

Motion was made by Frank Carroll, seconded by George D. Rice, that the following Ordinance be passed:

NO. 50

AN ORDINANCE BY THE TOWN OF STAGECOACH, TEXAS, ADOPTING CERTAIN COVENANTS, RESTRICTIONS AND RESERVATIONS AS SET OUT IN DEEDS CONVEYING LOTS IN STAGECOACH FARMS SUBDIVISION, SECTION NO. 10, MONTGOMERY COUNTY, TEXAS; PROVIDING FOR PENALTY AND SAVINGS CLAUSE.

WHEREAS, Plat of Section No. 10, Stagecoach Farms Subdivision, has been filed and recorded in the Map Records of Montgomery County, Texas, to which recording reference is here now made, and said Subdivision Section has now been incorporated into and is a part of Town of Stagecoach, Texas, a municipality, located in the T. J. Stansbury Survey, Abstract No. 485, S. J. McFarland Survey, Abstract No. 362, and E. J. Felder Survey, Abstract No. 216, each in Montgomery County, Texas;

WHEREAS, no separate Restrictions and Protective Covenants pertaining to said Subdivision, Section No. 10, have ever been filed and recorded in the Deed Records of Montgomery County, Texas; however, Covenants, Restrictions and Reservations have been reserved and set out in each and every deed issued, conveying Lots located in said Subdivision, Section No. 10;

WHEREAS, the Town of Stagecoach, Texas, proposes hereby to adopt certain Covenants, Restrictions and Reservations as embodied in the deeds conveying title to Lots in said Stagecoach Farms Subdivision, Section No. 10:

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STAGECOACH, TEXAS:

I.

COVENANTS, RESTRICTIONS AND RESERVATIONS

That the following Covenants, Restrictions and Reservations contained in deeds conveying title to Lots in

Stagecoach Farms Subdivision, Section No. 10, Montgomery County, Texas, be and the same are hereby adopted by the Town of Stagecoach, Texas, to-wit:

- (1) All lots shall be used for residential purposes only.
- (2) No noxious or offensive trades or activities shall be carried on on any of the lots or tracts, nor shall anything be done thereon which will cause a nuisance or be offensive to residents of usual sensitivities in the area.
- (3) No lot or tract shall be used or occupied for any vicious or immoral purpose, nor for any use or purpose in violation of the laws of the local, State or Federal Governments.
- (4) No animals shall be raised or maintained on the property in such manner or with such lack of care as to cause offensive odors or noises or so as to otherwise be a nuisance or annoyance to persons of ordinary sensitivity.
- (5) No residence shall be built or maintained on an area of less than 750 square feet of living area, exclusive of garages and open porches. Residences shall be built at least 30' from the roadways as dedicated. The exterior shall be finished and if of a material other than brick, stone, asbestos or material not commonly decorated or painted, shall be painted with at least two coats of paint.
- (6) Temporary buildings and residences shall be built on the rear of the tract a distance of not more than 30' from the rear lot line except on tracts having frontage on Lake Apache where temporary buildings and residences are absolutely prohibited; and such temporary residences where permissible shall contain not less than 280 square feet of floor space and shall have at least two coats of paint unless constructed of brick, rock, asbestos or other finished product.
- (7) No tent, trailer, basement, shack or barn or other out-buildings shall at any time be used as a residence, either temporarily or permanently.
- (8) All out-buildings shall be located to the rear of the residence except that garages may be attached to the residence.
- (9) When construction of any improvements is begun it shall be completed with reasonable diligence and no construction material or equipment shall be stored on the property except as construction is begun and continued with reasonable diligence.

- (10) Only one main residence and one secondary residence (for guests or servants) shall ever be built or maintained on any tract or building site.
- (11) The moving of used buildings onto any building site is prohibited unless such building shall be inspected and approved in writing, as herein set out.
- (12) No billboards shall be erected or maintained on any of the property.
- (13) Whenever a residence is established on any tract it shall provide an inside toilet and shall be connected with a septic tank and drain field until such time as sanitary sewers may be available for use in connection with such tract.
- (14) No cesspool shall ever be dug, used or maintained on any parcel of land in this subdivision and drainage of septic tanks or sewerage into roads, lakes, streets, alleys, ditches, ravines, or upon the open ground shall be prohibited and enforceable as any other violation of the restrictions by any resident in the subdivision or by public body.
- (15) The purchaser, upon constructing any residence upon his tract, or any person making use of his tract of land, shall place a culvert of sufficient size to permit the free flow of water at a point between the roadway and his property, and shall fill in sufficient dirt over and around same to construct a driveway to the premises. The inside bottom of said culvert must be even with or below the level of the ditch.
- (16) Outside toilets are strictly prohibited.
- (17) All tracts are sold subject to easements for public utilities as may already be existing, or as may become reasonably necessary for the seller to create in the future, right to do so being hereby reserved, so as to permit good development of the subdivision and provide the necessary utilities.
- (18) No owner of property fronting on Lake Apache shall build any pier or obstruction out onto said lake so as to interfere with the use of said lake by the other owners thereof.
- (19) All tracts affected are sold subject to the Right of Way granted by instruments recorded in Volume 270 at Page 363, and in Volume 294 at Page 123, Deed Records of Montgomery County, Texas, and subject to roads, easements and building lines as above referred to.
- (20) If the parties hereto or anyone of the purchasers, their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein contained,

the seller or any owner shall have the right to prosecute any proceeding, at law or in equity, against any person violating or attempting to violate any of the covenants or restrictions, and either prevent such person, or persons, from so doing by prohibitive or mandatory injunctions, and recover damages for such violation.

- (21) It is further stipulated that the invalidation of any one or more of these covenants, restrictions or conditions by any judgment or court order shall in nowise effect or invalidate any of the provisions, but all such other provisions shall remain in full force and effect.

and will hereafter be enforceable by it.

II.

PENALTY

That any person who shall violate any of the provisions thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding Two Hundred and No/100 (\$200.00) Dollars, and each and every violation of such provisions shall constitute a separate offense.

III.

SAVINGS CLAUSE

That if any part or parts of said Covenants, Restrictions and Reservations, or this Ordinance, shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of each. It is hereby declared that the remaining parts of said Covenants, Restrictions and Reservations, and this Ordinance, would have been ordained and passed had it been known that such part or parts thereof would be declared unconstitutional.

PASSED AND APPROVED this the 21st day of

September, A. D. 1976.

ATTEST:

C. C. Powell
Mayor

Dean A. Meach
Town Secretary

APPROVED AS TO FORM AND CONTENT:

Geo. B. Darden, Town Attorney

AN ORDINANCE BY THE TOWN OF STAGECOACH, TEXAS,
ADOPTING CERTAIN COVENANTS, RESTRICTIONS AND
RESERVATIONS AS SET OUT IN DEEDS CONVEYING LOTS
IN STAGECOACH FARMS SUBDIVISION, SECTION NO. 10,
MONTGOMERY COUNTY, TEXAS; PROVIDING FOR PENALTY
AND SAVINGS CLAUSE.

THE STATE OF TEXAS X
COUNTY OF MONTGOMERY X
TOWN OF STAGECOACH X

I, Pearl R. Meath, Town Secretary of the Town of Stagecoach, Texas, do hereby certify that the above and foregoing is a true and exact copy of the caption of an Ordinance duly passed and approved by the Town Council of the Town of Stagecoach, Texas, on September 21, 1976.

WITNESS MY HAND AND SIGNATURE at Stagecoach, Texas, this 1st day of October, A. D. 1976.

(Pearl R. Meath)
Town Secretary