

DOC. NO.

FILM CODE

93044556

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

00004959473

THE STATE OF TEXAS

§

15.00 INDX

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4:28 PM 2739

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COUNTY OF TRAVIS

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930445.56-D004

This Eighth 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; and Volume 11824, Page 0883, and Volume 11924, Page 0139, 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 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.

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:

(a) 15.3089 acres of land, more or less, more particularly described on Exhibit A attached hereto and incorporated herein, also known Phase B, Section Ten (10), 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 C8-84-164.08.1A; and

(b) 2.7363 acres of land, more or less, more particularly described on Exhibit B attached hereto and incorporated herein, also known as Lots 20 through 28, inclusive, Block G, and Lots 19 and 20, Block WW, Phase

B, Section Eleven (11), 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 C8-84-164.08.2A.

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:

(a) 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 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.

(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; 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.

(e) 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 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 50% masonry coverage on the rear or back of such structure, except that the rear wall of any residential structure that backs up to a four-lane divided street 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.

EXECUTED TO BE EFFECTIVE the 27th day of April, 1993.

CIRCLE C LAND CORP.,
a Texas corporation

By: Steven P. Bartlett
Steven P. Bartlett, President

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 27th day of April, 1993, by Steven P. Bartlett, President of Circle C Land Corp., a Texas corporation, on behalf of said corporation.

Dianna Patterson
Notary Public, State of Texas
Print Name:

AFTER RECORDING, RETURN TO:

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



F:\RAHATWOO\3008.131\8th.Amend, April 21, 1993

EXHIBIT A

15.3089 Acres
May 12, 1992
B-10

Samuel Hamilton Survey No. 16
92528.10/gw/Page 1

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 15.3089 acres situated in the Samuel Hamilton Survey No. 16, Travis County Texas, being a portion of that 2,807.1345 acre tract (Tract 1), conveyed to Circle C Land Corp. by a deed recorded in Volume 11620, Page 1126 of the Travis County Deed Records; and is more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found in the apparent west line of the said Samuel Hamilton Survey No. 16, being the apparent east line of the J. Burleson Survey No. 64, Travis County, Texas, also being the west line of the above said 2,807.1345 acre tract and the east line of a 300.6645 acre tract conveyed to B. S. & G. Partnership by a deed recorded in Volume 11620, Page 1452 of the said deed records, the found concrete monument is also the southwest corner of Lot 1, Block C, Circle C Ranch, Phase B, Section Two as shown on a map or plat thereof recorded in Book 87, Pages 72B through 73A of the Travis County Map Records;

THENCE, along the south line of Blocks C, E, and F of the above mentioned Circle C Ranch, Phase B, Section Two subdivision for the following eleven (11) courses:

- 1) S59°12'31"E, 158.00 feet to an iron rod found at the southeast corner of Lot 2, Block C, being in the west right-of-way line of South Bay Lane (64.00' right-of-way);
- 2) S54°44'30"E, 64.20 feet to an iron rod found in the east line of said South Bay Lane for the southwest corner of Lot 1, Block E;
- 3) S59°12'31"E, 229.54 feet to an iron rod found in the west right-of-way line of Marden Lane (50.00' right-of-way), for the southeast corner of Lot 3, Block E;
- 4) S57°22'44"E, 53.50 feet to an iron rod found in the east line of Marden Lane, for the southwest corner of Lot 1, Block F;
- 5) S79°57'48"E, 152.28 feet to an iron rod found for the southeast corner of said Lot 1, Block F;
- 6) S01°50'49"W, 106.72 feet to an iron rod found at an angle point in the west line of Lot 6, Block F;
- 7) S21°33'55"E, 228.13 feet to an iron rod set for the most southerly corner of Lot 9, Block F;
- 8) N68°26'05"E, 130.00 feet to an iron rod set at the most easterly corner of Lot 9, Block F, in the west right-of-way line of Needham Lane (50.00' right-of-way);
- 9) S21°33'55"E, with the west line of Needham Lane, 3.89 feet to an iron rod set at the point-of-curvature of a curve to the right;
- 10) Along the west line of Needham Lane, with the said curve to the right having a central angle of 23°51'28", a radius of 200.00 feet, a long chord of 82.68 feet (chord bears S09°38'11"E) for an arc distance of 83.28 feet to an iron rod set;
- 11) S87°42'27"E, 50.00 feet to an iron rod set in the curving east line of Needham Lane for the southwest corner of Lot 19, Block G;

15.3089 Acres
May 12, 1992

Samuel Hamilton Survey No. 16
92528.10/gw/Page 2

THENCE, leaving the above said south line of Circle C Ranch, Phase B, Section Two, and crossing the said 2,807.1345 acre tract, for the following fourteen (14) courses:

- 1) With a curve to the right, having a central angle of $27^{\circ}32'40''$, a radius of 250.00 feet, a long chord of 119.03 feet (chord bears $S16^{\circ}03'53''$ W) for an arc distance of 120.19 feet to an iron rod set;
- 2) $S29^{\circ}50'13''$ W, 157.66 feet to an iron rod set at the point of curvature of a curve to the right;
- 3) With the curve to the right having a central angle of $07^{\circ}42'29''$, a radius of 1,846.84 feet, a long chord of 248.27 feet (chord bears $S33^{\circ}41'28''$ W) for an arc distance of 248.46 feet to an iron rod set at the point of reverse curvature of a curve to the left;
- 4) With the said curve to the left having a central angle of $88^{\circ}24'14''$, a radius of 20.00 feet, a long chord of 27.89 feet (chord bears $S06^{\circ}39'25''$ E) for an arc distance of 30.86 feet to an iron rod set;
- 5) $S42^{\circ}03'16''$ W, 64.08 feet to an iron rod set;
- 6) $S39^{\circ}08'28''$ W, 120.00 feet to an iron rod set;
- 7) $N50^{\circ}51'32''$ W, 184.05 feet to an iron rod set;
- 8) $N50^{\circ}22'49''$ W, 66.21 feet to an iron rod set;
- 9) $N45^{\circ}21'54''$ W, 74.60 feet to an iron rod set;
- 10) $N39^{\circ}01'13''$ W, 74.60 feet to an iron rod set;
- 11) $N32^{\circ}40'31''$ W, 74.60 feet to an iron rod set;
- 12) $N26^{\circ}31'48''$ W, 74.62 feet to an iron rod set;
- 13) $N21^{\circ}33'55''$ W, 371.44 feet to an iron rod set;
- 14) $N48^{\circ}36'28''$ W, 257.97 feet to an iron rod set in the east line of the above mentioned 300.6645 acre tract, being in the west line of the said 2,807.1345 acre tract;

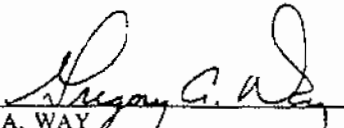
THENCE, $N30^{\circ}53'41''$ E, with the common line between the 300.6645 acre tract and the above said 2,807.1345 acre tract, 77.00 feet to a 60-D nail found in a fence corner post;

THENCE, $N30^{\circ}47'29''$ E, continuing with the said common line, 343.00 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 15.3089 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 12th day of May, 1992, A.D.




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

11924 0963

EXHIBIT B

2.7363 Acres

Samuel Hamilton Survey No. 16
April 19, 1993
92532.70/gw/Page 1

STATE OF TEXAS §
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COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a 2.7363 acre tract out of the Samuel Hamilton Survey No. 16, Travis County, Texas, being a portion of the remainder of that 2,807.1345 acre tract, described as Tract 1, conveyed to Circle C Land Corp. by deed recorded in Volume 11620, Page 1126 of the Travis County Deed Records; the said 2.7363 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for the southeast corner of Block G, Circle C Ranch, Phase B, Section Two, a subdivision recorded in Book 87, Pages 72B through 73A of the Travis County Plat Records, said point being the southwest corner of Escarpment Boulevard (120.00' right-of-way) as dedicated by plat in the abovesaid Circle C Ranch, Phase B, Section Two, from which an iron rod found for the southeast corner of said Escarpment Boulevard, being a point in the westerly line of Circle C Ranch, Phase B, Section Three, a subdivision recorded in Book 88, Pages 138 through 143 of the said Plat Records bears S60°09'47"E, 120.00 feet;

THENCE, leaving the southerly line of Circle C Ranch, Phase B, Section Two, across the said remainder of the 2,807.1345 acre tract for the following nine (9) courses:

- 1) S29°50'13"W, 367.93 feet to a concrete monument set for the point of curvature of a curve to the right;
- 2) With the said curve to the right having a central angle of 13°39'46", a radius of 2,000.00 feet, a chord distance of 475.79 feet (chord bears S36°40'07"W) for an arc distance of 476.92 feet to an iron rod set for the southeast corner of the herein described tract;
- 3) N50°51'32"W, 131.35 feet to an iron rod set for corner;
- 4) N39°08'28"E, 120.00 feet to a concrete monument set for corner;
- 5) N42°03'16"E, 64.08 feet to an iron rod set on a curve to the right;
- 6) With the said curve to the right having a central angle of 88°24'14", a radius of 20.00 feet, a chord distance of 27.89 feet (chord bears N06°39'25"W) for an arc distance of 30.86 feet to an iron rod set for the point of reverse curvature of a curve to the left;
- 7) With the said curve to the left having a central angle of 07°42'29", a radius of 1,846.84 feet, a chord distance of 248.27 feet (chord bears N33°41'28"E) for an arc distance of 248.46 feet to an iron rod set for the point of tangency;
- 8) N29°50'13"E, 157.66 feet to an iron rod set for the point of curvature of a curve to the left;

2.7363 Acres

Samuel Hamilton Survey No. 16

April 19, 1993

92532.70/gw/Page 2

- 9) With the said curve to the left having a central angle of $27^{\circ}32'40''$, a radius of 250.00 feet, a chord distance of 119.03 feet (chord bears $N16^{\circ}03'53''E$) for an arc distance of 120.19 feet to an iron rod found for the southwest corner of the aforesaid Block G, Circle C Ranch, Phase B, Section Two;

THENCE, $S87^{\circ}42'27''E$, along the southerly line of said Block G, Circle C Ranch, Phase B, Section Two, 204.70 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 2.7363 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 19TH day of April, 1993.



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

FILED
93 APR 28 PM 4:37
DANA DEBEAUVOUR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
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

APR 28 1993



Dana Debeaumont
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11924 0965