

017-51-2617

**CERTIFICATE OF
SPANISH GRANT CIVIC ASSOCIATION**


**THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §**

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, being a duly elected, qualified, and acting officer of Spanish Grant Civic Association, a Texas non-profit corporation, the association set forth and described in that certain (i) "Reservations and Restrictions of Spanish Grant, Section 11" dated February 7, 1968, recorded in Book 1938, Page 202, et seq. of the Deed of Trust Records of Galveston County, Texas, and (ii) "Reservations and Restrictions of Spanish Grant, Section 12" dated February 7, 1968, recorded in Book 1938, Page 178, et seq. of the Deed of Trust Records of Galveston County, Texas, together with any amendments thereto as (said recorded documents and all exhibits and amendments thereto being referred to as "Declaration"), does hereby certify that the following is a true, correct and genuine copy of the following described original document attached hereto as indicated herein below:

- 1. *Resolutions Establishing Building Height Rules in Spanish Grant Section 11 and 12, attached hereto as Exhibit "A".*

Dated this 4th day of October, 2002.



Richard C. Linder
President of Spanish Grant Civic Association, a Texas non-profit corporation

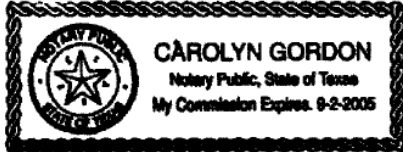
017-51-2618

THE STATE OF TEXAS

§
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§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 4th day of TRASMUN, 2002, by Richard C. Lievens of Spanish Grant Civic Association, a Texas non-profit corporation, on behalf of said corporation.



Carolyn Gordon
Notary Public in and for the State of Texas

Record and Return to:
Frank, Elmore, Lievens,
Chesney & Turet, L.L.P.
Attn: Richard C. Lievens
808 Travis, Suite 2600
Houston, Texas 77002

PAID

EXHIBIT "A"**RESOLUTIONS ESTABLISHING
BUILDING HEIGHT RULES IN
SPANISH GRANT SECTIONS 11 AND 12****PREAMBLE**

WHEREAS, pursuant to (i) that certain "Reservations and Restrictions of Spanish Grant, Section 11" recorded in Book 1938, Page 202 of the Deed of Trust Records of Galveston County, Texas, and (ii) that certain "Reservations and Restrictions of Spanish Grant, Section 12", recorded in Book 1938, Page 178 of the Deed of Trust Records of Galveston County, Texas (collectively, the "Restrictions"), the Spanish Grant Civic Association ("Association") has the authority, acting by and through its Board of Directors (the "Board"), to create and designate one or more committees which may, to the extent authorized, exercise all or part of the authority and perform any function of the Board of the Association; and

WHEREAS, the Restrictions specifically authorize and direct the creation and of an Architectural Control Committee, which is governed by the following verbatim excerpts of the Restrictions:

"Architectural Control

No building or improvement shall be erected, placed or altered in the exterior design after being erected or placed on any lot in the Subdivision until the construction plans, landscaping plans, or other plans, specifications and a plot plan showing the location and size of such building or improvement have been submitted to the Civic Association, its designated architectural control committee, or its designated committee of directors, with such reasonable fees as have been established by the Civic Association, and have been approved in writing by such Civic Association or its designated committee as to the harmony of external design with the existing structures on lots in the Subdivision, as to type of exterior materials and exterior paint colors, as to quality of workmanship and materials, and as to location with respect to topography and finished ground elevations. After approval in writing has been given, the erecting, placing, or altering of the buildings or improvements on any lots shall be made only in accordance with the approved plans, specifications and plot plans, unless variations or changes are also approved in the same manner" and,

WHEREAS, there is an Architectural Control Committee (appointed by the Board) which reviews the construction plans of all buildings or improvements to be erected, placed or altered within Spanish Grant Section 11 and Spanish Grant Section 12 (collectively, the "Subdivision") pursuant to the Restrictions; and

WHEREAS, at the annual meeting of the members of the Association held on May 19, 2002, by motion duly made, seconded, and approved by an excess of the majority of the members present, the members directed that the Board submit proposed building height rules and regulations to the members of the Association to be voted upon by the members at a special meeting of the members so as to establish building height restrictions in the Subdivision to be utilized by the Architectural Control Committee in their future review of the size of buildings or improvements hereafter erected, placed, or altered with respect to topography and finished ground elevations so as to maintain the harmony of external design with existing structures; and

WHEREAS, pursuant to the motion approved by the members of the Association at the annual meeting on May 19, 2002, the Board duly called a Special Meeting of the members for September 14, 2002 for the purpose of voting upon the following resolutions establishing building height rules for all buildings or improvements hereafter erected, placed, or altered within the Subdivision; and

WHEREAS, the following Resolutions were voted upon and approved by the members of the Association at a Special Meeting of the members called for September 14, 2002 (capitalized terms are defined in the Preamble):

RESOLUTIONS

- A. **RESOLVED**, that the Architectural Control Committee ("Committee") appointed and/or designated by the Board of the Association, shall, as part of the review process authorized by the Restrictions, review the height of any proposed building or improvement, or alteration thereto (based upon the plans, specifications and plot plan showing the location and size of any such proposed building, or improvement, or alteration thereto) so as to maintain the harmony of external design within the existing structures on lots in the Subdivision; and
- B. **FURTHER RESOLVED**, that the following height restrictions criteria shall be adopted by the membership of the Association for use by the Committee in its review of all buildings or improvements hereafter erected, placed, or altered with the Subdivision:

Spanish Grant (Sections 11 and 12) - Height Rules

1. No house, building or structure shall be more than two stories of living space in height (the "ground" level, whether consisting of one or more garages, storage spaces, or rooms shall not be considered a level of living space); and further provided, the overall height of such house, building, or structure shall not exceed forty (40) feet, measured vertically from the crown of the nearest adjacent street to the mean, or average level of the top roof surface.
2. Open decking will be permitted above the second living floor, provided that the surface of the deck level is not more than thirty-two (32) feet above street level as defined above, and further provided, that the open decking shall be less than forty percent (40%) of the square feet of the living floor below.
3. No exterior aerial antenna, satellite dish (except as may be allowed by applicable law), flag pole or other structure of any kind (except chimneys, flues, vents, weather stations, etc.) shall project above the uppermost roof line of any structure on any property covered by the Restrictions.
4. Any proposed building or improvement to be hereafter erected, placed, or altered on any property in the Subdivision which would exceed the height rules established hereby in any material manner within the reasonable judgment of the Committee shall be disapproved by the Committee as not being in "harmony of external design" with the other improvements located in the Subdivision.
5. These rules shall not apply to any building or improvement presently existing on any property within the Subdivision which may be presently in violation of such rules and any such existing building or improvements shall be deemed "grandfathered"; provided, however, that if any such grandfathered building or improvement shall be totally destroyed, demolished, or removed, then no new building or improvement shall be built on such property except as in full conformity with these height rules.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY



017-51-2621

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Patricia Ritchie, COUNTY CLERK
GALVESTON, TEXAS