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ANNEXATION TO DECLARATION

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS: THAT
COUNTY OF HARRIS §

WHEREAS, FRIENDSWOOD DEVELOPMENT COMPANY ("Friendswood") executed that certain Declaration of Covenants, Conditions and Restrictions for Copperfield Middlegate Village Section One (the "Declaration") dated June 18, 1979 applicable to Copperfield Middlegate Village, Section One, a subdivision in Harris County, Texas, which Declaration is filed for record under Harris County Clerk's File No. G140050 and recorded under Film Code No. 132-83-2518, refiled under County Clerk's File No. G181205 and re-recorded under Film Code No. 135-82-1350 in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, Friendswood executed that certain First Amendment to the Declaration dated September 26, 1979, which Amendment is filed for record under County Clerk's File No. G302043 and recorded under Film Code No. 142-97-1488 in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, under the terms of the Declaration, Friendswood reserved the right to add or annex additional land into the Middlegate Village Community Association, Inc., as defined in the Declaration, and thereby subject such land added or annexed thereto to the Declaration as if such land had been a part of the original property made subject to the Declaration; and

WHEREAS, Article V, Sections 3 and 4 of the Declaration provides certain minimum square footage requirements for the main structure allowed on residential lots and building line setbacks for front, side and interior property lines for Section One of Copperfield Middlegate Village; and

WHEREAS, Friendswood reserved the right to modify the Declaration as to additional land to be made subject to the Declaration if such modification, in Friendswood's judgment, will result in a more common beneficial use and enhance the overall development plan for land subject to the Declaration.

NOW, THEREFORE, pursuant to the powers reserved in the Declaration, Friendswood does hereby declare that:

1. The following described land ("Said Land") is hereby added and annexed into the the Association and is hereby subjected to the Declaration, to wit:

Copperfield Middlegate Village, Section Four, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 332, Page 69 of the Map Records of Harris County, Texas.

2. The Declaration is modified to provide that within Said Land, the minimum square footage of the main structure (as measured on the exterior) allowed on residential lots for dwelling units exclusive of garage and patio areas is set forth as follows:

1 Story

More Than 1 Story

1300

1500

3. The building setback criteria, as described in Article V, Section 4 of the Declaration, shall be as follows for Said Land:

	<u>Front Street Property Line</u>	<u>Side/Rear Street Property Line</u>	<u>Interior Property Line</u>
House:			
Located on Cul-de-Sac	20	10	5
Not Located on Cul-de-Sac	25	10	5
Garage	25	10	5
Garage Option	60	10	3

4. An underground electric distribution system will be installed in Said Land, in an underground service area that will embrace all of the lots which are platted in Said Land. In the event that there are constructed within Said Land structures containing multiple dwelling units such as townhouses, duplexes or apartments, then the underground service area shall embrace all of the dwelling units involved. The owner of each lot containing a single dwelling unit, or in the case of a multiple dwelling unit structure, the owner or developer thereof, shall, at his or its own cost, furnish, install, own and maintain (all in accordance with the requirements of local governing authorities and the National Electrical Code) the underground service cable and appurtenances from the point of the electric company's metering at the structure to the point of attachment at such company's installed transformers or energized secondary junction boxes, such point of attachment to be made available by the electric company at a point designated by such company at the property line of each lot. The electric company furnishing service shall make the necessary connections at said point of attachment and at the meter. Friendswood has either by designation on the plat of Said Land or by separate instrument granted necessary easements to the electric company providing for the installation, maintenance and operation of its electric distribution system and has also granted to the various homeowners reciprocal easements providing for access to the area occupied by and centered on the service wires of the various homeowners to permit installation, repair and maintenance of each homeowner's owned and installed service wires. In addition, the owner of each lot containing a single dwelling unit, or in the case of a multiple dwelling unit structure the owner and developer thereof, shall at his or its own cost, furnish, install, own and maintain a meter loop (in accordance with the then current standards and specifications of the electric company furnishing service) for the location and installation of the meter of such electric company for each dwelling unit involved. For so long as underground service is maintained in Said Land, the electric service to each dwelling unit therein shall be underground, uniform in character and exclusively of the type known as single phase, 120/240 volt, three wire, 60 cycle, alternating current.

The electric company has installed the underground electric distribution system in Said Land, at no cost to Friendswood (except for certain conduits, where applicable, and except as hereinafter provided) upon Friendswood's representation that Said Land is being developed for residential dwelling units, including homes, and if permitted by the restrictions applicable to such subdivision, townhouses, duplexes and apartment structures, all of which are designed to be permanently located where originally constructed (such category of dwelling units expressly to exclude mobile homes) which are built for sale or rent and all of which multiple dwelling unit structures are wired so as to provide for separate metering to each dwelling unit.

The provisions of the two preceding paragraphs also apply to any future residential development in reserve(s) shown on the plat of Said Land as such plat exists at the execution of the agreement for underground electric service between the electric company and Friendswood or thereafter. Specifically, but not by way of limitation, if a lot owner in a former reserve undertakes some action which would have invoked the above per front lot foot payment if such action had been undertaken in Said Land, such owner or applicant for service shall pay the electric company \$1.75 per front lot foot, unless Friendswood has paid the electric company as above described. The provisions of the two preceding paragraphs do not apply to any future nonresidential development in such reserve(s).

- 5. Friendswood has determined that each modification to the Declaration as applicable to Said Land and made by this Annexation instrument will, in Friendswood's judgment, result in a more common beneficial use and enhance the overall development plan for all of the land subject to the Declaration.

Except as specifically set forth herein, the Declaration is not modified or amended in any way and shall remain in full force and effect in accordance with its terms.

EXECUTED this 27 day of August, 1985.

ATTEST:

C. G. Kilson
C. G. Kilson
Assistant Secretary

FRIENDSWOOD DEVELOPMENT COMPANY
Robert F. Bradley
Robert F. Bradley
Vice President

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OK FORM me
OK TRANS. me
OK CONT. me

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 27 1985 by Robert F. Bradley, Vice President of FRIENDSWOOD DEVELOPMENT COMPANY, an Arizona corporation, on behalf of said corporation.

Judy Matthews
Notary public, State of Texas
Notary's Name Printed:

JUDY MATTHEWS
Notary Public in and for State of Texas
My commission expires: My Commission Expires 11-1-88.