



**BAY COLONY WEST HOMEOWNERS ASSOCIATION, INC.**

**SUPPLEMENTARY DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
ANNEXATION OF BAY COLONY POINTE WEST SECTION FOUR**

STATE OF TEXAS                   §  
                                          §    KNOW ALL MEN BY THESE PRESENTS THAT  
COUNTY OF GALVESTON       §

WHEREAS, BAY COLONY EXPANSION 369, LTD., ("Declarant"), executed that certain Declaration of Covenants, Conditions and Restrictions for Bay Colony West Single Family Residential areas dated August 24, 2004 (the "Declaration") recorded under Clerk's File No. 2004 058774 of the Official Public Records of Real Property of Galveston County, Texas; and

WHEREAS, by terms of said Declaration, land subject to the Declaration is placed within the jurisdiction of the Bay Colony West Homeowners Association, Inc. (the "Association"); and

WHEREAS, Article VIII, Section 1 of the Declaration allows Declarant, as owner thereof, the unilateral right, privilege and option, but not the obligation, at any time and from time to time to annex additional real property within the Bay Colony West project or in the vicinity of such project to the jurisdiction of the Association by filing for record a declaration of annexation instrument or Supplemental Declaration; and

WHEREAS, Declarant is the sole owner of a certain 19.65 acres of land out of the Perry and Austin Upper League Survey, A-19, City of League City, Galveston County, Texas containing 71 Lots and 5 Reserves, more fully described on Exhibit "A" attached hereto and made a part hereof for all purposes (hereinafter referred to as "Bay Colony Pointe West Section Four");

NOW, THEREFORE, pursuant to the power reserved in the Declaration, Declarant does hereby declare that Bay Colony Pointe West Section Four is hereby added and annexed into the boundaries of the land covered by the Declaration and is hereby subjected to the authority of the Association in accordance with the terms of the Declaration to the same extent as if Bay Colony Pointe West Section Four had been named and described in the Declaration.

Pursuant to its power under the Declaration, Declarant does further wish to establish certain terms and conditions that will only relate to Bay Colony Pointe West Section Four and not to the other sections of Bay Colony West:

1. Article IV, Section 5. Easements for Association is amended to add the following paragraph:

Pursuant to the Association's easement for constructing, repairing, and/or reconstructing the fence or wall that has been erected by Declarant in accordance with Article VII, Section 24; the Association will maintain certain fences in Bay Colony Pointe West Section Four located on the common boundary lines listed below:

(a) The capped wood fence located on the common boundary of Lots 8 - 10 of Block 2 and Reserve "B".

(b) The capped wood fence with stone columns located on the common boundary of Lots 1 - 4 of Block 2 and Reserve "C".

(c) The capped wood fence with stone columns located on the common boundary of Lots 1 - 8 of Block 1 and Reserve "D".

(d) The capped wood fence located on the common boundary of Lots 11 - 12 of Block 4 and Reserve "E".

2. Article VII, Section 2. Living Area Requirements is hereby deleted in its entirety for Bay Colony Pointe West Section Four only, to be replaced with the following:

Section 2. Living Area Requirements. The total living area of the Single Family Residence on a Lot, exclusive of porches and garages, shall not be less than thirteen hundred (1,300) square feet.

3. Article VII, Section 24. Walls and Fences is amended to add the following paragraphs:

(d) Fences on Corner Lots: On corner lots (which have both a front street and a side street), the fence along the side street is to be located one-half ( $\frac{1}{2}$ ) the distance between the property line and the platted building line ("B.L."). For example, if there is a ten (10) foot wide B.L. along the side street, the fence must be located no less than five (5) feet inside the property line. No variance pursuant to Article VI, Section 8 can be granted for this Specific Use Restriction.

Fences on corner lots must be far enough forward to screen any air conditioning units located beside the Single Family Residence. Additionally, a continuous wax ligustrum hedge must be planted along the entire length of the side fence line and kept trimmed to a height of no greater than five (5) feet.

4. Article VII, Section 15. Landscaping is amended to add the following paragraph:

(g) Trees: Each Owner shall be responsible for maintaining and replacing, if needed, the front yard trees and street trees as follows:

(i) Front Yard Trees. Each front yard requires a minimum of two (2) trees planted between the Single Family Residence and the sidewalk. The required trees must be container-grown hardwoods (live oak, red oak, or water oak), measuring three (3) inches in caliper when measured twelve (12) inches above grade. Front yard trees must have a minimum height of ten (10) feet and a minimum spread of five (5) feet. Additional trees of other species may be added, but they must supplement, not replace the required trees.

(ii) Street Trees. Street trees are planted between the sidewalk and the curb. For interior lots measuring fifty (50) feet wide or more two (2) street trees are required. For interior lots less than fifty (50) feet wide, one (1) street tree is required. For corner lots of all sizes, street trees are to be installed thirty (30) feet on center along the front street and side street. Street trees are to be fifteen (15) gallon, container-grown live oaks, one and one-half (1½) inches in caliper when measured twelve (12) inches above grade, with a minimum height of eight (8) feet and a minimum spread of five (5) feet.

5. Article VII, Section 17. Mailboxes and House Numbers is hereby deleted in its entirety to be replaced with the following:

Section 17. Mailboxes and House Numbers. All mail delivery is made in one or more USPS-installed Cluster Box Unit (CBU). No individual mail boxes are allowed for any residential lot. Each Lot shall have a street address number made of materials in colors specified by the Architectural Review Committee in keeping with the overall character and aesthetics of the community.

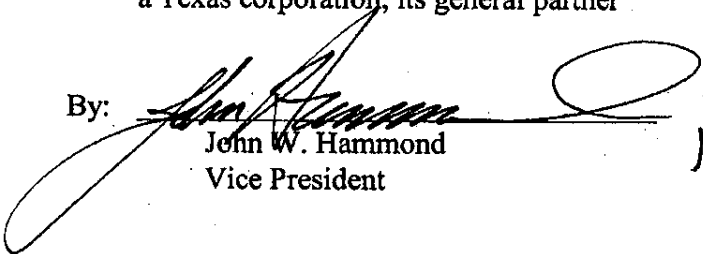
6. Nothing herein contained is intended or shall be construed to amend the Declaration other than to (i) add and annex Bay Colony Pointe West Section four as stated above, and (ii) to specify terms and provisions of the Declaration which are applicable to specific lots and land within Bay Colony Pointe West Section four.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this 15th day of April 2008.

**Declarant**

**BAY COLONY EXPANSION 369, LTD.**  
a Texas limited partnership

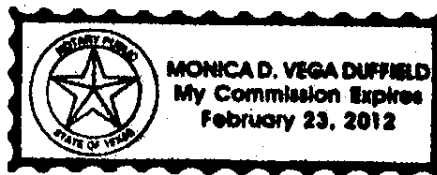
By: Lennar Texas Holding Company,  
a Texas corporation, its general partner

By:   
John W. Hammond  
Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on this 15th day of April, 2008 by John Hammond, Vice President of Lennar Texas Holding Company, a Texas corporation, on behalf of said corporation.

  
Notary Public, State of Texas



**After Recording please return to:**  
Friendswood Development Company  
550 Greens Parkway, Suite 100  
Houston, TX 77067-4526

Attn: Monica Vega-Duffield

**EXHIBIT "A"**  
**BAY COLONY POINTE WEST, SECTION FOUR**

Being a 19.65 acre (855,920 square feet) tract of land out of Lot "A", Subdivision Seven (7), and Lot "A", Subdivision Eight (8), recorded in Volume 321, Page 175, in the Deed Records of Galveston County, Texas, situated in the **PERRY AND AUSTIN UPPER LEAGUE, ABSTRACT NO. 19**, Galveston County, Texas, said 19.65 acres being partially out of that certain tract of land conveyed to Bay Colony Expansion 369 LTD by instrument recorded under Clerk's File Number 2002012051, Official Public Records of Real Property, Galveston County, Texas (O.P.R.R.P.G.C.TX); said 19.65 acres being more particularly described by metes and bounds as follows, with all bearings being referenced to the Texas State Plane Coordinate System, South Central Zone 4204, and League City Monument No. 10 (all distances shown are surface distances and may be converted to Grid by applying a combined scale factor of 0.999865013):

**BEGINNING** at an iron rod with cap set for the most Northerly corner of the herein described tract, said point being the point of intersection for the Southeasterly line of Borden's Gully, a 170 foot wide drainage right-of-way, and the Westerly line of Calder Road, a 60 foot wide public roadway right-of-way, same being the Westerly line of Bay Colony Meadows West, Section Two, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Plat Record 2004A, Map Number 110, Galveston County Map Records, said point being at the arc of a curve to the right having a radius of 800.00 feet;

**THENCE** Southeasterly, along the arc of said curve to the left, same being the Westerly line of said Calder Road, an arc distance of 422.01 feet through a central angle of  $30^{\circ}13'27''$ , the chord of which curve bears  $S\ 03^{\circ}44'31''\ E$ , 417.13 feet to an iron rod with cap set marking a point for tangency, said point being at the Westerly line of Bay Colony Meadows West, Section One, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Plat Record 2004A, Map Number 112 of the Map Records in the Office of the County Clerk of Galveston County, Texas;

**THENCE**  $S\ 11^{\circ}22'12''\ W$ , along the Westerly line of said Calder Road, a distance of 254.19 feet to an iron rod with cap set marking a point for curvature of a tangent curve to the left having a radius of 590.00 feet and a central angle of  $24^{\circ}06'42''$ ;

**THENCE** Southeasterly, along the arc of said curve to the left, an arc distance of 248.29 feet, the chord of which curve bears  $S\ 00^{\circ}41'09''\ E$ , 246.46 feet to an iron rod with cap set marking a point for tangency;

**THENCE**  $S\ 12^{\circ}44'29''\ E$ , along the Westerly line of said Calder Road, a distance of 138.21 feet to an iron rod with cap set marking a point for curvature of a tangent curve to the right having a radius of 720.00 feet and a central angle of  $21^{\circ}28'04''$ ;

**THENCE** Southeasterly, along the arc of said curve to the right, same being the Westerly line of said Calder Road, an arc distance of 269.77 feet, the chord of which curve bears  $S\ 02^{\circ}00'27''\ E$ , 268.20 feet to an iron rod with cap set marking a point for tangency, said point being at the Westerly line of Bay Colony Pointe West, Section Two, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Plat Record 2004A, Map Number 116 of the Map Records in the Office of the County Clerk of Galveston County, Texas;

**THENCE**  $S\ 08^{\circ}43'35''\ W$ , along the Westerly line of said Calder Road, a distance of 4.09 feet to an iron rod with cap set for corner, said point being the beginning of a non-tangent curve to the left having a radius of 25.00 feet and a central angle of  $93^{\circ}34'42''$ ;

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**THENCE** Northwesterly, along the arc of said curve to the left, an arc distance of 40.83 feet, the chord of which curve bears N 38°03'46" W, 36.44 feet to an iron rod with cap set marking a point for compound curvature of a tangent curve having a radius of 720.00 feet and a central angle of 08°10'44";

**THENCE** Northwesterly, along the arc of said curve to the left, an arc distance of 102.78 feet, the chord of which curve bears N 88°56'29" W, 102.69 feet to an iron rod with cap set marking a point for tangency;

**THENCE** S 86°58'09" W, a distance of 20.40 feet to an iron rod with cap set marking a point for curvature of a tangent curve to the left having a radius of 25.00 feet and a central angle of 90°00'00";

**THENCE** Southwesterly, along the arc of said curve to the left, an arc distance of 39.27 feet, the chord of which curve bears S 41°58'09" W, 35.36 feet to an iron rod with cap set for corner;

**THENCE** S 86°58'09" W, a distance of 60.00 feet to an iron rod with cap set for corner;

**THENCE** S 03°01'51" E, a distance of 90.76 feet to an iron rod with cap set for corner;

**THENCE** Southwesterly and Northwesterly directions, along the Southerly line of the herein described tract, the following courses and distances:

S 86°58'09" W, 115.00 feet to an iron rod with cap set for angle to the right;

N 86°37'45" W, 124.21 feet to an iron rod with cap set for angle to the left;

S 83°17'37" W, 180.85 feet to an iron rod with cap set for angle to the left; and,

S 78°52'57" W, 101.01 feet to an iron rod with cap set for corner;

**THENCE** Northwesterly and Northeasterly directions, along the Westerly line of the herein described tract, the following courses and distances:

N 15°02'34" W, 213.24 feet to an iron rod with cap set for angle to the right;

N 12°55'39" W, 58.99 feet to an iron rod with cap set for angle to the right;

N 11°24'30" W, 60.05 feet to an iron rod with cap set for angle to the right;

N 05°58'54" W, 55.99 feet to an iron rod with cap set for angle to the right;

N 03°17'49" W, 96.44 feet to an iron rod with cap set for angle to the right;

N 09°01'42" E, 41.92 feet to an iron rod with cap set for angle to the right;

N 24°34'21" E, 41.92 feet to an iron rod with cap set for angle to the right;

N 40°06'59" E, 41.92 feet to an iron rod with cap set for angle to the right;

N 55°39'38" E, 41.92 feet to an iron rod with cap set for angle to the right; and,

N 71°07'33" E, 41.80 feet to an iron rod with cap set for corner;

**THENCE** N 10°57'39" W, a distance of 175.00 feet to an iron rod with cap set for corner, said point being the beginning of a non-tangent curve to the right having a radius of 330.00 feet and a central angle of 06°10'44";

**THENCE** Northeasterly, along the arc of said curve to the right, an arc distance of 35.59 feet, the chord of which curve bears N 82°07'43" E, 35.57 feet to an iron rod with cap set for corner;

**THENCE** N 04°46'55" W, a distance of 174.52 feet to an iron rod with cap set for corner, said point being at the Southeasterly line of said Borden's Gully;

**THENCE** Northeasterly, along the Southeasterly line of said Borden's Gully, the following courses and distances:

N 68°02'49" E, 31.12 feet to an iron rod with cap set for angle to the left;

N 64°29'09" E, 27.42 feet to an iron rod with cap set for angle to the left;

N 61°27'03" E, 45.59 feet to an iron rod with cap set for angle to the left;

N 58°09'39" E, 73.88 feet to an iron rod with cap set for angle to the left;

N 55°30'54" E, 228.08 feet to an iron rod with cap set for angle to the left;

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N 53°07'00" E, 32.27 feet to an iron rod with cap set for angle to the left;  
N 49°55'30" E, 40.58 feet to an iron rod with cap set for angle to the left;  
N 45°19'55" E, 41.15 feet to an iron rod with cap set for angle to the right;  
N 47°55'19" E, 19.45 feet to an iron rod with cap set for angle to the right;  
N 53°52'51" E, 28.65 feet to an iron rod with cap set for angle to the right; and,  
N 56°01'23" E, 281.67 feet to the **POINT OF BEGINNING** and containing within said  
boundaries a calculated area of 19.65 acres (855,920 square feet) of land.

**FILED AND RECORDED**



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2008020616

April 15, 2008 02:52:28 PM

FEE: \$40.00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS