

DECLARATION OF ANNEXATION AND AMENDMENT
FOR LOTS 178-300, BURGAMY PARK,
an Addition to the City of Lubbock, Lubbock County, Texas

RECITALS:

A. 806 LAND DEVELOPMENT GROUP, LLC, a Texas limited liability company ("Declarant") is the developer of Burgamy Park, an Addition to the City of Lubbock, Lubbock County, Texas, a planned development which is being developed and platted in phases.

B. Burgamy Park is subject to the Declaration of Covenants, Conditions, Restrictions and Easements On and For Lots 1-61, Burgamy Park, an Addition to the City of Lubbock, Lubbock County, Texas, recorded May 25, 2021 in Document No. 2021025663, as amended in that certain First Amended and Supplementary Declaration recorded in Document No. 2022001843, Official Public Records of Lubbock County, Texas (together, the "Declaration"). The Second Phase Lots (Lots 62-129, Burgamy Park) are further subject to the Declaration of Annexation and Amendment for Lots 62-129, Burgamy Park, an Addition to the City of Lubbock, Lubbock County, Texas, recorded in Document No. 2021047984, as amended in that certain First Amended Declaration of Annexation and Amendment recorded in Document No. 2022005324, Official Public Records of Lubbock County, Texas (together, "Second Phase Annexation"). The Third Phase Lots (Lots 130-177, Burgamy Park) are further subject to the Declaration of Annexation and Amendment for Lots 130-177, Burgamy Park, an Addition to the City of Lubbock, Lubbock County, Texas, recorded in Document No. 2022005264, Official Public Records of Lubbock County, Texas ("Third Phase Annexation").

C. During the Development Period, as defined in said Declaration, Declarant has the unilateral right to add or annex additional real property to Burgamy Park, and all of the terms, provisions, covenants, conditions, indemnities, restrictions and easements set forth in the Declaration pursuant to Article II, Section 2 of the Declaration.

D. Declarant is the sole owner of the property described in Exhibit "A" attached hereto, which Declarant desires to make subject to the Declaration with certain amendments applicable only to the lots described in Exhibit "A".

ANNEXATION:

The real property described in Exhibit "A" of the Declaration is hereby amended by the addition of the real property described in the attached Exhibit "A" to this Annexation, which Declaration is incorporated herein by reference for all purposes, subject to the following amendments applicable to Lots 178-300, Burgamy Park (herein "Fourth Phase Lots") only:

1. Article V, Section 2 of the Declaration is amended for Fourth Phase Lots only as follows:

Section 2. Minimum Floor Space. Each Dwelling Unit constructed on any Lot shall contain not less than the minimum square footages identified below of air-conditioned floor area (exclusive of all porches, garages or breezeways attached to the main dwelling). No Structure will be in excess of two (2) stories. If the Dwelling Unit consists of more than one story or level then not less than seventy-five percent (75%) of the minimum floor space shall be ground floor space (first story), unless the Architectural Reviewer approves a different percentage in order to accommodate

a particular Lot configuration or a special circumstance related to a particular Dwelling Unit.

Single Family Home Lots Lots 178 – 300 1,400 square feet

2. Article V, Section 5 of the Declaration is amended for Fourth Phase Lots only as follows:

Section 5. Setback Requirement. Each Dwelling Unit and Garage will face the street which abuts the front of the Lot upon which the Dwelling Unit is to be situated. No structure may be placed within the following setback lines:

(a) Single Family Home Lots: Lots 178-300

Front Setbacks. For Lots 178 through 300, inclusive, the setback will be 20 feet from the front property line of the Lot, unless the Lot is on a cul-de-sac and in such case the setback shall be 5 feet from the front property line in accordance with the City of Lubbock Ordinance No. 2017-O00159.

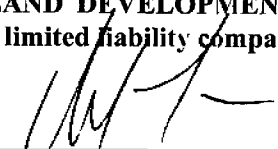
Rear Setbacks. For Lots 178 through 300, inclusive, the setback will be 15 feet from the rear property line of the Lot, except that a 5 foot setback shall be allowed for a wing or extension of the Dwelling Unit, as approved by the City of Lubbock Building Safety Department.

Side Setbacks. For Lots 178 through 300, inclusive, the setback will be 5 feet from the side property lines of the Lot.

(b) The following structures are expressly excluded from the setback restrictions:

- (i) steps, walks, driveways and curbing;
- (ii) landscaping;
- (iii) planters, walls, fences or hedges, not to exceed 7 feet in height, and which comply with the restrictions set forth in this Declaration;
- (iv) any other Structures exempted from the setback restrictions by the Architectural Reviewer on a case-by-case basis.

**806 LAND DEVELOPMENT GROUP, LLC, a
Texas limited liability company**

By: 
Chad Tarver, Manager

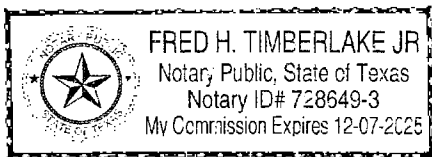
By: 
Jordan Wheatley, Manager

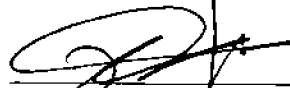
THE STATE OF TEXAS

COUNTY OF LUBBOCK

BEFORE ME, the undersigned, being a Notary Public in and for the State of Texas, on this day personally appeared **CHAD TARVER**, known to me, or proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the instrument as the act of 806 LAND DEVELOPMENT GROUP, LLC, a Texas limited liability company, and that he executed the instrument on behalf of the limited liability company for the purposes and consideration expressed, and in the capacity hereinabove stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20th day of September, 2022.





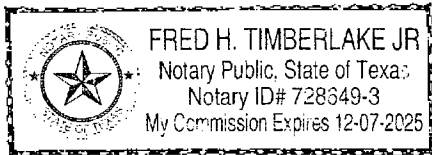
Notary Public, State of Texas


THE STATE OF TEXAS

COUNTY OF LUBBOCK

BEFORE ME, the undersigned, being a Notary Public in and for the State of Texas, on this day personally appeared **JORDAN WHEATLEY**, known to me, or proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the instrument as the act of 806 LAND DEVELOPMENT GROUP, LLC, a Texas limited liability company, and that he executed the instrument on behalf of the limited liability company for the purposes and consideration expressed, and in the capacity hereinabove stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20th day of September, 2022.





Notary Public, State of Texas

LIENHOLDER CONSENT AND SUBORDINATION:

SOUTHWEST BANK, holder of liens of record against the real property described in Exhibit "A" joins in this Annexation and Amendment for the sole purpose of showing their assent to the terms of this Annexation and Amendment, and **SOUTHWEST BANK** hereby subordinates their lien to the terms of the Declaration, and this Annexation and Amendment, as each may be amended, supplemented or restated from time to time, as authorized in said Declaration.

SOUTHWEST BANK

By:

Printed Name:

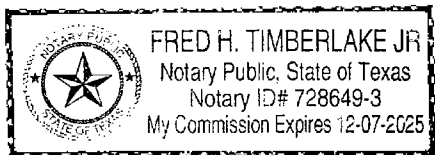
Title:

[Handwritten Signature]
Jon Stephens
president

THE STATE OF TEXAS

COUNTY OF LUBBOCK

This instrument was acknowledged before me on the 19th day of September, 2022, by JON STEPHENS, PRESIDENT of SOUTHWEST BANK, a state banking association, on behalf of said association.



[Handwritten Signature]

Notary Public, State of Texas

EXHIBIT "A"

LOTS ONE HUNDRED SEVENTY-EIGHT (178) through THREE HUNDRED (300), BURGAMY PARK, an Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Document No. 2022044196 of the Official Public Records of Lubbock County, Texas.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
09/21/2022 02:44 PM
Recording Fee: \$42.00
2022044867