

# DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS, & EASEMENTS FOR THE ESTATES OF BISON CREEK

AMENDED 10/1/19

This declaration is made on the date hereinafter set forth by The Estates of Bison Creek, LLC, hereinafter referred to as "Developer".

**WITNESSETH:**

WHEREAS, Developer is the Owner of that certain tract of land located in Wise, County, Texas, containing 39.55 acres and being more fully described as being 39.55 acres of land out of the B.B.B. & C.R.R. Co. Survey, Abstract No. 119 and the John T. Waggoner Survey, Abstract No. 885, being the same tract of land as deeded to Estate of Bison Creek, LLC, in Document No. 201801341, Official Records, Wise County, Texas, hereinafter referred to as "Property" or "Subdivision";

WHEREAS, it is the desire and purpose of Developer to place certain restrictions, easements, covenants, conditions, and reservations (hereinafter "Restrictions") upon the Property in order to establish a uniform plan for its development, insure the use of the Property for residential purposes only, prevent nuisances, prevent the impairment of the value of the Property, maintain the desired character of the community, and insure the preservation of such uniform plan for the benefit of the present and future Owners of the Property;

WHEREAS, "Tract" or "Lot" means any individual tracts of land or lots sold by the Developer from the 39.55 acres described above.

NOW, THEREFORE, Developer hereby adopts, establishes and imposes upon the Property, the following Restrictions for the purposes of enhancing and protecting the value, desirability and attractiveness of the Property, which Restrictions shall run with the land and inure to the benefit of each Owner and his invitees:

## RESTRICTIONS

1. The real property shall be used only for single family residential purpose with related out buildings.
2. All single family residential structures and out buildings must comply with design standards and practices set forth by the Estates of Bison Creek, LLC. Only select builders and residential designs approved by the Estates of Bison Creek, LLC will be allowed.
3. Single family residences, exclusive of open porches and garages, shall not be less than 1,700 square feet.
4. Location and design of secondary structures, carports, and out buildings must be approved by Estates of Bison Creek, LLC.
5. No building shall be located nearer to the lot line than the required set-backs per the Wise County Development Rules and Regulations guidelines.
6. All trash and waste shall be kept in sanitary containers and located on all lots as not to be visible from the common roadways.

7. No structure of a temporary nature, trailer, shack, or similar structure shall be occupied.
8. Storage of trailers, campers, mobile homes, recreation vehicles, boats & water craft, tractors, and equipment shall be stored to the rear of the primary residential dwelling, or within a garage / secondary structure.
9. No business or commercial activity shall be permitted.
10. No dump trucks, earth moving equipment, commercial tractor trailers or similar type vehicles shall be permitted to be parked or maintained on any of the lots, except those used by a builder on the property during construction.
11. No parking at any time shall be allowed on any of the common roadways or easements such that the normal flow of traffic is either blocked or diminished.
12. No sign of any kind shall be displayed to the public view on any lot, except 1 sign of not more than 9 square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during construction.
13. No lots shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste.
14. No burning of rubbish, trash, garbage, or other waste shall be permitted, except by developer or builder as associated with clearing vegetation to allow for construction and or development activities.
15. Household pets, horses, 4H & FFA animals excluding swine and peacocks may be kept, provided they are not kept, bred, or maintained for any commercial purpose. Any animal allowed to be kept shall be raised, bred, kept, or maintained to the rear of the primary residential dwelling within secured fencing, and in such a manner as to not be considered a nuisance to the neighboring lots.
16. No radio or television antenna shall be permitted to extend more than 10 feet above the roofline of any residence or structure.
17. Grantors reserve the right of removal of any tree over 35 feet in height.
18. An area near the entrance to the subdivision has been reserved for the creation of a monument sign for the subdivision. Such area shall be reserved for the sole purpose of a monument sign to carry with the land. The monument sign area hereinafter known as "Monument Sign Easement" is more fully defined in the "Estates of Bison Creek" Plat submitted and approved by the County of Wise. Only the monument sign and its associated landscaping shall be allowed to be constructed within the Monument Sign Easement. Each Lot Owner by acceptance of a deed therefore, whether or not it shall be expressed in any such deed or other conveyance, is deemed to covenant and agree to protect and maintain such Monument Sign Easement, monument sign, and associated landscaping. Upon completion of the subdivision the Developer shall be released of all liability of maintaining the Monument Sign Easement, monument sign, and associated landscaping; at which time, Lot Owners may elect by majority vote of all Lot Owners to hire and pay a third party entity to maintain the Monument Sign Easement, monument sign, and associated landscaping.
19. Lots must have a lawn within 5 months after completion of construction of the primary residence on that lot. Lawns and grass areas must be regularly mowed and landscaped areas must be maintained on all lots, except lots prior to construction or under construction with a builder.
20. Each lot owner shall be responsible for mowing and maintaining their lot and the common roadway right of way area immediately in front and/or on the side of their lot. At no point shall the grass be allowed to grow taller than 6 inches.

21. Mailboxes must be directly visible from the common roadway, must meet U.S. Postal standards, and must be of like exterior material as the primary residential structure on the lot.
22. No basketball goals, playground equipment, or similar furnishings either temporary or permanent shall be permitted within 25 feet of the right of way of the common roadways.
23. Fences must be towards the rear of the primary residential dwelling and must be well kept and maintained. Fences can be constructed of wrought iron, stone, wide plank cedar with steel posts, or of like exterior materials of the primary residence on the lot. Wide plank cedar fences shall be treated to protect from rot and decay, and shall be finished in either a natural tone or a color complementary to the primary residence on the lot. No fence taller than 10 feet in height shall be permitted. All fences must be maintained and repaired if damaged or decayed.
24. Lots adjacent to highway 380 shall have a 50 foot building set back from the property line adjacent to highway 380. A 20 foot landscape zone shall be maintained along the property line adjacent to highway 380. No private fencing, structures, or signage shall be allowed within such landscape zone, except for signage and structures associated with the development entrances, or builder / developer signage during the construction of the development. Each lot owner adjacent to highway 380 shall be responsible for maintaining / mowing such setbacks / landscape zones on their lot. At no point shall the grass be allowed to grow taller than 6 inches.
25. No truck stops or mobile homes shall be permitted.
26. No noxious or offensive activities shall be carried on upon any lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Motorized vehicles such as motor bikes and the like must be properly muffled.
27. If sewage disposal is by means on-site sewage facilities, a permit must be obtained for each lot.
28. Septic tank performance cannot be guaranteed, even though all provisions of the Wise County rules for private sewage facilities are complied with.
29. Inspection and / or acceptance of a private sewage facility by Wise County shall indicate only that the facility meets the minimum requirements and does not relieve the property owner of the responsibility to comply with County, State and Federal regulations.
30. On-site sewage facilities, although approved of meeting minimum standards, must be upgraded by the property owner at the property owner's expense if the normal operation of the facility results in objectionable odors, if unsanitary conditions are created or if the facility, at any time, does not comply with governmental regulations.
31. A properly designed and constructed on-site sewage facility, situated in suitable soil, may malfunction if the facility is not properly maintained and controlled. Therefore, it shall be the property owner's responsibility to maintain and operate the on-site sewage facility in a satisfactory manner.
32. On-site sewage facilities must be designed in accordance with the rules established by Wise County and the TCEQ. Design shall be based on the results of a site evaluation performed on each lot.
33. Only one single-family residence or duplex shall be located on a lot when an on-site sewage facility is used and only one residence shall be connected to said facility.
34. Buildings to be built on lots which are lower than the road or roads on which they front and / or abut shall be built such that the minimum finished floor elevations is at least 1-foot above the proposed grade of the yard

adjacent to the building. This is to reduce the risk of damage to building that may be caused by the storm water drainage.

35. No building shall be built in a 100-year flood plain unless the minimum recommended finished floor elevation is complied with. In no case shall the minimum finished floor elevation be less than 2-foot above the 100-year flood plain elevation.
36. Any filling or obstruction of the floodway or drainage easements is prohibited.
37. Any driveway culverts, if necessary, are to be installed by the property owner and in accordance with the policies of Wise County and shall be of sufficient size to pass the 10-year storm. In no case shall a driveway be less than 18-inches in diameter on a proposed road.
38. The driveway above a culvert should be constructed such that the driveway is at least six (6") inches below the outside edge of the main roadway. This will reduce the risk of water, which exceeds the capacity of the culvert, flowing over the culvert and entering the roadway.
39. Any underground utility company shall be contacted to verify the depth and locations of utilities prior to any excavation occurring on the lot.

For subdivisions with private roads, the restrictions must also contain the following statements, and the mechanism for assessing lot owners for maintenance must be clearly stated.

40. Wise Country will never accept or maintain private roads unless they meet county standards in effect on the date of acceptance.
41. Private road will be maintained in perpetuity by the owners in the subdivision, and a mechanism must be in place for assessing the owners to produce adequate revenue for perpetual maintenance.

IN WITNESS WHEREOF, the parties hereto have executed effective as of October 1st 2019.

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Jonathan Bethune (Estates of Bison Creek, LLC Member)

THE STATE OF TEXAS §  
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COUNTY OF WISE §  
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This instrument was acknowledged before me on the 1st day of October, 2019 by Jonathan Bethune (Estate of Bison Creek, LLC Member).

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Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

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Notary's Printed/Typed Name

### Additional Signatures:

IN WITNESS WHEREOF, the parties hereto have executed effective as of \_\_\_\_\_ 2019.

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Garick Newtzie (Property owner lot 7, Estates of Bison Creek Development)

THE STATE OF TEXAS §  
COUNTY OF WISE §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019 by Garick Newtzie (Property owner lot 7, Estates of Bison Creek Development).

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Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

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Notary's Printed/Typed Name

IN WITNESS WHEREOF, the parties hereto have executed effective as of \_\_\_\_\_ 2019.

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Lori Newtzie (Property owner lot 7, Estates of Bison Creek Development)

THE STATE OF TEXAS §  
COUNTY OF WISE §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019 by Lori Newtzie  
(Property owner lot 7, Estates of Bison Creek Development).

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Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

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Notary's Printed/Typed Name

### Additional Signatures:

IN WITNESS WHEREOF, the parties hereto have executed effective as of \_\_\_\_\_ 2019.

Kory Baker (Property owner lot 4, Estates of Bison Creek Development)

THE STATE OF TEXAS §  
COUNTY OF WISE §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by Kory Baker  
(Property owner lot 4, Estates of Bison Creek Development).

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Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

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Notary's Printed/Typed Name

IN WITNESS WHEREOF, the parties hereto have executed effective as of \_\_\_\_\_ 2019.

Natasha Watkins (Property owner lot 4, Estates of Bison Creek Development)

THE STATE OF TEXAS §  
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COUNTY OF WISE §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019 by Natasha Watkins  
(Property owner lot 4, Estates of Bison Creek Development).

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Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

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Notary's Printed/Typed Name