

**DECLARATION OF RESTRICTIONS, COVENANTS, AND  
CONDITIONS OF  
WAXAHACHIE LAKE ESTATES**

**THE STATE OF TEXAS**

**COUNTY OF ELLIS**

**KNOW ALL MEN BY THESE PRESENTS:**

This Declaration is made this the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by  
Walter B. Banks, III and Marlene Sparks, hereinafter called "Developer".

**ARTICLE I**

**Construction of Improvements and Use of Lots**

Section 1. Special Construction Requirements. All homes under construction must have a temporary portable potty on site prior to framing. All sites must be graded prior to foundation with foundation pads and drainage set to protect adjacent property owners. Another grading shall occur after the foundation is poured, back filling all ditches and establishing drainage. Special care must be used to protect city valves, cut-offs and utility boxes. All unwanted brush and trees must be removed at the time the lot is first graded and prior to the foundation work. Trash must be contained in piles circled by 3/8 inch material in 4X8 sheets.

Section 2. Residential Use. All lots shall be used for single-family residential purposes only. No building shall be erected, altered, placed or permitted to remain on any lot other than the one (1) detached single-family residence per lot, and a private garage, as provided below.

Section 3. Single-Family Use. Each residence may be occupied by only one family consisting of persons related by blood, adoption or marriage or not more than 2 unrelated persons living together as a single housekeeping unit, together with any household servants.

Section 4. Garages. The garage door of any house or residence with Waxahachie Lake Estates covered by these restrictions must open on the side or at the rear of the house. Each residence must have a minimum of a two car garage.

Section 5. Restriction on Re-subdividing. None of the lots shall be subdivided into smaller lots.

Section 6. Driveways. All driveways shall be surfaced with concrete.

Section 7. Sewage Systems. All lots developed shall have sewage systems that meet EPA standards.

Section 8. Uses Specifically Prohibited.

- (a) No boat, marine crafts, hovercraft, aircraft, recreational vehicle, pick-up camper, travel trailer, motor home, camper body or similar vehicle or equipment may be parked in the driveway or front yard of any dwelling or parked on any public street in the Addition, nor shall any such vehicle or equipment be parked for storage in the

side yards of any residence. Such equipment or vehicles may be stored in the rear yard within a fence and concealed from all neighbors' view. Provisions must be made for concealment of oversized and overly tall equipment. No such vehicle or equipment shall be used as a residence or office temporarily or permanently. This restriction shall not apply to any vehicle, machinery or equipment temporarily parked and in use for the construction, maintenance or repair of a residence in the immediate vicinity.

- (b) Trucks with tonnage in excess of one ton and any vehicle with painted advertisement shall not be permitted to park overnight within the Addition except within enclosed structure, or, those used by builder during the construction of improvements.
- (c) No vehicle of any size, which transports flammable or explosive charge, may be kept in the Addition at any time; except for delivery of allowed substances.
- (d) No structure of a temporary character, such as a trailer, tent, shack, barn, or other out-building shall be used on any property at any time as a dwelling house; provided, however, any builder, with prior written approval, may maintain and occupy a model home, sales offices, and construction trailer during the construction period.
- (e) No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted in the Addition, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any part of the Addition. No derrick or other structure designed for using in quarrying or boring for oil, natural gas or other minerals shall be erected, maintained or permitted within the Addition.
- (f) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any property in the Addition except for household pets which provide companionship for the private family. Animals are not to be raised, bred or kept for commercial purposes, or for food. It is the purpose of these provisions to restrict the use of the property so that no person shall quarter on these premises bees, hogs, goats, guinea fowl, ducks, chickens, turkeys, skunks or any other animals that may interfere with the quietude, health or safety of the community. No more than the total of four (4) additional pets will be permitted on each lot. Pets must be restrained or confined on the homeowner's back lot inside a fence area or within the house. It is the pet owner's responsibility to keep the lot clean and free of pet debris.
- (g) No lot or other area in the Addition shall be used as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers in appropriate locations. Such containers shall be situated and enclosed or screened so as not to be visible from any residential street, private drive or adjacent lot. All incinerators, or other equipment for the storage or other disposal of such material, shall be kept clean, and may be sorted on lots during construction progresses without undue delay.
- (h) No individual water supply system shall be permitted in the Addition.
- (i) No garage, trailer house, or other out-building (except for sales offices and construction trailers during the construction period which have prior approval in writing) shall be occupied by any owner, tenant or other person prior to the erection of a residence.
- (j) No air conditioning apparatus shall be installed on the ground in front of a residence. No air conditioning apparatus shall be attached to any front wall or window of a residence. No evaporative cooler shall be installed on the front wall or window of a residence. All utility meters, equipment, air conditioning compressors, air conditioning and heating units and similar items must (to the reasonably practicable) be visually screened from the street and adjoining lots and must be located in areas acceptable.



- (k) No antennas shall be permitted in this Addition except antennas for AM or FM radio reception and UHF and VHF television reception. All antennas shall be located inside the attic of the main residential structure except for the small satellite dishes. No use shall be made of any lot or structure thereon for any type of radio or television or similar broadcasting systems.
- (l) No lot or improvement shall be used for business, professional, commercial or manufacturing purposes of any kind. No activity, whether for profit or not, shall be conducted which is not related to single-family residential purposes. No noxious or offensive activity shall be undertaken within the Addition, nor shall anything be done which is or may become an annoyance or nuisance to the neighborhood. Nothing in the subparagraph shall prohibit a builder's temporary use of a residence as a sales office until such builder's last residence in the Addition is sold if such builder has received prior written approval for such use. Nothing in this paragraph shall prohibit an owner's use of a residence for quiet, inoffensive activities such as tutoring or giving art lessons so long as such activities do not materially increase the number of cars parked on the street or interfere with adjoining homeowners' use and enjoyment of their residences and yards.
- (m) Except for children's playhouses, doghouses, greenhouses, gazebos, and buildings for storage of lawn maintenance equipments, no building previously constructed elsewhere shall be moved onto any lot, it being the intention that only new construction be placed and erected thereon. All buildings must be enclosed within the back yard.
- (n) Within the easements on each lot, no structures, planting or materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, which may change the direction of flow within drainage channels or which may obstruct or retard the flow of water through drainage channels.
- (o) No signs of any kind shall be displaced to the public view of any lot except one (1) professional sign of not more than five (5) square feet advertising the property for sale, or professional signs not exceeding nine (9) square feet used by a builder to advertise the property during the construction and sales period, or the small signs that the school gives out for the athletes to put out in the yard. Developer or its agents shall have the right to remove any sign, billboard or other advertising structure that does not comply with the foregoing requirements and in so doing shall not be subject to any liability for trespass or any other liability in the connection with such removal.
- (p) The drying of clothes in full public view is prohibited.
- (q) No abandoned, derelict or inoperative vehicles may be stored or located on any lot unless visually screened from other lots and from any residential streets.

Section 9. Minimum Floor Area. The total air conditioned living area of the main residential structure, as measured to the outside of exterior walls but exclusive of open porches, garages, patios and detached accessory buildings, shall not be less than (2200) square feet, as to all lots 1-10. Two-story residential structures will require a minimum of (1500) square feet on the main (1<sup>st</sup>) floor.

Section 10. Building Materials, Exterior Items and Surfaces. The total exterior wall area, except windows and doors, of each building constructed or placed on a lot shall be not less than eighty percent (80%) brick, brick veneer, stone, stone veneer, or other Masonry material. The front external wall area of the first floor except windows and doors, of such building shall not be less than one hundred percent (100%) of such material. In calculating the area required to be constructed of the foregoing materials on the side and rear exterior walls, but not the front

exterior walls, of such buildings, the areas covered by the following shall be excluded from such calculation; gables or other areas above the height of the top of standard height first floor windows. No plywood shall be used on any exterior wall. Roofing shall be composed of 300# or better composition shingles, metal seamed, man-made slate, concrete flat tile, tile. Installation of all types of exterior items and surfaces such as address numbers or external ornamentation, lights, mail chutes, mail boxes, exterior paint or stain, shall be subject to the prior approval of the Developer.

Section 11. Fences and Walls. Any fence or wall must be constructed with masonry, steel, brick, stone, ironwork, and woods. No fence or wall shall be permitted to extend nearer to any street than the front or side next to a street building line of any residence. No fence or wall across front of any residence. Fences or walls erected by Developer shall become the property of the owner of the lot on which the same are erected and, as such, shall be maintained and repaired by such owner. No portion of any fence shall extend more than eight (8) feet in height.

Section 12. Commencement of Construction. Each residence constructed on each lot and any other improvements thereto shall be commenced and completed with due diligence promptly after approval of the Developer of the plans and specifications prepared in connection with such construction. No time limit is imposed upon the start of construction, but once construction begins, improvements must be completed within one (1) year.

Section 13. Utilities. Except as to special street lighting or other aerial facilities which may be required by the city, or which may be required by the franchise of any utility company, or which may be installed by the Developer pursuant to its development plan, no aerial utility facilities of any type (except meters, risers, service pedestals, transformers and other surface installations necessary to maintain or operate appropriate underground facilities) shall be erected or installed in the addition whether upon individual lots, easements, streets or right-of-way of any type, either by the utility company or any other person or entity, including, but not limited to any person owing or acquiring any part of the Addition, and all utility service facilities (including, but not limited to, water, sewer, gas, electricity and telephone) shall be buried underground unless otherwise required by the public utility.

Section 14. Special requirements. A final grade survey will be required which shows positive drainage and responsible water flow away from the main structure and adjoining homes. Each lot owner will be responsible for insuring their drainage is channeled to the street or normal drainage areas. Roof pitches will be a minimum 8/12 or greater over the main span and front roof span, and the rear pitch on a 1 ½ story or rear porches can be reduced to 4/12 or greater.

## Article II General Provisions

Section 1. Easements. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the Plat. Easements are also reserved for the installation, operation, maintenance and ownership of utility service lines from the property lines to the residences. Developer reserves the right to make changes in and additions to the installing of improvements. By acceptance of the deed to any lot, the owner thereof covenants and agrees to mow weeds and grass and to keep and maintain in a neat and clean condition any easement that may traverse a portion of the lot. In addition, reference is here made to the City of Waxahachie's



water lines in place a thirty (30) foot easement along FM877. Further reference to Vol. 1729, Pages 2157, 2145, 2133, 2121, and Vol. 1729, Pages 2099, 2079, 2069, 2089, 2047 and 2109.

Section 2. Recorded Plat. All dedications, limitations, restrictions and reservations shown on the Plat are incorporated herein and shall be construed as being adopted in each contract, deed or conveyance executed or to be executed by Developer, conveying lots in the Addition, whether specifically referred to therein or not.

Section 3. Lot Maintenance. The owner and occupant of each lot shall cultivate an attractive ground cover or grass on all yards visible from the street, shall maintain the yards in an attractive manner and shall edge the street curbs that run along the property line.

Section 4. Maintenance of Improvements. Each lot owner shall maintain the exterior of all buildings, fences, walls and other improvements on his lot in good condition and repair, and shall replace worn and rotten parts, and shall regularly repaint all painted surfaces and shall not permit the roofs, rain gutters, downspouts, exterior walls, windows, doors, walks, driveways, parking areas or other exterior portions of the improvements to deteriorate in an unattractive manner.

Section 5. Term. These covenants, reservations and restrictions shall be binding on all parties and all persons and parties claiming under them, unless an instrument signed by seventy-five percent (75%) of the then owners of the lots has been recorded, agreeing to change said restrictions, reservations, and covenants in whole or in part.

Section 6. Yards. Grass, weeds and vegetation on each lot in this Addition must be kept mowed at regular intervals so as to maintain a lot, the developer or its assigns of said Addition may, at its option, have the grass, weeds and vegetation cut when, and as often necessary in its judgment, and the owners of the property shall be obligated to reimburse the developer or its assignee for the cost of such work.

Section 7. Upon the purchase of a lot, all EPA rules and regulations are hereby transferred with the sale of the lot to the new owner, and it is the owner's responsibility to follow all requirements of the EPA.

Executed this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**WAXAHACHIE LAKE ESTATES**

By: \_\_\_\_\_  
Walter B. Banks, III

By: \_\_\_\_\_  
Marlene Sparks

**THE STATE OF TEXAS**

**COUNTY OF ELLIS**

This instrument was acknowledged before me this the \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
by **Walter B. Banks III**, Developer of Waxahachie Lake Estates.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
My commission Expires \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF ELLIS

This instrument was acknowledged before me this the \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
by **Marlene Sparks**, Developer of Waxahachie Lake Estates.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My commission Expires \_\_\_\_\_