

JADE

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AMENDED
DECLARATION OF ANNEXATION
FOR
JADE ISLAND AT LAKE OLYMPIA

THE STATE OF TEXAS X
 X
COUNTY OF FORT BEND X

THIS AMENDED DECLARATION OF ANNEXATION is made by LAKE OLYMPIA DEVELOPMENT CORPORATION, a Delaware corporation, ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of all or a portion of the properties described on Exhibits "A", "B", and "C" which are attached hereto and incorporated by reference for all purposes (the "Property") upon which Declarant is in the process of developing a residential/mixed use commercial community known as Lake Olympia pursuant to a common or uniform plan or scheme of development:

AND, WHEREAS, by virtue of Declaration of Covenants, Conditions, and Restrictions ("Declaration") recorded in Volume 1355 at Page 709 of the Deed Records of Fort Bend County, Texas, Declarant has created, out of the portion of the Property which is more particularly described in the Declaration, a subdivision known as PALMER PLANTATION AT LAKE OLYMPIA, SECTION ONE and has imposed upon such subdivision the covenants, conditions, and restrictions described in the Declaration above (the Declaration and any and all amendments and supplements thereto being hereinafter called the "Declaration");

AND, WHEREAS, as contemplated by the Declaration, Declarant now desires to create, out of that portion of the Property, more particularly described in Exhibit "D" which is attached hereto and incorporated herein by reference for all purposes, a subdivision to be known as JADE ISLAND AT LAKE OLYMPIA, (the "Subdivision") and to impose upon the property constituting the Subdivision, the covenants, conditions, and restrictions described in the Declaration, except to the extent that the same are modified or amended herein, all as a part of Declarant's uniform plan or scheme for development of the Property;

AND, WHEREAS, by virtue of this Amended Declaration of Annexation for Jade Island at Lake Olympia, Declarant hereby replaces that certain Declaration of Annexation for Jade Island at Lake Olympia, which is recorded in File Number 1999097226 of the Official Records of Fort Bend County, Texas.

NOW, THEREFORE, Declarant hereby declares that all of the Subdivision shall be held, sold, and conveyed subject to all of the easements, restrictions, covenants, and conditions described in the

Declaration, which is incorporated herein by reference for all purposes, except to the extent that the Declaration is specifically amended herein, all of which easements, restrictions, covenants, and conditions shall be binding upon any person or entity owning or claiming any right, title, or interest in or to any portion of the property constituting the Subdivision, and their heirs, successors and assigns, and all of which shall inure to the benefit of, and be enforceable by, Declarant and each Owner (as defined in the Declaration); provided, however, that the easements, restrictions, covenants, and conditions of the Declaration, so far as they affect the Subdivision, are amended as follows:

1. The Subdivision shall constitute, and the restrictions, covenants, and conditions of this Declaration of Annexation shall only cover and affect the following described property:

Lots One (1) through Lot Ninety-One (91) inclusive in Block One (1). And all in the Final Plat of Jade Island at Lake Olympia a subdivision in Fort Bend County, Texas, according to the map or plat thereof recorded in Slide No. 2275 B in the Plat Records of Fort Bend County Texas. 2276 A

2. Lots One (1), Two (2), Five (5), Six (6), Seven (7), Thirty-Seven (37) through Forty (40), and Forty-Five (45) through Ninety-One (91) inclusive in Block One (1) within this Subdivision are hereby declared to be Waterway Lots in all respects except for the collection of a Waterway Assessment.
3. All Lots within this subdivision are hereby declared Private Road Lots, as hereinafter defined.
4. There is added to Article I, new sections 21, 22, 23, 24 as follows:

Section 21. "Private Road" shall mean and include any pavement, road, retaining walls, or other access, all or a portion of which is so designated on any plat, amending plat or replat of the Subdivision and is restricted in use within the Property or the Subdivision, up to the curb or shoulder along such Private Road, together with any adjacent areas contained within the boundaries of any right of way applicable to such Private Road, the ground or bottom thereunder, and any structures now or hereafter located upon or within such Private Road except residential driveway approaches. The use of which is restricted to owners of property adjacent to the Private Road, their invitees, agents, etc. and to the Declarant, utility companies, governmental agencies, the Homeowner's Association, their invitees, agents, etc.

Section 22. "Private Road Assessment" shall mean an assessment levied only against the Private Road Lots (as defined herein) the proceeds of which shall be used to repair, maintain, rebuild, restore, and style or otherwise service any portion of a Private Road and any roadway or setback between a Private Road and the property which it adjoins.

Section 23. "Private Road Lot" shall mean a Lot, any portion of which is bounded by, or which fronts upon or backs up to a Private Road or any portion of a Private Road and shall include, without limitation, those lots designated as Private Road Lots in any Declaration of annexation hereafter executed and recorded by Declarant.

Section 24. "Easements" shall mean and refer to the various utility, maintenance, and other easements of record, easements shown on the Plat, and such other easements as are created or referred to in this Declaration.

5. There is added to Article III new sections 14 and 15 as follows:

Section 14. Private Road Assessments. In addition to the General Assessment, the Association shall levy a Private Road Assessment which shall be assessed against, and shall only be applicable to, Private Road Lots, and shall be subject to the following conditions and limitations:

- (a) The amount of the Private Road Assessment applicable to any Private Road Lot shall not exceed one hundred percent (100%) of the maximum General Assessment which could be assessed against such Lot under the provisions of Section 5 above, unless a greater assessment is consented to, or voted upon by the owners of two-thirds (2/3) of all Private Road Lots in the Subdivision.
- (b) The Private Road Assessment shall be assessed against each Private Road Lot on an equal basis regardless of frontage along any Private Road.

- (c) The actual amount of any Private Road Assessment shall be set by the Board, upon majority vote, provided that it does not exceed the maximum amounts authorized herein.
- (d) The proceeds of any Private Road Assessment shall be used by the Association to repair, maintain, restore, rebuild, replace, secure, preserve, or improve, in any way, any pavement, shoulder, retaining walls, or other facility of a Private Road and its adjoining property, including, without limitation, any facilities which support or are ancillary to, any pavement or area between curb and Right-of-Way reflected on the plat, amending plat, replat, or serving the Subdivision.
- (e) The Private Road Assessment shall not take effect or be assessed until January 1, 2003. The minimum Private Road Assessment beginning January 1, 2003 and continuing every year thereafter shall be \$50.00 per Lot. The Private Road Assessment applicable to any Lot owned by an Active Builder upon which no Living Unit has been fully constructed by January 1st of each year shall be fifty percent (50%) of the rate applicable to all other Lots subject to such Private Road Assessment in the same year. Any Lot owned by Declarant, or any subsidiaries owned by Declarant, shall be exempt from such Private Road Assessment.

Section 15, Private Area Assessment. The Association shall have the right to levy and collect an assessment ("Private Area Assessment") which shall be assessed against and shall only be applicable to the Subdivision. The proceeds of the Private Area Assessment shall be used as herein after described. The Private Area Assessment shall be subject to the following conditions and limitations:

- (a) The amount of the Private Area Assessment shall not exceed one-hundred percent (100%) of the maximum General Assessment which could be assessed against such Lot under the provisions of Section 5 above, unless a greater assessment is consented to or voted upon by the owners of two-thirds (2/3) of all Private Area Lots in the Subdivision.
 - (b) The Private Area Assessment shall be assessed against each Lot in the Subdivision on an equal basis.
 - (c) The actual amount of the Private Area Assessment shall be set by the Board upon a majority vote, provided it does not exceed the maximum amounts authorized herein.
 - (d) The proceeds of the Private Area Assessment shall be used by the Association to repair, maintain, restore, rebuild, replace, secure, preserve, or improve, in any way, the controlled access entry system, landscaping, entry structures, community docks, street lights, bridge lights, and related appurtenances, including any facilities which support or are ancillary to any Reserve or any entry area reflected on the plat, amending plat, or replat serving the Subdivision.
 - (e) The Private Area Assessment shall not take effect or be assessed until January 1, 2003. The Private Area Assessment applicable to any Lot owned by an Active Builder upon which no Living Unit has been fully constructed by January 1st of each year shall be fifty percent (50%) of the rate applicable to all other Lots subject to such Private Area Assessment in the same year. Any Lot owned by Declarant, or any subsidiaries owned by Declarant, shall be exempt from such Private Area Assessment.
6. Article V, Section Four, "Approval of Plans" is hereby amended to the following extent, and to the following extent only:
- (a) Plans for landscaping and lighting of a particular Lot need not be submitted to the Architectural Control Committee for approval until such time as the Builder or Owner of such lot is ready, or is obligated, to proceed with installation of landscaping and lighting;
 - (b) The final working plans and specifications need not include details of interior mechanical, electrical, and plumbing fixtures, systems or installations, but shall include details of any exterior mechanical, electrical and plumbing structures;
 - (c) In the case of a Builder, the Architectural Control Committee may approve a partial preliminary site plan which reflects the exterior elevation, size, and configuration of the proposed Living Unit and ancillary buildings, and reasonably identifies and describes all exterior colors and materials, provided that the actual preliminary plan, and final plan, for such Lot, comply with, and follow, such partial preliminary site plan.
 - (d) All plans submitted to the Architectural Control Committee, including partial, preliminary, and final plans shall show the location of the proposed foundation or slab upon each Lot. The Architectural Control Committee shall have the right to require that the slab or foundation be located within the Lot and/or that a tree preservation technology be used to the extent that the Architectural Control

Committee believes that this may help to preserve the maximum number of trees upon the Lot or within the Subdivision.

7. The following Sections of Article VII are amended as follows:

Section 2. Improvement on Lots. No building or other structure of any kind or type shall be constructed, maintained, or allowed on any Lot other than: (i) one attached single-family dwelling, which shall not exceed two and one half (2 1/2) stories in height; (ii) no more than two (2) private garages for no less than two (2) nor more than four (4) passenger cars and servant's quarters for household and domestic employees actually employed by the Owner or resident of the Lot, which garages shall not face any Waterway unless specifically approved in writing by the Architectural Control Committee; and (iii) a greenhouse to grow plants solely for family or household purposes of the Owner or resident of the Lot, which greenhouse must not be visible from the street or adjacent property unless agreed to in writing by the Architectural Control Committee, and plans for construction and location of which must be approved by the Architectural Control Committee prior to construction of such greenhouse. No carports (which shall not include porte-cocheres) shall be allowed on any Lot unless specifically approved in writing by the Architectural Control Committee.

Some part of the property conveyed herein may be wetlands, part of the waters of the United States, as defined by the Federal Water Pollution Prevention and Control Act (Clean Water Act) and regulations promulgated thereunder. As such, the part of the property identified as wetlands may be subject to the jurisdiction of the United States Army Corps of Engineers pursuant to the Clean Water Act. Discharge of dredged or fill material into these waters requires a permit issued by the Corps of Engineers under 33 U.S.C. 1344 (1986 & Supp 1988). As currently defined by the Corps of Engineers, fill material means "any material used for the primary purpose of replacing an aquatic area with dry land or changing the bottom elevation of any waterbody." 33 C.F.R. 323.2 (e) (1989). Certain minor construction projects and other discharges may be conducted without an individual permit, as provided for by Corps of Engineers' issuance of a general permit authorizing such specific activities. Any projects involving the discharge of dredged or fill material into wetlands or other waters must be undertaken in accordance with current existing regulations.

Lake Olympia Development Corporation has been covered by a Corps of Engineers Permit No. 16350 (01). All designated wetlands are to be preserved. To aid this, a buffer zone has been designated, in certain areas approximately fifty (50) feet on either side of the existing shoreline, and lake access is to be by boardwalk. No fill or structures, excluding boardwalks or fences where permitted, including temporary structures, shall be placed in the wetlands buffer zone designated on the subdivision plat.

Section 6. Frontage. All improvements shall be constructed on Lots so as to front the street upon which the Lot faces. A corner Lot shall be deemed to face toward the street which is furthest from the building setback line for such Lot. The front exterior wall of a dwelling shall be constructed so as to lie either parallel to the street upon which the Lot faces, or at an angle thereto which does not exceed Forty-five (45) degrees, unless otherwise permitted by the Architectural Control Committee.

Section 7. Size. Each Living Unit constructed upon a Lot within the Subdivision shall contain not less than 1,500 square feet of living area. All computations of living area shall be exclusive of opened or screened porches, terraces, patios, driveways, garages, servant's quarters and/or greenhouses. Measurements shall be made to the face of the outside walls of the living area.

Section 8. Roofing Material. The roof of any Living Unit (including any garage or servant's quarters) shall be constructed or covered with (i) wood shingles which have been treated with fire retardant as prescribed by the ordinances of the City of

Missouri City as then in existence, (ii) asphalt or composition type shingles of a minimum of 300 pound dimensional type, comparable in color to aged or weathered wood shingles, or (iii) concrete tile. The decision of such comparison shall rest exclusively with the Architectural Control Committee. Any other type of roofing materials shall be permitted only at the sole discretion of the Architectural Control Committee and shall not be deemed approved until approved in writing.

Section 9. Garages. Unless the Architectural Control Committee specifically agrees otherwise in writing, each Living Unit shall have an attached enclosed private garage,

but in no event more than two (2) garages for not less than two (2) nor more than four (4) passenger cars. Each owner or resident of a Lot shall keep all doors to the private garage shut at all times when it is not necessary to keep such doors open. Garages shall be used only for passenger cars and other vehicles, including boats or trailers, of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. No garage doors shall face any Waterway unless specifically approved in writing by the Architectural Control Committee.

* Section 10. Fences. Unless otherwise specifically agreed in writing by the Architectural Control Committee, no building, fence, or other structure shall be placed or built on any Lot nearer to the front lot line or nearer to a side street line than the building setback lines shown on the subdivision plat nor in any front yard. No building or other structure (except for a fence) shall encroach on any easement reflected on the Subdivision plat. Only black wrought iron fences, with spacings not less than four (4) inches nor more than six (6) inches and not to exceed four (4) feet in height, shall be allowed along any Waterway unless specifically approved in writing by the Architectural Control Committee.

All dedicated drainage easements reflected on the Subdivision plat shall be kept free of all fences, buildings, plantings, and other obstructions that interfere with drainage. Only wrought iron fences with spacings not less than four (4) nor more than six (6) inches shall be allowed within the drainage easement. All improvements within the drainage easement shall be subject to the approval of the party ultimately responsible for its maintenance as a drainage easement.

Section 24. Driveways. Unless the Architectural Control Committee agrees otherwise, each lot (except for corner lots which may have driveway access either to the front street or side street) shall have driveway access to the street on which the Lot faces. Subject to the foregoing limitation, the Owner of each Lot shall share in the construction and maintenance at his expense of a driveway from his garage to an abutting street, including the portion of the street easement, and he shall repair at his expense any damage to the street occasioned by connecting his driveway thereto.

Section 29. Variety of Living Units. No Builder, Owner or agent of Owner, shall be allowed to place on any lots any Living Units with the same or substantially similar elevation, as is reasonably determined by the Association, in an area of (i) as it relates to building compounds on the same side of the street, the same elevation shall not appear unless at least one (1) Living Unit with a substantially different elevation between it and (ii) as it relates to Living Units across the street from each other shall not repeat itself unless there is at least one (1) Living Unit of a substantially different elevation between it inclusive of any Living Unit(s) across the street.

Section 30. Exterior Lighting. The approval of the Architectural Control Committee must be obtained in writing prior to the installation of any floodlights, flood lamps, gas lights, or any other type of exterior lighting on any Lot.

8. There is added to Article VII new Sections 33, 34, 35, 36, 37, 38, 39, and 40 as follows:

Section 33. Window Coverings. Each Owner and occupant of a Living Unit shall provide drapes, blinds, or window coverings, the exterior of which, when such window coverings are closed, shall be of white or neutral color.

* Section 34. Height Restrictions on Waterway Lot. No portion of any deck, porch, dock, pier, patio, or other similar structure shall be erected or allowed to extend on any portion of any WATERWAY LOT to a height of more than (3') feet above the natural elevation of the Lot at any point on the Lot. No structure, fences, or landscaping of any kind shall be so placed on the portion of any WATERWAY LOT behind the house erected thereon so as to prevent or impair the view of any lake or Waterway from any adjoining WATERWAY LOT. No portion of any deck, porch, dock, pier, patio, or other similar structure shall be erected or allowed to extend on any portion of any WATERWAY LOT beyond ten feet (10') of the rear property line (or side property line if it should lie along a waterway) at any point on the Lot, unless approved in writing by the Architectural Control Committee. No portion of any deck, porch, dock, pier, patio, or other similar structure that extends beyond the property line shall be wider than twenty feet (20'), unless approved in writing by the Architectural Control Committee. *

Section 35. Tree Preservation. The following shall apply to all lots containing existing trees:

(a) For the purposes of tree preservation the term "tree" shall mean those that are more than six (6) inches in diameter at a height of five (5) feet from the existing ground, except as noted.

- (b) Every effort must be made to locate all improvements, drives, trenches, and other structures to be placed upon the Lot in such a way as to minimize the number of trees which must be cut or removed.
- (c) A site plan reflecting the location of all existing trees and their species, and the proposed location of all improvements including houses, garages, driveways, walkways, patios, decks, fill, and any other improvement, structure, or facility to be placed upon the Lot shall be submitted and shall require the approval of the Architectural Control Committee prior to the commencement of construction.
- (d) A tree preservation plan reflecting the steps to be taken to protect and preserve existing trees during construction and as a result of proposed improvements shall be submitted and shall require approval by the Architectural Control Committee prior to the commencement of construction.
- (e) The Architectural Control Committee shall have the right to require the installation of a tree or trees of the species and size not exceeding eight (8) inches in diameter at a height of five (5) feet from existing ground, to compensate for losses and/or damages due to construction or improvements to be placed on the Lot.

Section 36. Maintenance of Rear Yards, Decks, Porches, Docks, Piers, and Patios. Rear yards, decks, porches, docks, piers, patios, and other similar structures shall be kept neat in appearance. Except for normal and customary patio furniture, storage of household goods, furniture, appliances, or any other similar item shall not be allowed.

Section 37. Utility Easements, Liability. Declarant, its successors and assigns, reserves the easements and rights-of-way as shown on the Plat for the purpose of constructing, maintaining, and repairing a system or systems of electric lighting, electric power, cable television and telephone line or lines, gas, sewers, or any other utility Declarant sees fit to install in, across, and/or under the Properties.

Neither Declarant, its assigns, agents, employees, or servants nor any utility company using the easements herein before referred to shall be liable for any damages done by them to fences, shrubbery, trees, or flowers or other property of the Owner situated on the land covered by said easements.

It is expressly agreed and understood that the title conveyed by Declarant to any Lot or parcel of land within the Properties by contract, deed or other conveyance shall be subject to any easement affecting same for roadways or drainage, water, gas, sewer, storm sewer, electric light, electric power, cable television, or phone purposes and shall convey no interest in any pipes, lines, poles, or conduits or in any utility facility or appurtenances thereto constructed by Declarant, or any easement Owner or their agents, through, along or upon the premises affected, the right to maintain, repair, sell, or lease such appurtenances to any municipality or other governmental agency or to any public service corporation or to any other party, is hereby expressly reserved by Declarant.

Section 38. Type of Construction.

- (a) The construction of any residence shall involve the use of not less than eighty percent (70%) brick veneer, stone, stucco, or other masonry around the outside perimeter of the building.
- (b) No window or wall-type air conditioners shall be permitted to be used, erected, placed or maintained on or in any building in any part of the Properties, in such a manner that it may be viewed from the street or waterway on which the Lot fronts, sides or backs.

Section 39. Building Location. No main residence building or attached garage nor any part thereof shall encroach upon any utility easement, wetlands or designated buffer zones.

Section 40. Lot Drainage. Each owner of a Lot agrees for himself, his heirs, or successors in interest that he will not in any way interfere with the established drainage pattern over his Lot from adjoining or other Lots in said tract; and he will make adequate provisions for proper drainage in the event it becomes necessary to change the established drainage over his Lot. For the purposes hereof, "established drainage" is defined as the drainage which occurred at the time that the overall grading of said tract, including landscaping of any Lots in said tract, was completed by Declarant.

Section 41. Community Docks. Declarant, at his sole discretion, may construct community docks within the Subdivision, at specific locations to be chosen by Declarant, for the common enjoyment of residents within the Subdivision, including, but not limited to, docking and storing of boats, fishing, and other recreational uses to be determined by the Board.

9. The Declaration is further amended by substitution of the Exhibits "E" and "F" which are attached hereto and incorporated herein by reference for all purposes, for the Exhibits "E" and "F" which are attached to the Declaration.
10. Except to the extent that the Declaration is specifically amended herein, all of the covenants, conditions, restrictions, and reservations contained in the Declaration shall be and remain in full force and effect.
11. All words, phrases, or terms used herein shall have the same meaning as contained in the Declaration, unless a contrary definition is given herein.

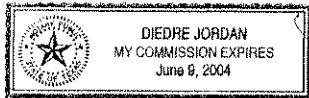
IN WITNESS WHEREOF, the undersigned being the Declarant herein, has hereunto set its hand and seal this 4 day of March, 2002.

LAKE OLYMPIA DEVELOPMENT CORPORATION
a Delaware Corporation

BY: 
ANDREW CHOY, President

THE STATE OF TEXAS X
 X
COUNTY OF FORT BEND X

This instrument was acknowledged before me on the 4 day of March, 2002 by ANDREW CHOY, President of LAKE OLYMPIA DEVELOPMENT CORPORATION, a Delaware Corporation, on behalf of said corporation.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

STREET TREE GUIDELINES

STREET TREE GUIDELINES GOALS

Goals for street tree use:

1. Define pedestrian and vehicular space
2. Provide a sense of visual unity
3. Provide shade and limited noise abatement
4. Reduce impact of pavement surface, this reducing heat and glare
5. Provide a palette of appropriate plant material for street tree planting
6. Establish criteria for continued maintenance and mitigation of conflict with
 - Pavement
 - Utilities
 - Traffic Control Devices
 - Street Lighting
 - Vehicles
 - Visual Obstruction

The following is a list of trees considered to be appropriate for street tree planting in urban and residential environments. Minimum distances from curb and street lights shall be followed as specified.

Canopy Trees

Common Name	Botanical Name	Minimum Planting Distance from Street Light	Distance from Back of Curb Required Without Root Barrier	Distance from Edge of Sidewalk Required Without Root Barrier	Root Barrier Required *
American Sycamore	<i>Platanus occidentalis</i>	40'	8'	8'	If planted less than 8' from B.O.C. or 3' from sidewalk
Bald Cypress	<i>Taxodium distichum</i>	25'	10'	10'	If planted less than 10' from B.O.C. or 3' from sidewalk
Common Hackberry	<i>Coffea occidentalis</i>	30'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Chinese Elm	<i>Ulmus parvifolia</i>	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Drake Elm	<i>Ulmus parvifolia 'Drake'</i>	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Eastern Redcedar	<i>Juniperus virginiana</i>	8'	8'	8'	If planted less than 8' from B.O.C. or 3' from sidewalk
Ginkgo	<i>Ginkgo biloba</i>	15'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Green Ash	<i>Fraxinus pennsylvanica</i>	15'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Red Alder	<i>Alnus incana</i>	40'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Red Maple	<i>Acer rubrum</i>	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Shagbark Hickory	<i>Castor alba</i>	35'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Southern Magnolia	<i>Magnolia grandiflora</i>	15'	6'	6'	If planted less than 4' from B.O.C. or 3' from sidewalk
Bar Oak	<i>Quercus macrocarpa</i>	35'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Live Oak	<i>Quercus virginiana</i>	35'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Shiny Oak	<i>Quercus shumardii</i>	25'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Pine Oak	<i>Quercus palustris</i>	15'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Texas Red Oak	<i>Quercus texana</i>	30'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Water Oak	<i>Quercus nigra</i>	30'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk
Willow Oak	<i>Quercus phellos</i>	20'	4'	4'	If planted less than 4' from B.O.C. or 3' from sidewalk

* In no case shall any tree be planted closer than three feet (3') from back of curb or closer than two feet (2') from sidewalks.

Ornamental Trees

Common Name	Botanical Name	Minimum Planting Distance from Street Light	Distance from Back of Curb Required Without Root Barrier	Distance from Edge of Sidewalk Required Without Root Barrier	Root Barrier Required *
American Holly	<i>Ilex opaca</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Calkins Pear	<i>Pyrus calleryana</i>	5'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Chinese Pistache	<i>Pistacia chinensis</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Golden Rain Tree	<i>Koeleria bipinnata</i>	5'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Chinese Fringe Tree	<i>Chionodoxa virginiana</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Catalpa	<i>Mahoe spp.</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Cape Myrtle	<i>Lagerstroemia indica</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Japanese Peppercorn	<i>Diospyros kaki</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Mexican Plum	<i>Prunus mexicana</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Parsley Hawthorn	<i>Crataegus marshallii</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Savannah Holly	<i>Ilex opaca 'Savannah'</i>	4'	3'	3'	If planted less than 3' from B.O.C. or 3' from sidewalk
Sweet Bar Magnolia	<i>Magnolia virginiana</i>	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
Flly Magnolia	<i>Magnolia liliiflora</i>	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
Saucer Magnolia	<i>Magnolia x soulangeana</i>	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk
Star Magnolia	<i>Magnolia stellata</i>	5'	6'	6'	If planted less than 6' from B.O.C. or 3' from sidewalk

* In no case shall any tree be planted closer than three feet (3') from back of curb or closer than two feet (2') from sidewalks.

MAINTENANCE

The homeowner will be required to maintain street trees, including the following items listed below. The Association will enforce these requirements giving the homeowner written notice to address the issues of maintenance. If the homeowner fails to comply within the specified time period, the Association has the authority to perform the necessary maintenance work at the homeowner's expense.

Maintenance will include the following:

1. Tree pruning will be performed in accordance with city standards when trees block or touch any light pole fixtures, traffic signal, or street signage.
2. Tree pruning will be performed in accordance with city standards if any trees overhang the street causing a conflict with vehicles or pedestrians.
3. Tree pruning will be performed in accordance with city standards when trees block visibility to traffic control devices or signage.
4. Trees will require root pruning if any heaving of sidewalks or pavement occurs and/or tree roots surface.
5. Installation of irrigation systems will be encouraged throughout the development.

ROOT BARRIERS

Root barrier installation shall be required as follows:

1. If any type of tree is installed in less than a 6'x 6' root area.
2. If any type of tree is planted closer than 3' from sidewalk.
3. Canopy trees will require a root barrier if planted closer than the distances shown on the chart for Canopy Trees provided in this exhibit.
4. Ornamental trees will require a root barrier if planted closer than the distances shown on the chart for Ornamental Trees provided in this exhibit.
5. No tree shall be planted closer than three feet (3') from curb or two feet (2') from sidewalk with or without root barrier.

CONFLICTS WITH INFRASTRUCTURE

If a tree is damaged due to utility, street, or sidewalk repair, the city will not be held responsible for replacement of the tree or the tree's value. The homeowner and/or Association will not be reimbursed for damage to trees or for tree removal as necessary to facilitate infrastructure repair.

QUALITY ASSURANCE

1. Reference Standards: American Association of Nurserymen, Inc. (AAN): Horticulture Standards.
2. The seller shall warrant that the required trees are in place and in a viable condition.
3. The Builder shall provide the purchaser with the appropriate information to maintain the street trees in a viable condition.
4. The seller shall advise the purchase of the restrictions governing the types and location of the required street trees.

LOCATION AND SPECIFICATION OF REQUIRED STREET TREES

1. All lots will receive street trees.
2. A minimum of two (2) Canopy Trees will be required to be planted per front lot, at the distances identified in the chart for Canopy Trees that has been provided in this exhibit, unless otherwise approved by the Architectural Control Committee.
3. In corner lot situations, a minimum of three (3) Canopy Trees will also be required to be planted along the side of the lot adjacent to the street, at the distances identified in the chart for Canopy Trees that has been provided in this exhibit, unless otherwise approved by the Architectural Control Committee.
4. For wooded lots with existing trees in the front and side yards meeting the minimum requirements outlined above, street trees will not be required unless the existing trees in the front or side of the lot are removed or die, either during construction of the home or at a later time. The Architectural Control Committee reserves the right to require street trees on any wooded lot it deems necessary.
5. All street trees planted to meet the above requirements shall be a minimum 2 ½" caliper with height and width conforming to AAN standards.
6. All trees shall be planted by a qualified contractor in such a manner to insure the viability of the tree.
7. The contractor shall be responsible for any damage to existing underground utilities, sidewalks, roadways, or adjacent property that may occur as a result of planting the trees.