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DECLARATION OF ANNEXATION

FOR

CRESCENT OAK VILLAGE AT LAKE OLYMPIA

SECTION SIX

THE STATE OF TEXAS X
 X
COUNTY OF FORT BEND X

THIS DECLARATION OF ANNEXATION is made by Lake Olympia Development Corporation, a Delaware corporation ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of all or a portion of the properties described on Exhibits "A", "B", and "C" which are attached hereto and incorporated by reference for all purposes (the "Property") upon which Declarant is in the process of developing a residential/mixed use commercial community known as Lake Olympia pursuant to a common or uniform plan or scheme of development:

AND, WHEREAS, by virtue of Declaration of Covenants, Conditions, and Restrictions ("Declaration") recorded in Volume 1355 at Page 709 of the Deed Records of Fort Bend County, Texas, Declarant has created, out of the portion of the Property which is more particularly described in the Declaration, a subdivision known as PALMER PLANTATION AT LAKE OLYMPIA, SECTION ONE and has imposed upon such subdivision the covenants, conditions, and restrictions described in the Declaration;

AND, WHEREAS, as contemplated by the Declaration, Declarant now desires to create, out of that portion of the Property, more particularly described in Exhibit "D" which is attached hereto and incorporated herein by reference for all purposes, a subdivision to be known as CRESCENT OAK VILLAGE AT LAKE OLYMPIA, SECTION SIX, (the "Subdivision") and to impose upon the property constituting the Subdivision, the covenants, conditions, and restrictions described in the Declaration, except to the extent that the same are modified or amended herein, all as a part of Declarant's uniform plan or scheme for development of the Property.

NOW, THEREFORE, Declarant hereby declares that all of the Subdivision shall be held, sold, and conveyed subject to all of the easements, restrictions, covenants, and conditions described in the Declaration, which is incorporated herein by reference for all purposes, except to the extent that the Declaration is specifically amended herein, all of which easements, restrictions, covenants, and conditions shall be binding upon any person or entity owning or claiming any right, title, or interest in or to any portion of the property constituting the Subdivision, and their heirs, successors and assigns, and all of which shall inure to the benefit of, and be enforceable by, Declarant and each Owner (as defined in the

Declaration); provided, however, that the easements, covenants, and conditions of the Declaration, so far as they affect the Subdivision, are amended as follows:

1. The Subdivision shall constitute, and the restrictions, covenants, and conditions of

this Declaration of Annexation shall only cover and affect the following described property:

Lots Three (3) through Twenty-Five (25), inclusive in Block Two (2); Lots Fifty-Two (52) through Eighty-One (81), inclusive in Block Three (3). And all in Crescent Oak Village at Lake Olympia Section Six (6), a subdivision in Fort Bend County, Texas according to the map or plat thereof, recorded on Slide No. 2207B in the Plat Records of Fort Bend County, Texas.

2. Article V, Section Four, "Approval of Plans" is hereby amended to the following extent, and to the following extent only:

- (a) Plans for landscaping and lighting of a particular Lot need not be submitted to the Architectural Control Committee for approval until such time as the Builder or Owner of such lot is ready, or is obligated, to proceed with installation of landscaping and lighting;
- (b) The final working plans and specifications need not include details of interior mechanical, electrical, and plumbing fixtures, systems or installations, but shall include details of any exterior mechanical, electrical and plumbing structures; and
- (c) In the case of a Builder, the Architectural Control Committee may approve a partial preliminary site plan which reflects the exterior elevation, size, and configuration of the proposed Living Unit and ancillary buildings, and reasonably identifies and describes all exterior colors and materials, provided that the actual preliminary plan, and final plan, for such Lot, comply with, and follow, such partial preliminary site plan.
- (d) All plans submitted to the Architectural Control Committee, including partial, preliminary, and final plans shall show the location of the proposed foundation or slab upon each Lot. The Architectural Control Committee shall have the right to require that the slab or foundation be located within the Lot and/or that a tree preservation technology be used to the extent that the Architectural Control Committee believes that this may help to preserve the maximum number of trees upon the Lot or within the subdivision.

3. The following Sections of Article VII are amended as follows:

Section 2. Improvement on Lots. No building or other structure of any kind or type shall be constructed, maintained, or allowed on any Lot other than: (i) one detached single-family dwelling, which shall not exceed two and one-half (2 1/2) stories in height; (ii) no more than one (1) private garage for no less than two (2) nor more than three (3) passenger cars and servant's quarters for household and domestic employees actually employed by the Owner or resident of the Lot, which garages shall open to the front of the Lot unless specifically approved in writing by the Architectural Control Committee and (iii) a greenhouse to grow plants solely for family or household purposes of the Owner or resident of the Lot, which greenhouse must not be visible from the street or adjacent property unless agreed to in writing by the Architectural Control Committee, and plans for construction and location of which must be approved by the Architectural Control Committee prior to construction of such greenhouse. No carports (which shall not include porte-cocheres) shall be allowed on any Lot unless specifically approved in writing by the Architectural Control Committee.

Section 6. Frontage. All improvements shall be constructed on Lots so as to front the street upon which the Lot faces. A corner Lot shall be deemed to face toward the street which is furthest from the building setback line for such Lot. The front exterior wall of a dwelling shall be constructed so as to lie either parallel to the street upon which the Lot faces, or at an angle thereto which does not exceed Forty-five (45) degrees.

Section 7. Size. Each Living Unit constructed upon a Lot within the Subdivision shall contain not less than 1,600 square feet and not more than 2,500 square feet of living area if a one-story Living Unit and not less than 2,000 square feet and not more than 3,100 square feet of living area if a two-story Living Unit. All computations of living area shall be exclusive of opened or screened porches, terraces, patios, driveways, garages, servant's quarters and/or greenhouses. Measurements shall be made to the face of the outside walls of the living area.

Section 8. Roofing Material. The roof of any Living Unit (including any garage or servant's quarters) shall be constructed or covered with (i) wood shingles which have been treated with fire retardant as prescribed by the ordinances of the City of Missouri City as then in existence or (ii) asphalt or composition type shingles of a minimum of 240 pound dimensional type, comparable in color to aged or weathered wood shingles. The decision of such comparison shall rest exclusively with the Architectural Control Committee. Any other type of roofing materials shall be permitted only at the sole discretion of the Architectural Control Committee and shall not be deemed approved until approved in writing.

Section 9. Garages. Unless the Architectural Control Committee specifically agrees otherwise in writing, each Living Unit shall have a detached enclosed private garage, but in no event more than one (1) garage for not less than two (2) nor more than three (3) passenger cars. Each owner or resident of a Lot shall keep all doors to the private garage shut at all times when it is not necessary to keep such doors open. Garages shall be used only for passenger cars and other vehicles, including boats or trailers, of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. All garage doors shall open to the front of the Lot unless specifically approved in writing by the Architectural Control Committee.

Section 10. Fences. The provisions of Article VII, Section 10 of the original Declaration shall control and be applicable of all Lots of the Subdivision. Unless otherwise specifically agreed in writing by the Architectural Control Committee, no building, fence, or other structure shall be placed or built on any Lot nearer to the front lot line or nearer to a side street line than the building setback lines shown on the subdivision plat nor in any front yard. No building or other structure (except for a fence) shall encroach on any easement reflected on the Subdivision plat.

4. There is added to Article VII new Sections 33 and 35 as follows:

Section 33. Window Coverings. Each Owner and occupant of a Living Unit shall provide drapes, blinds, or window coverings, the exterior of which, when such window coverings are closed, shall be of white or neutral color.

Section 35. Tree Preservation. The following shall apply to all lots containing existing trees:

- (a) For the purposes of tree preservation the term "tree" shall mean those that are more than six (6) inches in diameter at a height of five (5) feet from the existing ground except as noted.
- (b) Every effort must be made to locate all improvements, drives, trenches, and other structures to be placed upon the Lot in such a way as to minimize the number of trees which must be cut or removed.
- (c) A site plan reflecting the location of all existing trees and their species, and the proposed location of all improvements including houses, garages, driveways, walkways, patios, decks, fill, and any other improvement, structure, or facility to be placed upon the Lot shall be submitted and shall require the approval of the Architectural Control Committee prior to the commencement of construction.
- (d) A tree preservation plan reflecting the steps to be taken to protect and preserve existing trees during construction and as a result of proposed improvements shall be submitted and shall require approval by the Architectural Control Committee prior to the commencement of construction.
- (e) The Architectural Control Committee shall have the right to require the installation of a tree or trees of the species and size not exceeding eight (8) inches in diameter at a height of five (5) feet from existing ground, to compensate for losses and/or damages due to construction or improvements to be placed on the Lot.

5. There is added to Article X a new Section 12 as follows:

Section 12. FHA/VA Approval. As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration of the Veterans Administration: annexation of additional properties, dedication of Common Area and amendment of the Declaration.

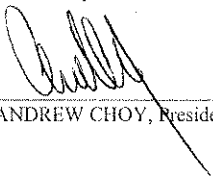
6. The Declaration is further amended by substitution of the Exhibits "E" and "F" which are attached hereto and incorporated herein by reference for all purposes, for the Exhibits "E" and "F" which are attached to the Declaration.

7. Except to the extent that the Declaration is specifically amended herein, all of the covenants, conditions, restrictions, and reservations contained in the Declaration shall be and remain in full force and effect.

8. All words, phrases, or terms used herein shall have the same meaning as contained in the Declaration, unless a contrary definition is given herein.

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has hereunto set its hand and seal this 1ST day of OCTOBER, 2001.


LAKE OLYMPIA DEVELOPMENT CORPORATION,
a Delaware corporation

BY: 
ANDREW CHOY, President

THE STATE OF TEXAS X
 X
COUNTY OF FORT BEND X

This instrument was acknowledged before me on the 1ST day of OCTOBER, 2001 by ANDREW CHOY, President of LAKE OLYMPIA DEVELOPMENT CORPORATION, a Delaware corporation, on behalf of said corporation.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
NAME: BRIGIT HALLOREN
MY COMMISSION EXPIRES: MAY 13, 2005

STREET TREE GUIDELINES

STREET TREE GUIDELINES GOALS

Goals for street tree use:

1. Define pedestrian and vehicular space
2. Provide a sense of visual unity
3. Provide shade and limited noise abatement
4. Reduce impact of pavement surface, this reducing heat and glare
5. Provide a palette of appropriate plant material for street tree planting
6. Establish criteria for continued maintenance and mitigation of conflict with
 - Pavement
 - Utilities
 - Traffic Control Devices
 - Street Lighting
 - Vehicles
 - Visual Obstruction

The following is a list of trees considered to be appropriate for street tree planting in urban and residential environments. Minimum distances from curb and street lights shall be followed as specified.

Canopy Trees

Common Name	Botanical Name	Minimum Planting Distance from Street Light	Distance from Back of Curb Required Without Root Barrier	Distance from Edge of Sidewalk Required Without Root Barrier	Root Barrier Required *
American Sycamore	Platanus occidentalis	40'	8'	8'	If planted less than 8' from B.O.C. or 3' from sidewalk
Bald Cypress	Taxodium distichum	25'	10'	10'	If planted less than 10' from B.O.C. or 3' from sidewalk
Common Hackberry	Celtis occidentalis	30'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Chinese Elm	Ulmus parvifolia	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Dutch Elm	Ulmus parvifolia 'Duke'	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Eastern Redcedar	Juniperus virginiana	8'	8'	8'	If planted less than 8' from B.O.C. or 3' from sidewalk
London Plane	Platanus sphenoloba	15'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Green Ash	Fraxinus pennsylvanica	15'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Pecan	Carya illinoensis	40'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Red Maple	Acer rubrum	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Shagbark Hickory	Carya ovata	35'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Southern Magnolia	Magnolia grandiflora	15'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
White Oak	Quercus macrocarpa	35'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Live Oak	Quercus virginiana	35'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Shumard Oak	Quercus shumardii	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Pine Oak	Quercus palustris	15'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Texas Red Oak	Quercus texana	30'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Water Oak	Quercus nigra	30'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Willow Oak	Quercus phellos	20'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk

AS PER ORIGINAL

* In no case shall any tree be planted closer than three feet (3') from back of curb or closer than two feet (2') from sidewalks.

Ornamental Trees

Common Name	Botanical Name	Minimum Planting Distance from Street Light	Distance from Back of Curb Required Without Root Barrier	Distance from Edge of Sidewalk Required Without Root Barrier	Root Barrier Required *
American Holly	Ilex opaca	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Callery Pear	Pyrus calleryana	5'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Chinese Pistache	Pistacia chinensis	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Golden Rain Tree	Kochiostercia bipinnata	5'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Chinese Fringe Tree	Chionanthus virginicus	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Crabapple	Malus spp.	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Crape Myrtle	Lagerstroemia indica	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Japanese Persimmon	Diospyros kaki	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Mexican Plum	Prunus mexicana	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Parrot Hawtorn	Crataegus marshallii	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Savannah Holly	Ilex opaca 'Savannah'	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Sweet Bay Magnolia	Magnolia virginiana	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
Fly Magnolia	Magnolia bilobata	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
Smear Magnolia	Magnolia x soulangeana	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
Star Magnolia	Magnolia stellata	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk

* In no case shall any tree be planted closer than three feet (3') from back of curb or closer than two feet (2') from sidewalks.

MAINTENANCE

The homeowner will be required to maintain street trees, including the following items listed below. The Association will enforce these requirements giving the homeowner written notice to address the issues of maintenance. If the homeowner fails to comply within the specified time period, the Association has the authority to perform the necessary maintenance work at the homeowner's expense.

Maintenance will include the following:

1. Tree pruning will be performed in accordance with city standards when trees block or touch any light pole fixtures, traffic signal, or street signage.
2. Tree pruning will be performed in accordance with city standards if any trees overhang the street causing a conflict with vehicles or pedestrians.
3. Tree pruning will be performed in accordance with city standards when trees block visibility to traffic control devices or signage.
4. Trees will require root pruning if any heaving of sidewalks or pavement occurs and/or tree roots surface.
5. Installation of irrigation systems will be encouraged throughout the development.

ROOT BARRIERS

Root barrier installation shall be required as follows:

1. If any type of tree is installed in less than a 6' x 6' root area.
2. If any type of tree is planted closer than 3' from sidewalk.
3. Canopy trees will require a root barrier if planted closer than the distances shown on the chart for Canopy Trees provided in this exhibit.
4. Ornamental trees will require a root barrier if planted closer than the distances shown on the chart for Ornamental Trees provided in this exhibit.
5. No tree shall be planted closer than three feet (3') from curb or two feet (2') from sidewalk with or without root barrier.

CONFLICTS WITH INFRASTRUCTURE

If a tree is damaged due to utility, street, or sidewalk repair, the city will not be held responsible for replacement of the tree or the tree's value. The homeowner and/or Association will not be reimbursed for damage to trees or for tree removal as necessary to facilitate infrastructure repair.

QUALITY ASSURANCE

1. Reference Standards: American Association of Nurserymen, Inc. (AAN): Horticulture Standards.
2. The seller shall warrant that the required trees are in place and in a viable condition.
3. The Builder shall provide the purchaser with the appropriate information to maintain the street trees in a viable condition.
4. The seller shall advise the purchase of the restrictions governing the types and location of the required street trees.

LOCATION AND SPECIFICATION OF REQUIRED STREET TREES

1. All lots will receive street trees.
2. A minimum of two (2) Canopy Trees will be required to be planted per front lot, at the distances identified in the chart for Canopy Trees that has been provided in this exhibit, unless otherwise approved by the Architectural Control Committee.
3. In corner lot situations, a minimum of three (3) Canopy Trees will also be required to be planted along the side of the lot adjacent to the street, at the distances identified in the chart for Canopy Trees that has been provided in this exhibit, unless otherwise approved by the Architectural Control Committee.
4. For wooded lots with existing trees in the front and side yards meeting the minimum requirements outlined above, street trees will not be required unless the existing trees in the front or side of the lot are removed or die, either during construction of the home or at a later time. The Architectural Control Committee reserves the right to require street trees on any wooded lot it deems necessary.
5. All street trees planted to meet the above requirements shall be a minimum 2 1/2" caliper with height and width conforming to AAN standards.
6. All trees shall be planted by a qualified contractor in such a manner to insure the viability of the tree.
7. The contractor shall be responsible for any damage to existing underground utilities, sidewalks, roadways, or adjacent property that may occur as a resulting of planting the trees.

ATILK RECORDING, PLEASE RETURN TO

LAKE OLYMPIA DEVELOPMENT
6161 Savoy, Suite 1077
Houston, Texas 77036
(713) 975-9797 Fax (713) 975-9818

EXHIBIT "F"
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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

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DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS