

NOTICE OF CONFIDENTIALITY RIGHTS. IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER; OR YOUR DRIVER'S LICENSE NUMBER.

**FUTURE
LAND USE RESTRICTIONS**

**THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF HARRIS §**

THAT, the undersigned, A & G CREEKSIDE VENTURES NO. 1, LLC, a Texas limited liability company with its principal office located in Brazoria County, Texas [“the Declarant”], is the owner the following land and the improvements located thereon, if any, lying and being situated in Harris County, Texas:

 A tract of 100.154 acres out of the D. H. M. Hunter Survey, A-36, of Harris County, Texas, and being portions of those certain tracts described: in a Deed, dated January 2, 2001, from T. & B. Alexander Family Ltd. Partnership to Beazer Homes of Texas, L.P. and recorded under Clerk’s File No. 01-000876 in the Real Property Records of Brazoria County, Texas; in a Deed, dated January 2, 2001, from Bartlett Properties, to Beazer Homes of Texas, L.P. and recorded under Clerk’s File No. U-842190 in the Real Property Records of Harris County, Texas; and in a Deed, dated January 2, 2001, from T. & B. Alexander Family Ltd. Partnership to Beazer Homes of Texas, L.P. and recorded under Clerk’s File No. 01-000875 in the Real Property Records of Harris County, Texas, such tract being more being more particularly described by metes and bounds on Exhibit “A” attached hereto and made a part hereof for any and all purposes [the “Property”], said Property being the same land described in that certain Special Warranty Deed, dated July 23, 2003, from Beazer Homes of Texas, L.P. to Grantor, and recorded under Clerk’s File No. W-890013 in the Real Property Records of Harris County, Texas, and in that certain Deed of Trust, dated July 23, 2003, from Grantor to Kenneth R. Phillips, Trustee, and recorded under Clerk’s File No. W-890016 in the Real Property Records of Harris County, Texas [the “Property”] and

WHEREAS, the Property is current zoned for Open Space ["OS"] by the City of Pearland, Texas ["the Current Zoning"]; and

WHEREAS, the Declarant desires to impress upon the Property the herein described land use restrictions, which shall come into effect if, as and when, Declarant, is successors and assigns, files an application to change the Current Zoning; and

WHEREAS, the consent of current beneficiaries of the aforesaid Deed of Trust to the imposition of the restrictions on the Property, is evidenced by their signatures hereon.

NOW, THEREFORE, the Declarant, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration, to it in hand paid, the receipt and sufficiency of which is hereby acknowledged and confessed, does hereby **AGREE, STIPULATE AND COVENANT** that the zoning of the Property may only be changed from the Current Zoning to single family residential ["R-1"] [the "Zoning Change"] and

1. that, after the Zoning Change, the lots created by any subdivision of the Property shall have minimum dimensions of eighty feet (80') x one hundred twenty feet (120); and
2. that, after the Zoning Change, the sale of any lot, together with the improvements constructed thereon, shall have a price of **at least FOUR HUNDRED THOUSAND, AND NO/100 DOLLARS (\$400,000.00)**,

[collectively, the "Restrictions"], which Restrictions shall remain in full force and effect against the Property, in perpetuity.

IN WITNESS WHEREOF, this instrument has been executed in Brazoria County, Texas,
on this _____ day of _____, 2019, to be effective as of the 1st day of January, 2019.

A & G CREEKSIDE VENTURES NO. 1, LLC

BY: Thomas P. Alexander, Jr.
ITS: Manager

APPROVED AND CONSENTED TO:

THOMAS P. ALEXANDER, JR.

CYNTHIA E. ALEXANDER

**DIANA BETTYE ALEXANDER HOLZHAUSER, CO-TRUSTEE OF
THE DIANA BETTYE ALEXANDER HOLZHAUSER FAMILY LIVING TRUST**

**CYNTHIA E. ALEXANDER, CO-TRUSTEE OF
THE DIANA BETTYE ALEXANDER HOLZHAUSER FAMILY LIVING TRUST**

**THOMAS P. ALEXANDER, JR., CO-TRUSTEE OF
THE DIANA BETTYE ALEXANDER HOLZHAUSER FAMILY LIVING TRUST**

THE STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas P. Alexander, Jr., the Manager of **A & G CREEKSIDE VENTURE NO. 1, LLC**, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said entity.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of January, 2019.

Notary Public in and for
The State of Texas

THE STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared **THOMAS P. ALEXANDER, JR.**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of January, 2019.

Notary Public in and for
The State of Texas

THE STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared **CYNTHIA E. ALEXANDER**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of January, 2019.

Notary Public in and for
The State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared **DIANA BETTYE ALEXANDER HOLZHAUSER, CO-TRUSTEE OF THE DIANA BETTYE ALEXANDER HOLZHAUSER FAMILY LIVING TRUST**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated..

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of January, 2019.

Notary Public in and for
The State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared **CYNTHIA E. ALEXANDER CO-TRUSTEE OF THE DIANA BETTYE ALEXANDER HOLZHAUSER FAMILY LIVING TRUST**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated..

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of January, 2019.

**Notary Public in and for
The State of Texas**

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared **THOMAS P. ALEXANDER, JR., CO-TRUSTEE OF THE DIANA BETTYE ALEXANDER HOLZHAUSER FAMILY LIVING TRUST**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated..

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of January, 2019.

**Notary Public in and for
The State of Texas**

EXHIBIT "A"

Metes & Bounds description of the Property

RETURN TO:

PHILLIPS & PHILLIPS, PLLC
Post Office Box 2887
Pearland, Texas 77588

HARRIS COUNTY TRACT
METES AND BOUNDS DESCRIPTION
100.154 ACRES OUT OF
THE D. H. M. HUNTER SURVEY, ABSTRACT No. 36,
HARRIS COUNTY, TEXAS

All that certain 100.154 acres out of the D. H. M. Hunter Survey, Abstract No. 36, Harris County, Texas and being portions of those certain tracts described in a deed dated 01-02-2001 from T & B Alexander Family Limited Partnership to Beazer Homes Texas, L.P. as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 01-000876 and in a deed dated 01-02-2001 from Bartlett Properties, L.P. to Beazer Homes Texas, L.P. as filed in Official Records of Real Property of Harris County at Clerk's File Number U-842190 Film Code 536-90-2713 and in a deed dated 01-02-2001 from Patricia Alexander Wood to Beazer Homes Texas, L.P. as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 01-000875 and being more particularly described by metes and bounds as follows, with all bearings expressed as grid and being generated from the Texas Coordinate System, South Central Zone [NAD 83] with distances expressed in surface feet;

Commencing at a found brass disc in concrete stamped "City of Pearland GPS Monu 6 1995" (N:13,774,749.07, E:3,148,704.85) from which a found brass disc in concrete stamped "City of Pearland GPS Monu 5 1995" bears S 04° 33' 51" E - 2,670.57'; Thence S 76° 33' 18" E - 2,964.39' to a set 5/8" iron rod with cap marking a point on the east right-of-way line of Old Alvin Road and marking the southwest corner of that certain tract described in a deed dated 01-02-2001 from Patricia Alexander Wood to Beazer Homes Texas, L.P. as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 01-000875; Thence N 32° 19' 13" E - 4,936.51' to a found 5/8" iron rod marking the northeast corner of that certain tract described in a deed dated 07-26-2002 from Beazer Homes Texas, L.P. to City of Pearland as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 02-038874; Thence N 41° 32' 17" E - with the northwest line of said Beazer Homes Texas, L.P. tract as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 01-000878, passing at 3,208.57' a found 5/8" iron rod with cap for reference point and continuing a total distance of 3,363.50' to the POINT OF BEGINNING marking a point in the centerline of Clear Creek;

Thence the following courses 1 - 24 with the centerline of Clear Creek;

1. Thence S 00° 19' 30" E - 236.85' to a point marking a point on a curve to the right having a radius of 690.00' and a central angle of 23° 20' 58";
2. Thence with said curve an arc distance of 281.19' and a chord bearing and distance of S 19° 02' 05" W - 279.25' to a point for angle point;
3. Thence S 40° 32' 43" W - 70.57' to a point for angle point;

4. Thence S 18° 17' 30" W — 59.48' to a point on a curve to the left having a radius of 420.00' and a central angle of 34° 57' 28";
5. Thence with said curve an arc distance of 256.25' and a chord bearing and distance of S 15° 30' 02" W — 252.30' to a point for angle point;
6. Thence S 18° 51' 57" E — 56.90' to a point for angle point;
7. Thence S 38° 19' 56" E — 101.76' to a point for angle point;
8. Thence S 51° 22' 48" E — 246.55' to a point for angle point;
9. Thence S 44° 27' 41" E — 45.73' to a point for angle point;
10. Thence S 30° 20' 29" E — 69.69' to a point for angle point;
11. Thence S 13° 35' 09" E — 124.01' to a point for angle point;
12. Thence S 23° 34' 18" W — 97.04' to a point for angle point;
13. Thence S 03° 45' 22" W — 48.72' to a point for angle point;
14. Thence S 09° 17' 24" E — 81.49' to a point for angle point;
15. Thence S 24° 07' 50" E — 167.84' to a point on a curve to the left having a radius of 340.00' and a central angle of 29° 08' 54";
16. Thence with said curve an arc distance of 172.97' and a chord bearing and distance of S 67° 16' 50" E — 171.11' to a point on a curve to the right having a radius of 160.00' and a central angle of 73° 02' 50";
17. Thence with said curve an arc distance of 203.99' and a chord bearing and distance of S 36° 41' 25" E — 190.45' to a point for angle point;
18. Thence S 12° 15' 56" W — 66.69' to a point for angle point;
19. Thence S 08° 31' 07" W — 532.17' to a point on a curve to the right having a radius of 200.00' and a central angle of 56° 09' 55";
20. Thence with said curve an arc distance of 196.05' and a chord bearing and distance of S 33° 54' 14" W — 188.30' to a point on a curve to the left having a radius of 200.00' and a central angle of 57° 06' 23";

21. Thence with said curve an arc distance of 199.34' and a chord bearing and distance of S 34° 10' 48" W — 191.19' to a point on a curve to the left having a radius of 110.00' and a central angle of 52° 54' 55";
22. Thence with said curve an arc distance of 101.59' and a chord bearing and distance of S 20° 31' 14" E — 98.02' to a point for angle point;
23. Thence S 44° 25' 37" E — 263.38' to a point for angle point;
24. Thence S 32° 55' 21" E — 89.71' to a point for angle point;
25. Thence S 15° 33' 12" E — 220.81' to a point for corner;
26. Thence N 41° 40' 03" E - 2,678.53' with the northwest line of that certain tract described in a deed dated 06-04-1981 from John Alexander, Trustee to Sue Alexander Morrison filed in Volume 1596, Page 93 Brazoria County Deed Records to a call and found 1/2" iron rod for corner;
27. Thence N 48° 19' 35" W — 2,633.43' with the southwest line of those certain tracts described in a deed dated 12-09-1994 from John B. Niday, Jr., et al to Harris County Flood Control District as filed in Official Records of Real Property of Harris County at Clerk's File Number R-254525 Film Code Number 502-65-3814, and those certain tracts described in a deed dated 07-12-1984 from John B. Niday, Jr., to the County of Harris and the City of Houston as filed in Official Records of Real Property of Harris County at Clerk's File Number J-653244 Film Code Number 091-93-1787, to a call and found 1/2" iron rod for corner;
28. Thence S 41° 32' 17" W — 445.07' with the north line of said Beazer Homes Texas, L.P. tract as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 01-000876 to the POINT OF BEGINNING and containing 100.154 acres of land more or less.

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by:
C.L. Davis & Company
Job Number: 20-14-Harris County Tract
06/20/2003
REVISED 06/27/2003