

Embelake & Weaver
C/O Service Title Co



DECLARATION OF ANNEXATION AND AMENDMENT
FOR LOTS 155-221, UPTOWN WEST,
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 Uptown West, an Addition to the City of Lubbock, Lubbock County, Texas, a planned development which is being developed and platted in phases.

B. Uptown West is subject to the Declaration of Covenants, Conditions, Restrictions and Easements On and For Lots 1-53, Uptown West, an Addition to the City of Lubbock, Lubbock County, Texas, recorded March 4, 2019 in Document No. 2019007172, Official Public Records of Lubbock County, Texas (herein, the "Declaration"). The Second Phase Lots (Lots 54-140, Uptown West) are further subject to the Declaration of Annexation and Amendment for Lots 54-140, Uptown West, an Addition to the City of Lubbock, Lubbock County, Texas, recorded in Document No. 2020013658, Official Public Records of Lubbock County, Texas. The Third Phase Lots (Lots 141-154, Uptown West) are further subject to the Declaration of Annexation and Amendment for Lots 141-154, Uptown West, an Addition to the City of Lubbock, Lubbock County, Texas, recorded in Document No. 2021016008, Official Public Records of Lubbock County, Texas.

C. During the Development Period, as defined in said Declaration, Declarant has the unilateral right to add or annex additional real property to Uptown West, 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 155-221, Uptown West (herein "Fourth Phase Lots") only:

1. The following section shall be included as an addition to the Declaration as Article IV, Section 11 for the Fourth Phase Lots:

Section 11. Approved Homebuilders. Declarant intends for the Fourth Phase Lots to be built out in accordance with the then-highest prevailing standards for residential construction. Pursuant to Declarant's purpose to preserve and enhance the value of the Fourth Phase Lots, no Homebuilder other than those who are approved Homebuilders by the Declarant shall be permitted to construct any new Dwelling Unit within the Fourth Phase Lots. Declarant, in Declarant's sole and absolute discretion, shall approve or disapprove any Homebuilder seeking to become an approved Homebuilder based upon a number of factors, including but not limited to the applying Homebuilder's willingness to build in accordance with approved plans and specifications, quality

of past work, past client satisfaction and financial history. Homebuilders seeking to be approved to construct within the Fourth Phase Lots shall submit an application to Declarant including information sufficient for Declarant to determine whether to approve Homebuilder. Declarant shall advise the applying Homebuilder within ten (10) business days ("business days" being days other than Saturday, Sunday or legal holidays) following receipt of application whether or not the Homebuilder is approved to construct a Dwelling Unit within the Fourth Phase Lots. If the Declarant shall fail to approve or disapprove the applying Homebuilder within said 10-day period, it shall be presumed that the Declarant has disapproved the Homebuilder. Unless a prior approval of a Homebuilder has been revoked by Declarant, any approved Homebuilder need not seek prior approval for construction of additional Dwelling Units within the Fourth Phase Lots. The power to approve Homebuilders is vested solely in the Declarant, and is independent of the Architectural Reviewer. The requirement for Homebuilders to seek prior approval prior to construction of a Dwelling Unit shall cease upon the expiration or termination of Declarant's Development Period.

While Declarant will approve Homebuilders based on past performance in construction and customer satisfaction, Declarant makes no warranty or guarantee, in any respect, to any work to be completed by any approved Homebuilder. All Owners are encouraged to perform their own evaluation of the qualifications of Homebuilders and select their Homebuilder based solely upon their own independent evaluation.

2. 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 155 – 221	1,400 square feet
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3. 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 155-221

Front Setbacks. For Lots 155 through 221, inclusive, the setback will be 20 feet from the front property line of the Lot.

Rear Setbacks. For Lots 155 through 221, 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 155 through 221, 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.

4. Article V, Section 7, (a) of the Declaration is amended for the Fourth Phase Lots only as follows:

(a) **EXTERIOR WALLS:** Unless waived by the Architectural Reviewer, the minimum wall plate height for exterior walls shall be no less than nine (9) feet. The exposed exterior wall area facing the street, exclusive of doors, windows and covered porch area, shall be at least 75 percent brick, masonry, stucco, EIFS, or other materials approved by the Architectural Reviewer, and up to 25 percent siding. All siding must be cementitious materials and not Masonite. The exposed exterior wall area facing the sides or rear of the Dwelling Unit, exclusive of doors, windows and covered porch area, shall be brick, masonry, stucco, EIFS, or other materials approved by the Architectural Reviewer. The Architectural Reviewer is specifically authorized to require a continuous uniform surface with respect to all Structures which directly face the street or another Lot.

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

By: 
Chad Tarver, Manager

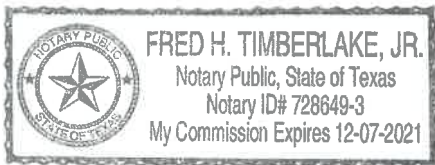
By: 
Jordan Wheatley, Manager

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 27th day of APRIL, 2021.





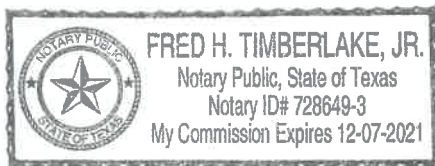
Notary Public, State of Texas

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 23rd day of APRIL, 2021.





Notary Public, State of Texas

LIENHOLDER CONSENT AND SUBORDINATION:

PLAINSCAPITAL 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 PLAINSCAPITAL 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.

PLAINSCAPITAL BANK


By: 

Printed Name: Chad Hill
Title: SVP

THE STATE OF TEXAS

COUNTY OF LUBBOCK

This instrument was acknowledged before me on the 27th day of April, 2021, by Chad Hill, Senior V.P. of PLAINSCAPITAL BANK, a state banking association, on behalf of said association.



Notary Public, State of Texas

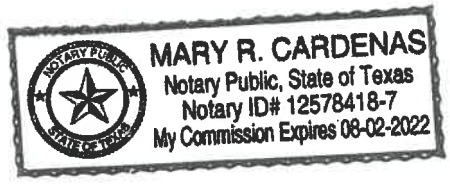


EXHIBIT "A"

LOTS ONE HUNDRED FIFTY-FIVE (155) through TWO HUNDRED TWENTY-ONE (221), UPTOWN WEST, an Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Document No. 2021019223 of the Official Public Records of Lubbock County, Texas.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

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Kelly Pinion, County Clerk
Lubbock County, TEXAS
04/28/2021 03:04 PM
FEE: \$46.00
2021020785