JAMES MOELLENDORF, ET UX TO THE PUBLIC

DEDICATION DEED

RE: TOWN CREEK ADDITION

THE STATE OF TEXAS,)

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GILLESPIE,)

VOL 116 PAGE 807

That we, JAMES MOELLENDORF and wife, MARGARET MOELLENDORF, being the sole owners of the following described tract of land, to-wit:

Being 11.48 acres of land situated in the City of Fredericksburg, Gillespie County, Texas, comprising 9.69 acres of land, part of Outlot No. 303 and 1.79 acres of land, part of Outlot No. 302, as said outlots are designated on the Map of Fredericksburg, Texas and Environs by the German Emigration Company as laid out on Survey No. 130, Nicholas Pain, and Survey No. 132, Jose Maria De Hollos.

Said tract of 11.48 acres of land is described by metes and bounds as follows, to-wit:

BEGINNING at a steel bar set in the S. W. line of Outlot No. 303, being a point 20.0 feet N. 50 deg. 42' W. from the South corner of said Outlot No. 303 for the South corner of this tract of land;

THENCE N. 39 deg. 03' E. 454.5 feet to a steel bar set for corner;

THENCE N. 40 deg. 53' E. 374.8 feet to a steel bar set in the N. E. line of Outlot No. 303, being a point in the S. W. line of an Outlot Street, for the East corner of this tract of land;

THENCE with the S. W. line of said outlot street, N. 50 deg. 42' W. 610.4 feet to a steel bar set in the N. E. line of Outlot No. 302, for the North corner of this tract of land;

THENCE S. 39 deg. 18' W. 829.1 feet to a steel bar set in the S. W. line of Outlot No. 302 for the West corner of this tract of land;

THENCE S. 50 deg. 42' E. 602.0 feet to the place of beginning.

(Surveyed May 21, 1976 by Victor L. Nixon, Registered Public Surveyor, Reg. No. 655).

do hereby subdivide said property into TOWN CREEK ADDITION, Unit No. 1, an Addition to the City of Fredericksburg, Gillespie County, Texas, as shown by the plat thereof attached hereto and made a part hereof, for the purpose of selling lots and tracts of land with reference thereto and for all other purposes; and do hereby dedicate to the City of Fredericksburg for public use forever the streets and alleys shown on said plat to be used as public thoroughfares and for the installation and maintenance of any and all public utilities which said City may elect to install and maintain, or permit to be installed and maintained, said dedication being subject to the following restrictive and protective covenants.

The undersignnd owners do hereby adopt the following restrictions, protective covenants and conditions, pertaining to Lots Nos. 1 through 35 of said addition only, which are to run with the land and shall be binding upon all parties and persons claiming under them until January 1, 1987, at which time said restrictions, protective covenants and conditions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the lots in said Addition, it is agreed to change the same in whole or in part, viz:

(a) All lots and every part thereof are restricted to residential uses exclusively and none of said property shall be used for business or commercial purpose. "Residential uses" as the term is used herein shall include apartment houses and such apartment houses shall not be deemed a business or commercial purpose.

(b) No dwelling house shall be constructed upon lots numbered one (1) through thirty-five (35) in this addition, which contains less than one thousand (1000) square feet of living area, exclusive of garages, carports and porches; and all such dwellings shall have brick and/or rock exteriors on all exterior walls facing any street in such subdivision.

(c) Every dwelling constructed upon said property shall be provided with sanitary, indoor plumbing and no permanent outdoor privies shall be permitted.

(d) No trailer, trailer house, tent, or shack shall ever be used as a dwelling, temporary or permanent, in evasion of these restricti covenants and conditions.

(e) No shack, trailer or tent shall ever by placed upon any of said property for dwelling or any other permanent purpose, except that trailers belonging to individual owners of said property may be stored upon the premises provided they are not used for dwelling purposes.

(f) No dwelling house or other structures shall be moved upon the premises from outside the said addition except with the express consent of a majority vote of the lot owners, each lot to be allowed one (1) vote.

(g) All restrictive covenants and conditions herein shall apply to future remodeling of buildings and to rebuilding in case of destruction by fire or the elements.

(h) No fence, wall or hedge shrub, which obstructs sight lines at elevations between two (2) and six (6) feet above the roadway shall be placed or permitted to remain on any corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the Intersection of the street lines.

(i) No dwelling shall be erected or placed on any lot having a width of less than fifty (50) feet at the minimum building set back line, nor shall any dwelling be erected or placed on any lot having an area of less than six thousand (6,000) square feet.

(j) No noxious or offensive activity shall be carried upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

(k) No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than 1 square ft. 1 sign of not more than 5 square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

(l) No fence or wall shall be erected nearer the front property line than the front of the dwelling.

(m) The covenants and conditions set forth above shall be covenants running with the title of any lot, or division of any lot.

If the undersigned or their heirs or assigns shall violate or attempt to violate any of the restrictive covenants and conditions herein, any owner of any property in the subdivision may prosecute any proceeding at law or in equity against such owner violating or attempting to violate any such restrictive covenants and conditions, either to prevent him or them from doing so and/or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other restrictive covenants or conditions which shall remain in full force and effect.

WITNESS our hands this the 18th day of June, A. D., 1976.

James Moellendorf
JAMES MOELLENDORF

Margaret Moellendorf
MARGARET MOELLENDORF

THE STATE OF TEXAS,)
COUNTY OF GILLESPIE,) BEFORE ME, the undersigned authority, on this day personally appeared James Moellendorf and wife, Margaret Moellendorf, both of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

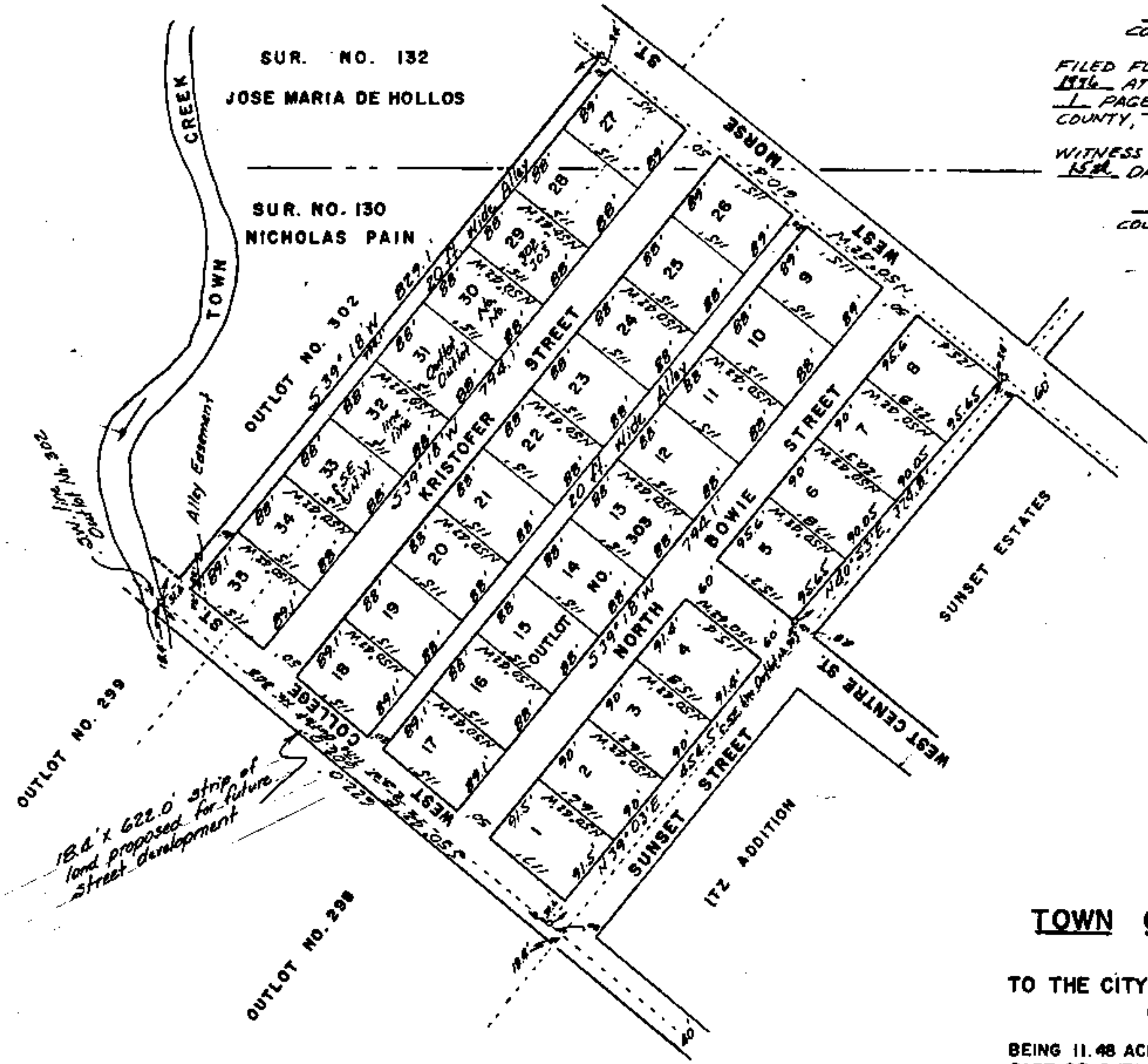
GIVEN under my hand and seal of office on this the 18th day of June, A. D., 1976.

NOTARY PUBLIC COUNTY OF GILLESPIE TEXAS

Notary Public in and for Gillespie County, T E X A S.

Filed for record in my office the 21st. day of June A.D. 1976 at 8:36 o'clock A .M. and duly recorded the 24th. day of June A.D. 1976 at 1:04 o'clock P .M. in Volume 116 , pages 807-809, Deed Records.

David Lange, Clk. Co. Ct., Gillespie County, Texas.





SCALE 1" = 100 FEET

TOWN CREEK ADDITION

UNIT NO. 1

TO THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS

BEING 11.48 ACRES OF LAND, COMPRISING 9.69 ACRES, PART OF OUTLOT NO. 303 AND 1.79 ACRES, PART OF OUTLOT NO. 302, GERMAN EMIGRATION COMPANY, AS LAID OUT ON SUR. NO. 130, NICHOLAS PAIN, AND SUR. NO. 132, JOSE MARIA DE HOLLOS.

THE STATE OF TEXAS
COUNTY OF GILLESPIE

I, Doris Lange COUNTY CLERK OF GILLESPIE COUNTY, TEXAS, DO HEREBY CERTIFY THAT BY AN ORDER OF THE COMMISSIONERS COURT OF GILLESPIE COUNTY, TEXAS, ON THE 15th DAY OF June A.D. 1976 AND ENTERED IN THE MINUTES OF SAID COURT, IN BOOK 16, PAGE ___, THE FOREGOING PLAT WAS APPROVED AND THE PLAT OF TOWN CREEK ADDITION, UNIT NO. 1 WAS AUTHORIZED TO BE FILED FOR RECORD.

WITNESS MY HAND AND SEAL OF OFFICE ON THIS 15th DAY OF June A.D. 1976.

Doris Lange
COUNTY CLERK OF GILLESPIE COUNTY, TEXAS

FILED FOR RECORD ON THE 15th DAY OF June A.D. 1976 AT 4:40 O'CLOCK P.M., AND RECORDED IN VOL. 1 PAGE 30 OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF June A.D. 1976.

Doris Lange
COUNTY CLERK OF GILLESPIE COUNTY, TEXAS

PLAT OF TOWN CREEK ADDITION, UNIT NO. 1

THE STATE OF TEXAS.
COUNTY OF GILLESPIE.

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGED THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

OWNER: JAMES MOELLENDORF
James Moellendorf

THE STATE OF TEXAS
COUNTY OF GILLESPIE

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JAMES MOELLENDORF, 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 CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 17th DAY OF March A.D. 1976.

Joan Gnoechle
NOTARY PUBLIC, GILLESPIE COUNTY, TEXAS

THIS PLAT OF TOWN CREEK ADDITION, UNIT NO. 1, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF FREDERICKSBURG, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 17th DAY OF March A.D. 1976.

THE PLANNING COMMISSION OF THE CITY OF FREDERICKSBURG, TEXAS.

(BY) Vernon E. Pruess
CHAIRMANN

THE STATE OF TEXAS
COUNTY OF GILLESPIE

THE UNDERSIGNED DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF TOWN CREEK ADDITION, UNIT NO. 1, HAS BEEN DULY FILED WITH THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG EXAMINED APPROVED AND ORDERED ACCEPTED BY ORDER OF THE MINUTES OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG IN BOOK 6 PAGE [illegible].

GIVEN UNDER OUR OFFICIAL HANDS AND SEAL THIS 2nd DAY OF May A.D. 1976.

Sidney M. Henke
MAYOR CITY OF FREDERICKSBURG, TEXAS

ATTEST:
Dorrine Deage
CITY SECRETARY

THE STATE OF TEXAS
COUNTY OF GILLESPIE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Victor L. Nixon
VICTOR L. NIXON
REGISTERED PUBLIC SURVEYOR
REGISTRATION NO. 655
DATED MAY 21, 1976