AMENDMENT TO THIRD AMENDED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS LOS CERRITOS UNIT II REPLAT "A"

STATE OF TEXAS

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COUNTY OF EL PASO

THIS AMENDMENT TO THIRD AMENDED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR LOS CERRITOS UNIT II REPLAT "A", is made on the date hereinafter set forth by Residential Vista, Inc., a Texas corporation, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS Declarant has previously caused to be filed certain Declaration (and Amendments to Declarations of Covenants, Conditions, Restrictions and Easements ncluding the Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A", Second Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A", and Third Amended Declaration of Covenants, Conditions, Restrictions, and Easements for Los Cerritos Unit II Replat "A") (a Residential Subdivision), according to the maps and plans thereof on file in Book 3018, Page 1727, Plat Records of El Paso County, Texas, hereinafter referred to as the "Declaration", being recorded in Book 3018, Page 1733, Book 3274, Page 1288, (Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A"), Book 3737, Page 0502, (Second Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A") and Book 4593, Page 0899 (Third Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A") and Book 4593, Page 0899 (Third Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A") and Book 4593, Page 0899 (Third Amended Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A"), Real Property Records of El Paso County, Texas; and

WHEREAS Declarant, as permitted by Section 15.2, desires to amend the Declaration to allow a maximum structure height on structures built on Lots 17 & 18, 32-35, 44-47 and 56-57, of twenty-two (22) feet, to allow a maximum structure height on structures built on Lots 8-14 of twenty-four (24) feet, and to allow a maximum structure height on structures built on all other lots of twenty-eight (28) feet;

NOW THEREFORE, the Declarant hereby amends the declaration as follows:

Section 1. <u>Maximum Structure Height</u>. The Declarant desires to amend Section 9.5 of the Declaration to allow a maximum structure height on structures built on Lots 17 & 18 32-35, 44-47 and 56-57, of twenty-two (22) feet, to allow a maximum structure height on structures built on Lots 8-14 of twenty-four (24) feet, and to allow a maximum structure height on structures built on all other lots of twenty-eight (28) feet. Therefore Sect on 9.5 is amended in its entirety to read as follows:

9 5 Maximum Structure Height

The maximum height of the roof and any roof projections, excluding any chimneys of any structure, including without limitation, the S ngle Family Dwelling, constructed on the Lot shall not exceed the fo owing height from the lowest existing finished grade on the Lot upon which an Improvement may be placed.

<u>He_ghtLots</u>	sBlocks		
22 feet 24 feet	Lots 17 & 18, 32-35, 44-47 and 56-57 Lots 8-14	Block 6 Block 6	
28 feet	(from mean curb Elevation fronting lot) All others		

W thout limiting the foregoing height restrictions, the ACC is authorized to adopt and file as an amendment to this Declaration specified height limitations for each particular Lot, provided such m tations may not be less restrictive than those in this Declaration.

Sect on 2 <u>Special Restrictions</u>. The Declarant desires to amend Section 14.1 of the Dec arat on to allow a maximum structure height on structures built on Lots 17 & 18 32-35 44-47 and 56-57, of twenty-two (22) feet, to allow a maximum structure height on structures built on Lots 8-14 of twenty-four (24) feet, and to allow a maximum structure height on structures built on all other lots of twenty-eight (28) feet. Therefore, Sect on 14 1 s amended in its entirety to read as follows:

14.1 Special Restrictions

n accordance with the provisions of the Warranty Deed, Real Property Records of E1 Paso County, Texas, the following restrictions to the Property shall apply:

1 No more than ninety-five (95) Single Family Dwelling Units shall be constructed on the Property.

2 A electrical, utility and telephone service lines from the utility company lines shall be placed underground and that no outside electrical and te ephone lines shall be placed overhead.

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3 No structure shall exceed twenty-eight (28) feet in height from the finished concrete slab for such structure.

The restrictions of this Article XIV may not be amended without consent of the successor-in-interest

Except as amended herein, the Declaration is hereby confirmed and ratified in all respects

N WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Amendment to Third Amended Declaration of Covenants, Conditions, Restr ct ons and Easements for Los Cerritos Unit II Replat "A", to be effective this 9th day of April, 2004.

BY

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DECLARANT: RESIDENCIAL VISTA, INC.

RODOLFO MARTINEZ, President

THE STATE OF TEXAS

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COUNTY OF EL PASO

This nstrument was acknowledged before me on this 9th day of April, 2004, by Rodolfo Mart nez President of Residencial Vista, Inc., a Texas corporation, on behalf of said corporation.

G VEN UNDER MY HAND AND SEAL OF OFFICE this $\frac{12^{1/2}}{12}$ day of April, 2004

Track Idemands

Notary Public in and for the Constant of Texas

RUTH HERNANDEZ NOTARY PUBLIC In end for the State of Texas My comm. expires May 12, 2007

After recording return to: Res dencial Vista, Inc. 5870 Onyx, Ste. A E Paso TX 79912

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