Debeavor*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12219 0653