

53
C14

Restrictive Covenants

60.912 acres in New Berlin, TX

These restrictions shall bind the tract(s) of land conveyed or partitioned herein as well as the entire property, which is defined as 60.912 acres of land more or less, out of the Vincent Duran Survey, abstract Number 19, Guadalupe County, Texas and being all of that same tract of land conveyed to H.F. Kerschner III and Olivia Ann Kerschner in a deed recorded in volume 2846, Page 572, Deed Records, Guadalupe County, Texas;

The above described property shall have the following restrictive covenants to the deed:

1. Homes will have a front minimum restrictive set back line of 80' from the front property pins on said tract as it faces Warncke Road. Side and Rear setbacks shall be 30' from the property line. All Land owners and builders are required to follow all front, side and rear setbacks as notated on the survey plat and here in.
2. No upward construction (structures) of any kind may be built in this setback. Driveways, sidewalks, fences, trees, shrubs, etc. are allowed.
3. The area in front of the home to Warncke Road may not be used for storage of any kind. This includes, but is not limited to: travel trailers, RV's, boats, broken down vehicles or left over building materials.
4. Culverts or Valley Dip - The bar ditch area that ties home owner's driveway into Warncke Road on each tract of land must be installed by landowner or builder. Said owner or builder must obtain a culvert permit thru Guadalupe County Road and Bridge department.
5. Mailboxes are to be "Brick" or "Rock" mailboxes or similar type material. They are to match the home material. Lot owner is to verify with post office where the mailbox is to be built prior to building. IF, the post office requires the mail box to be across the street from tract owner's property, then the mailbox can be of any material and does not have to be brick.
6. Electrical service provider is GVEC. You, as the tract owner, must make them aware of these deed restrictions in this sub section:
 - a. If a home is built within 150' of an existing powerline, then NO additional electrical poles shall be allowed on the side property lines. The electricity shall be run underground from the existing service to the home.
 - b. If a home is built beyond 150' from an existing powerline, then additional poles may be run down the property line as close to the property line as possible and still be able to build a fence (usually within 2'). THEN, from the side property line to the house or work shop, the electricity must be run underground. No above ground loops from pole to house shall be allowed.
 - c. Every two tract owners will share these additional poles if they are present on side property lines. The goal is to minimize the amount of additional electrical lines that are added to the properties.
 - d. Each tract owner is required to work with GVEC AND GRANT a 15' wide electrical, guide wire and high speed fiber easement IF you or your neighbor need electrical or internet service. These easements shall be required to be granted even if you do not need the service from the side lot line, or the poles are on the other side of your fence. Gvec requires a total of 30'. 15' on each side of the electrical line.
7. If a single family residential dwelling is constructed on the property, they shall contain not less than 1,500 square feet of living space (heated floor space area). It must be 75% of all masonry or similar type material (e.g. brick, stone, stucco, but not "Hardie board" or wood) exterior construction. 25% of home may be hardie board, batten board or other approved materials. Foundations of the residential dwellings must be permanent, e.g., concrete. Roof pitches on primary residence must have a minimum 7 on 12 pitch. All dwellings and outbuildings must be completed not later than (1) year after laying such foundation.
8. Straight up two story houses will not be allowed. However, One and a half story houses are allowed. A home owner may have up to half the square footage upstairs as they have down stairs. For example, if a house has 1,500 square feet of living space downstairs, then, they can have up to 750 square feet upstairs. For a total of 2,250 square feet of living space.
9. No mobile or manufactured homes are permitted. All homes must be site built.
10. There may be only one primary residence per 5 acres of land. All subdivision rules are subject to the City of New Berlin.
11. All secondary buildings, i.e. Garage, workshop, barn, pool house, etc., must be built behind the rear

elevation depth line of the house and must be built in good taste.

- a. Secondary garages, RV shops, workshops, or similar type use, may be metal buildings.
 - b. Primary residence MUST be built 1st before secondary buildings may be built.
 - c. A Guest house, Mother in law suite, etc., is allowed under the ownership of the Primary owner. It may NOT have its own address or own platted parcel of land and must follow all rules of the New Berlin subdivision ordinance. This said guest house does not have a minimum square footage, but the exterior on all 4 sides must be made out of the same exact materials as the primary house.
 - d. The Architectural Control Committee (ACC – further described in #24) will have wide latitude with secondary building placement if a property owner builds their primary residence in the back half of the property.
12. Garages – All homes are required to have at least a 2 car attached side or rear load garage if the house is under 2,000 square feet of heated living space. Said attached garage may not front face Warncke Road. If the home is greater than 2,000 square feet of living, then an attached garage is not required.
 13. The said property must be kept in a clean and orderly appearance. This includes but is not limited to: grass being cut or (kept in natural grazing state) , no overgrown weeds or sunflowers, no permanent piles of building supplies, no broken down vehicles, no damaged buildings, fencing kept in good repair, etc.
 14. No Commercial or Industrial operations are allowed. This includes, but is not limited too: 18 wheelers stored for hauling, lawn mower repair shops, paint ball tracks, mulching service, collection or stockpiling of building materials, etc. Businesses that use office space or garage space from their existing home, garage, workshop or other, AND do not create an increased traffic flow in and out of their property that is greater than normal residential ingress and egress are acceptable and are not considered commercial operation.
 15. No billboards or advertising is allowed except for normal home use. Normal use includes, but is not limited to: realtor for sale signs, garage sale signs, missing pet, builder sign, etc.
 16. Dirt bike, motto cross tracks, skateboard turn pikes or race tracks of any type are not allowed.
 17. Commercial or private landfills, waste disposal, salvage yard, junk yard, wrecking yard, storage of automobiles, boats, trailers or trucks which are wrecked, abandoned or not in working order is not allowed.
 18. Current water drainage may not be adversely impacted by the movement of dirt by either adding or taking it away to block or adversely affect a neighboring property.
 19. Farm animals are allowed, but with the following restrictions:
 - a. No feed lots or commercial animal operation will be allowed.
 - b. Swine – will be for AG school projects only AND a maximum of 2 swine per child with a maximum of 4 total swine allowed per 5 acres.
 - c. Poultry (turkey, chickens, guineas, ducks, etc.) - a maximum of 35 adult birds per 5 acres will be allowed.
 20. The construction of make shift, eyesore or non maintained animal shelters is not allowed.
 21. Overgrazing to create “Dirt Only” animal yard is not allowed. For example, goats that are not rotated off of a section of land will not allow new grass to grow and will result in a “dirt only” yard. Bisecting of land and rotating of animal(s) is recommended to prevent this.
 22. Domesticated animals must be kept penned or fenced to minimize running wild thru neighborhood. A maximum of 3 outside dogs are allowed.
 23. Architectural control –
 - A. Developers, Westley Wright and Justin Reiningger, OR assign, shall reserve and require architectural control review on the construction of buildings and fences only for this property. This includes all residential buildings, both primary residence and secondary outbuildings. This includes, but is not limited to, primary house, guest house, mother in law suite, garages, workshops, etc. Elevation plans and Site plans will be required and shall be submitted via email to Westley Wright or assign at wrighttranchsales@gmail.com (current email, subject to change if assigned). Outbuildings will be allowed simpler design work, but still must go thru review process.

A site plan (may be drawn on copy of survey) should be submitted with all building request for approximate layout of property.

B. The goal of the Architectural control review is to encourage the construction of buildings of architectural design, quality and proper size compatible with developer's conceptual plan for the subdivision as such conceptual plan may evolve. Buildings should be planned and designed with particular attention to the design and aesthetic appearance of the exterior of said building. Westley Wright, Justin Reininger or assign will review, approve, recommend change or deny plan in entirety. Westley Wright, Justin Reininger or assign may disapprove the construction or design of a home on purely aesthetic grounds, whereas, in its sole judgment, the decision shall be final and not subject to review by any third party. All correspondence will be via email, including approvals. Failure to review a plan within 30 days of submission will automatically default to a disapproved plan.

25. Current Governance – The property sits in the City of New Berlin, TX city limits). Septic tanks are governed by Guadalupe County. Water is provided by East Central Special Utility district. Electricity and high speed fiber is provided by Guadalupe Valley Electric COOP. AT&T is phone service. It is required that land owners conform to the rules and regulations of the current and future governing entities that will oversee said land.

All of these restrictions will be continuous running with the land, whether whole or partitioned, with any change of ownership and shall have no expiration date.

Variances to these deed restrictions must be submitted in writing to creator of said restrictions. Creator is defined as Westley Wright and/ or Justin Reininger (also known as "the developers"). The Developers, or assigns, individually or collectively, have the authority to grant or deny variances to said restrictive covenants with no explanation required. A variance to one lot does NOT constitute a change in restrictions to all other lots.

Furthermore, the developers or assigns have the sole authority to amend said restrictive covenants. If part or all of the restrictions are amended, it will be recorded with Guadalupe County and will be applied to ALL of the land referred to here in, whether whole or partitioned.

If any person or entity shall violate any of the above restrictions and covenants, ANY owner of an interest in the above described property or future partitions, shall have the right to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate such restriction and covenant, either to prevent or enjoin the violators from so doing or to correct such violation and/or to recover damages or other relief for such violations and such person or entity against whom such action is instituted shall be liable for all court costs and reasonable attorney's fees and other necessary expenses incurred by the plaintiffs in such action in the event of a judgment or decree in favor of such plaintiff.

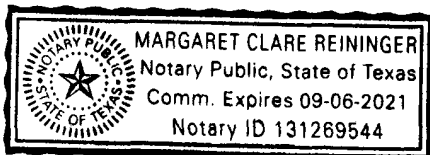
Invalidation of any one or more parts of these restrictions by judgment of a court shall in no way affect any of the other provisions which shall remain in full force and effect.

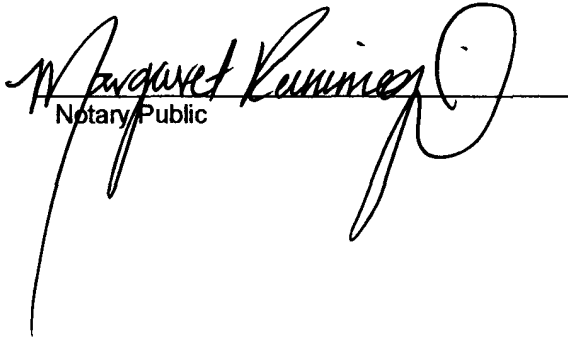
Westley Wright and Justin Reininger have created these restrictive covenants to enhance and protect the value of said described property. The developers are in no way liable or required to enforce said restrictions and they shall maintain the same interest as all other owners within the land, whether whole or partitioned, to protect and enforce said covenants.

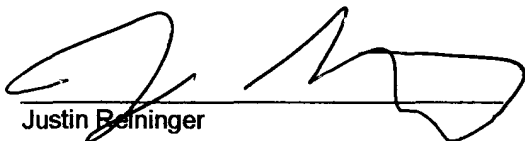

Westley Wright

STATE OF TEXAS, COUNTY OF Brewer

This Instrument was acknowledged before me on the 22nd day of December, 2018 by Westley Wright.

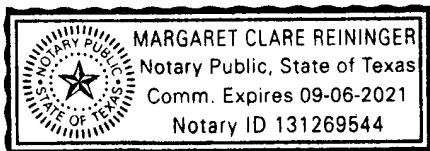



Notary Public


Justin Reininger

STATE OF TEXAS, COUNTY OF Blanco

This Instrument was acknowledged before me on the 22nd day of December, 2018 by Justin Reiningger.

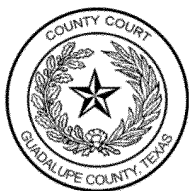


Margaret Reiningger
Notary Public

→ WESTLEY WRIGHT
5360 FM 624
ROBSTOWN, TX 78380

201899029049

I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
12/28/2018 08:45:54 AM PAGES: 5 JEANNE
TERESA KIEL, COUNTY CLERK



Teresa Kiel