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**PRIVATE SUBDIVISION NOTICE AND
COMMON AREA UTILITY AND DRAINAGE EASEMENTS
AND RESTRICTIONS**

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06/12/06 201170908

\$28.00

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS THAT:
COUNTY OF HARRIS §

WHEREAS, HWD, LTD., a Texas limited partnership ("Declarant"), is the sole current owner of the following described real property (the "Subdivision") and as such will act as the developer thereof, to wit:

REGENT SQUARE BROWNSTONES, a subdivision in Harris County, Texas according to the map or plat thereof filed under Clerk's File No. Z325496, Official Public Records of Real Property of Harris County, Texas, and recorded in Clerk's Film Code No. 600229, Map Records of Harris County, Texas and

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WHEREAS, Declarant desires hereby to facilitate the orderly development of the Subdivision.

NOW, THEREFORE, Declarant hereby gives notice and establishes and subjects the Subdivision to the following easements and restrictions which shall run with said real property and be binding upon all parties having or acquiring any right, title, or interest in said real property or any part thereof, their heirs, predecessors, successors and assigns, and shall inure to the benefit of each owner thereof:

PRIVATE SUBDIVISION NOTICE. THIS IS A PRIVATE SUBDIVISION WITH PRIVATE STREETS AND UTILITIES WHICH WILL BE MAINTAINED BY A HOMEOWNERS' ASSOCIATION AND/OR INDIVIDUAL OWNERS AND NOT BY THE CITY OF HOUSTON, TEXAS OR ANY OTHER GOVERNMENTAL ENTITY.

Drainage and Utility Easements and Devices. Each lot in the Subdivision shall be conveyed subject to all utility easements and drainage easements shown on the recorded plat and on any replats of the Subdivision. In addition, perpetual

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drainage easements are hereby established adjacent to and parallel to each side lot line and each front and rear lot line of each lot. The width of such drainage easement extends inward from the applicable lot line (i) the lesser of five feet along each side lot line or from the side lot line to the foundation of the residential structure (including a garage); and (ii) the lesser of eight feet along the front and rear lot lines of each lot or from the front or rear lot lines to the foundation of the residential structure, including a garage (the "Drainage Easements"), together with all necessary rights of ingress, egress and regress to and from the Drainage Easements. The Drainage Easements shall also extend to and shall apply for the purposes of installing, maintaining, repairing, replacing or removing any utilities, including but not limited to, water, sewer, paving, gas or electric (the "Utility Easements"), together with all necessary rights of ingress, egress and regress to and from the Utility Easements. Declarant hereby additionally reserves for itself, and for its successors and assigns, the right of unobstructed access, ingress, egress and regress to, from, over, under and across all Drainage Easements for purposes of excavating to the extent reasonably necessary, and constructing, maintaining, repairing and reconstructing drainage swales, lines, drains and such other things and devices ("Drainage Devices") upon, over, across or under any Drainage Easement as Declarant deems appropriate. THE FOREGOING SHALL NOT BE CONSTRUED TO OBLIGATE DECLARANT TO CONSTRUCT, MAINTAIN, REPAIR OR RECONSTRUCT ANY DRAINAGE DEVICES OF ANY TYPE OR KIND WHATSOEVER, AND ANY REPRESENTATION, WARRANTY OR IMPLICATION AS TO SAME IS HEREBY SPECIFICALLY DISCLAIMED.

Encroachments. In the event of encroachment by any Drainage Device, including any overhead and overhanging encroachments and any encroachments which are completely underground, such as for example but without limitation any overhang by gutters or underground drainage lines for such gutters (including downspouts for same), it shall be deemed that the owner of the lot encroached upon (or into) has granted a perpetual easement for the continuing maintenance and use of the encroaching Drainage Device, and for maintenance, repair or replacement thereof. The provisions hereof shall be subject to reasonable rules and regulations as may hereafter be imposed by Declarant or a homeowners' association established for the Subdivision.

Owner Obligations. Once established and for so long as continued maintenance thereof is reasonably necessary, all Drainage Easements and Drainage Devices shall remain unobstructed, and each Drainage Device and all private utilities shall be properly maintained by each owner of each lot to which same pertains or by a homeowners' association established for the Subdivision. No construction, grading or any other work, act or activity is permitted upon any lot which would obstruct, alter, divert, increase, accelerate or impede the natural flow of water over any Drainage Easements, or otherwise obstruct, alter, divert, impede or impair the proper

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functioning of any Drainage Device. In addition, the owner of each lot must perform such work, acts or activities and install and maintain such Drainage Devices (i) as is reasonably necessary to prevent, so far as practical, drainage from the owner's lot to any other lot or to any common area, and (ii) as needed to maintain, so far as practical, positive drainage away from the foundation of the residence located upon the owner's lot.

EXECUTED this 9 day of June, 2006.

HWD, LTD.
a Texas limited partnership
"Declarant"
By: HAHNFELD WITMER DAVIS INC.,
a Texas corporation,
its general partner

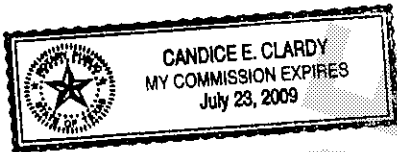
JK

By: *[Signature]*
WORTH W. WITMER, President

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 9 day of JUNE, 2006, by WORTH W. WITMER, President of HAHNFELD WITMER DAVIS INC., a Texas corporation, on behalf of the corporation as general partner of HWD, LTD., a Texas limited partnership, on behalf of the partnership.



[Signature]
Notary Public, State of Texas
Name: _____
My Commission Expires: _____

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AFTER RECORDING RETURN TO:

LOU W. BURTON
WILLIAMS, BIRNBERG & ANDERSEN, LLP
2000 Bering Drive, Suite 909
Houston, Texas 77057-3746

✓✓
COPY

FAWP\Lwb\bahwd\Regent Sq\Com Area Utility & Drainage Easements & Restr.wpd

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ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

JUN 12 2006



Dorely G. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Bonnie R. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

2006 JUN 12 PM 1:51

FILED

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