

**SECOND SUPPLEMENTAL DECLARATION OF THE  
COVENANTS AND RESTRICTIONS OF  
LA CONCHA ESTATES**

WHEREAS, the DECLARATION FOR LA CONCHA ESTATES, dated April 26<sup>th</sup>, 2002, recorded under Document No. 2002019773 of the Official Public Records of Nueces County, Texas (the "Declaration"), established a uniform plan for the development of certain real property known as "La Concha Estates" which is a subdivision situated in the City of Corpus Christi, Nueces County, Texas and more fully described as follows (La Concha Estates Phase I):

**Being 28.074 acres out of a 43.50 acre tract described in Deed Recorded in Volume 1889, Page 137, Deed Records of Nueces County, Texas; and also being out of the J.W. Waterbury Survey No. 596, Land Scrip 167, Abstract 408, Mustang Island, Nueces County, Texas; a plat of which is recorded in Volume 61, Pages 197 & 198 of the Map Records of Nueces County, Texas.**

**SAVE AND EXCEPT, Lot 1, Block 2, and Lot 1, Block 3, of La Concha Estates as shown on the plat of the Subdivision.**

WHEREAS, the Declarant, **FACEY ENTERPRISES, N.V., LTD.**, reserved certain Special Declarant Rights within the Declaration, including the Special Declarant Right to annex additional property to La Concha Estates in phases and change the use of the property being annexed to reflect the overall development scheme of the Declarant; and

WHEREAS, by that certain **FIRST SUPPLEMENT DECLARATION OF THE COVENANTS AND RESTRICTIONS OF LA CONCHA ESTATES** dated January 5<sup>th</sup>, 2005, recorded under Document No. 2005001358 of the Official Public Records of Nueces County, Texas (the "First Supplemental Declaration") the Declarant exercised it's right to annex additional property by expanding the boundary of the Subdivision and the jurisdiction of the Association to included the following tract of land (La Concha Estates Phase II):

**Being 17.762 acres of land out of the J. W. Waterbury Survey 596, Land Scrip 167, Abstract 408, Mustang Island, Nueces County, Texas, a plat of which is recorded in Volume 64, Pages 53 & 54 of the Map Records of Nueces County, Texas.**

WHEREAS, the Declarant desires to annex two additional portions of the Declarant's property to La Concha Estates at this time thereby expanding the boundary of the Subdivision and the jurisdiction of the Association to include the following tracts to be known as La Concha Estates Phase 1-A, and La Concha Estates Phase III, respectfully:

**Lot One (1), Block two (2), LA CONCHA ESTATES, an addition to the City of Corpus Christi, Nueces County, Texas, as shown by the map or plat recorded in Volume 61, Pages 197 & 198, Map Records, Nueces County, Texas; and**

**Being 15.054 acres of land out of the J. W. Waterbury Survey 596, Land Scrip 167, and the R. S. Harvey Survey 599, Land Scrip 150, Mustang Island, Nueces County, Texas, a plat of which is recorded in Volume 64, Pages 272 & 273 of the Map Records of Nueces County, Texas.**

WHEREAS, in order to annex additional property to La Concha Estates, Article X, Section 10.2 of the Declaration requires the Declarant to record a Supplementary Declaration in the Deed Records of Nueces County, Texas, and

WHEREAS, Article X, Section 10.3 of the Declaration requires the Supplemental Declaration to state that it is being made pursuant to the terms of the Declaration for the purpose of annexing the property and extending the jurisdiction of the La Concha Estates Owners' Association, Inc. to the annexed property; and Article X, Section 10.03 of the Declaration further provides that the Supplemental Declaration may reflect the different character of the real property being annexed.

NOW, THEREFORE, the Declarant hereby supplements and modifies the Declaration as follows:

I.

The following real property is hereby annexed to the scheme of the La Concha Estates Declaration; and the jurisdiction of the La Concha Estates Owners' Association, Inc., is hereby expanded to include the annexed real property:

1. **Lot One (1), Block two (2), LA CONCHA ESTATES, an addition to the City of Corpus Christi, Nueces County, Texas, as shown by the map or plat recorded in Volume 61, Pages 197 & 198, Map Records, Nueces County, Texas (La Concha Estates Phase 1-A); and**
2. **Being 15.054 acres of land out of the J. W. Waterbury Survey 596, Land Scrip 167, and the R. S. Harvey Survey 599, Land Scrip 150, Mustang Island, Nueces County, Texas, a plat of which is recorded in Volume 64, Pages 272 & 273 of the Map Records of Nueces County, Texas (La Concha Estates Phase III).**

II.

All of the restrictive covenants, conditions, charges, assessments, and liens of the Declaration and the First Supplemental Declaration, unless as otherwise modified by this Second Supplemental Declaration, are hereby imposed upon La Concha Estates Phase 1-A and La Concha Estates Phase III. The restrictive covenants, conditions, charges, assessments, and liens of the Declaration, the First Supplemental Declaration, and this Second Supplemental Declaration shall run with the land and shall be binding upon all parties having or acquiring any right, title or interest in La Concha Estates Phase 1-A and La Concha Estates Phase III for the full term of the Declaration. All Owners of property lying within La Concha Estates Phase 1-A and La Concha Estates Phase III shall be members of the La Concha Estates Owner's Association, Inc. (the "Association"), shall be governed by the Association's By-laws, and shall be subject to the jurisdiction and assessments of the Association, including the Architectural Control Authority.

### III.

The term "Plat" as defined under Article II, Section 1.1(l.) of the Declaration is hereby modified to read as follows:

- i. "Plat" means the plats of the La Concha Estates recorded as follows:
  - (1) the Plat recorded in Volume 61, Pages 197 & 198 of the Map Records of Nueces County, Texas (known as "La Concha Estates Phase I"), which Plat also shows the location of "La Concha Estates Phase 1-A",
  - (2) the Plat recorded in Volume 64, Pages 53 & 54 of the Map Records of Nueces County, Texas (known as "La Concha Estates Phase II"), and
  - (3) the Plat recorded in Volume 64, Pages 272 & 273 of the Map Records of Nueces County, Texas (known as "La Concha Estates Phase III").

### IV.

The term "Special Declarant Rights" as defined under Article II, Section 1.1(p.) of the Declaration is hereby modified and corrected to read as follows:

- p. "Special Declarant Rights" means rights reserved for the benefit of the Declarant to exercise the following:
  - (1) the option to maintain models, sales staff, management, and offices within the Subdivision, together with signs advertising the project,
  - (2) the use of the Common Area as an easement for the purpose of making and maintaining improvements,
  - (3) the power to re-plat any of the Lots owned by the Declarant into larger or smaller Lot sizes,
  - (4) the power to grant private non-exclusive pedestrian beach access easements over and across the following:
    - i. Lot 38, Bk. 1, of La Concha Estates Phase I,
    - ii. Lot 37, Bk. 1, of La Concha Estates Phase I,
    - iii. the two 50' Beach Private Access Easements over and across Lot 40, Bk. 1, of La Concha Estates as shown on the Plat of Phase I,
    - iv. the two 50' Beach Private Access Easements over and across Lot 88, Bk. 1, of La Concha Estates as shown on the Plat of Phase II.

The non-exclusive pedestrian beach access easements shall be for the benefit of all Owners of platted Lots within the Subdivision (including all annexed phases) and their guests and tenants; and may be granted by the Declarant to the Owners of Lot 1, Bk. 3 of La Concha Estates regardless as to whether such lot is annexed to the Subdivision. Should this Special Declarant Right be exercised it shall be in consideration of the grantees covenant to share and pay to the Association the grantee's pro-rata share of the cost of the real property taxes, insurance, and maintenance of the non-exclusive pedestrian beach access easement. The non-exclusive pedestrian beach access easement grantees' covenant to share and pay to the Association the grantee's pro-rata share of the expense of the easement shall be secured by a lien in favor of the Association which, if foreclosed in the same manner as the Association's lien granted by the Owners to secure assessments, shall extinguish the grantee's easement rights.

(5) the power to make the Subdivision and the Association part of a larger Subdivision by adding phases (in no particular order) of the following property owned by the Declarant, **which additional phases are planned but need not be developed, dedicated, or annexed to the La Concha Estates Subdivision:**

- i. Lot 1, Block 3, of La Concha Estates as shown by the plat recorded in Volume 61, Pages 197 & 198 ("La Concha Estates Phase 1-B"), or
- ii. All the Declarant's property south of Phases II and III, and East of State Highway 361 as shown on the preliminary plat of the property, a copy of which is attached as Exhibit "A" and made a part hereof for all purposes ("La Concha Estates South Phase") which property may be annexed in whole or in phases.

(6) the power to construct amenities and dedicate them to the Association as Common Area for the use and benefit of all Owners of platted Lots within the Subdivision (including the Owners of all annexed phases) and their guests and tenants; to be maintained, repaired, operated, managed, and administered by the Association as a Common Expense Liability. **The Declarant makes no covenant, representation or warranty that any of the following amenities will be constructed or dedicated; but simply acknowledges that they are planned and will be dedicated if and when constructed by the Declarant:**

- i. a perimeter wall and landscape beginning more or less at the Northwest corner of Lot 1, Block 2 of the plat of La Concha Estates Phase I, then continuing southerly along State Highway

361, and ending at a point more or less at the Southwest corner of the South Phase;

- ii. the walkover within the 50' Beach Private Access Easement from Lot 37, Block 1 of Phase I to the beach as shown on the plat of Phase I;
- iii. walkovers connecting the West Phase to the Beach;
- iv. other improvements and amenities such as a gazebo, parking areas, entrance signs, and landscaping.

V.

The following "Improvement Standards" contained within Article IV of the Declaration are modified **AS TO THE PHASE III LOTS, ONLY**. All Article IV Improvement Standards shall remain in full force and effect as originally set forth in the Declaration for all Phase I, Phase 1-A, and Phase II Lots.

1. Article IV, Improvement Standards, Paragraph 4.1 "Residential" and Paragraph 4.4 "Minimum Floor Area and Garage Space" are modified as to the Phase III Lots, only, so as to allow for the construction of townhomes and/or duplexes in Phase III. The Owners of Phase III Lots must comply with all other Article IV "Improvement Standards" in addition to the following:
  - i. The following may be constructed on any Phase III Lot: one (1) single family residential home; or one (1) townhome containing a maximum of two (2) units wherein each unit is capable of separate ownership; or one (1) duplex containing a maximum of two (2) units wherein both units are owned by the same owner.
  - ii. each Phase III townhome and/or duplex must have not less than two thousand (2,000) square feet of air conditioned space (exclusive of the garage, attic, open or screened porches, terraces, patios, and driveways) regardless of the number of units within the townhome and/or duplex. Each Phase III single family residential home must comply with the 1,800' square feet requirement of Article IV of the Declaration.
  - iii. each phase III Lot on which a townhome and/or duplex is constructed must have a minimum of 4 off-street parking spaces.
2. Notwithstanding any term of Article VI of the Declaration to the contrary, a Phase III Lot on which a townhome is constructed may be re-plated for the exclusive purpose of establishing the location of each townhome site.

3. "Short Term Rentals", meaning leases with a minimum of a three (3) day rental term, shall be permitted as to all Phase III Lots. No Owner of a Phase III Lot shall lease their property for a term of less than three (3) days.

VI.

The following apply to La Concha Estates Phase 1-A:

1. The Declarant intends to re-plat La Concha Estates Phase 1-A as shown on the preliminary plat of the property prepared by Urban Engineering, a copy of which is attached as Exhibit "B" and made a part hereof for all purposes.
2. "Short Term Rentals", meaning leases with a minimum of a 3 day rental term, shall be permitted as to all 1-A Lots. No Owner of a Phase I-A Lot shall lease their property for a term of less than 3 days.

VII.

A non-exclusive pedestrian beach access easement is hereby granted and conveyed to all of the Owners of Lots in La Concha Estates Phases I, 1-A, II, and III over and across the existing 50' Beach Private Access Easements as shown on the Plats of Phase I and Phase II. The purpose of the easement shall be for pedestrian ingress and egress from the public streets to the beach.

VIII.

In the event any of the declarations, provisions, modifications and/or corrections of this Second Supplemental Declaration of La Concha Estates shall be finally held invalid or unenforceable by any court of competent jurisdiction, the same shall not affect the validity or enforceability of any other declaration, provision, modification and/or correction to the Declaration and/or the First Supplemental Declaration. If any declaration, provision, modification and/or correction shall be susceptible of two or more interpretations, the interpretation which shall most nearly be in accord with the purposes and intents of the Second Supplemental Declaration shall govern. This Second Supplemental Declaration shall not fail, in whole or in part, in the event of the omission of any declaration, provision, modification and/or correction which shall be vital, necessary or expedient for the accomplishment of the purposes and intentions of this supplemental declaration, but any and all omitted matters shall be supplied


herein by inference and/or by reference to the Declaration and First Supplemental Declaration of the Covenants and Restrictions of La Concha Estates.

VII.

This Second Supplemental Declaration for La Concha Estates is made pursuant to the terms of the Declaration and the First Supplemental Declaration for the purpose of annexing and extending the jurisdiction of the La Concha Estates Owners' Association, Inc. to the Phase 1-A and Phase III property; is executed by the duly appointed representative of the Declarant and modifies and corrects the Declaration and First Supplemental Declaration so as to clarify the Declarant's intent at to the use of the Private Beach Access Easements and the planned construction of certain amenities. Those provisions of the Declaration and the First Supplemental Declaration that are not modified by this Second Supplemental Declaration shall remain in full force and effect, but to the extent the Declaration and/or the First Supplemental Declaration and this Second Supplemental Declaration are in conflict, the terms of this Second Supplemental Declaration shall control.

Dated: February 10<sup>th</sup>, 2006.

DECLARANT:  
FACEY ENTERPRISES, N.V., LTD., a  
Delaware Corporation

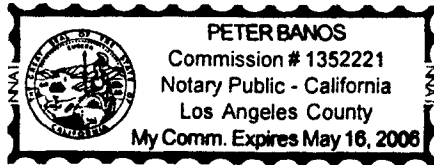
By:   
Wellington Chan, Vice President

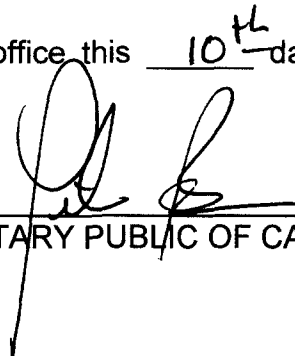


STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

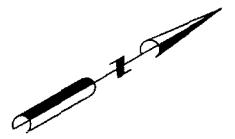
BEFORE ME, PETER BANOS - NOTARY PUBLIC, on this day personally appeared WELLINGTON CHAN, ACTING in his capacity as Vice President of Facey Enterprises, N.V., LTD., a Delaware corporation, on behalf of said corporation, known to me or ~~proven to me on the oath of~~ \_\_\_\_\_, or through \_\_\_\_\_ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/~~she/they~~ executed the same for the purposes and consideration therein expressed in his authorized capacity.

Given under my hand and seal of office this 10<sup>th</sup> day of February, 2006.

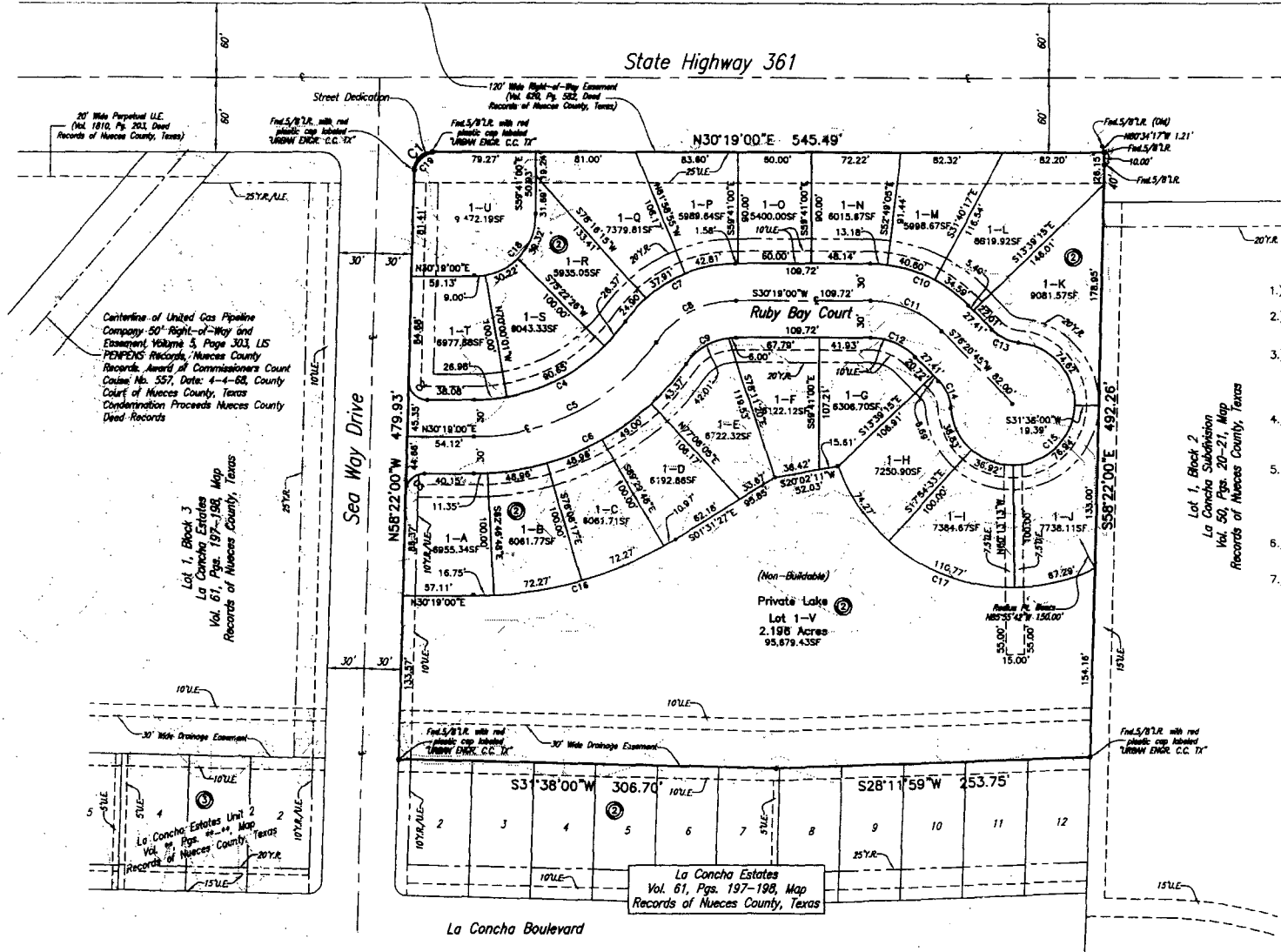


  
\_\_\_\_\_  
NOTARY PUBLIC OF CALIFORNIA





State Highway 361

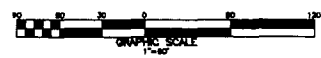


- Notes:
- 1) Total platted area contains 6.396 acres of land.
  - 2) Set 5/8 inch iron rods with red plastic cap stamped "URBAN ENGR C.C. TX" at all Lot corners, except where noted.
  - 3) The receiving water for storm water runoff is the Gulf of Mexico. The TCEQ has classified the aquatic life use for the Gulf of Mexico as "exceptional" and "oyster waters" and also categorized the receiving water as "contact recreation" use.
  - 4) Bearings are based on the recorded plat of La Concha Estates, a map of which is recorded in Volume 61, Pages 197-198, Map Records of Nueces County, Texas.
  - 5) By graphic plotting only, this property is in Zone "A12 (EL 9)" on Flood Insurance Rate Map, Community Panel No. 485464 0335 D, City of Corpus Christi, Texas, which bears an effective date of September 17, 1992 and is in a Special Flood Hazard Area.
  - 6) No driveway access to be permitted onto Sea Way Drive from Lots 1-A and 1-T, Block 2.
  - 7) No driveway access to be permitted onto State Highway 361 from Lots 1-K, 1-L, 1-M, 1-N, 1-O, 1-P, and 1-Q, Block 2.

Curve Table				
CURVE	BIRTH ANGLE	CHORDS	TANGENT	ARC LENGTH
C1	88°47'00"	15.00'	14.66'	23.22'
C2	91°19'00"	15.00'	15.50'	23.81'
C3	88°47'00"	15.00'	14.66'	23.22'
C4	33°09'36"	150.00'	76.71'	146.03'
C5	33°09'36"	150.00'	76.71'	146.03'
C6	33°09'36"	210.00'	108.97'	201.84'
C7	33°09'36"	110.00'	57.89'	106.62'
C8	33°09'36"	80.00'	41.89'	76.86'
C9	33°09'36"	30.00'	26.04'	48.91'
C10	48°01'45"	110.00'	60.75'	116.37'
C11	48°01'45"	80.00'	43.89'	84.97'
C12	48°01'45"	30.00'	21.54'	40.17'
C13	48°01'45"	34.50'	18.84'	34.83'
C14	48°01'45"	34.50'	18.84'	34.83'
C15	48°01'45"	30.00'	26.04'	48.91'
C16	31°52'51"	210.00'	108.41'	201.28'
C17	31°52'51"	150.00'	76.71'	145.33'
C18	30°00'00"	30.00'	26.04'	48.91'
C19	88°47'00"	20.00'	18.55'	30.88'

Plat of  
**La Concha Estates I-A**  
 Block 2, Lot 1-A thru 1-V

Being a replat of Lot 1, Block 2, La Concha Estates, a map of which is recorded in Volume 61, Pages 197-198, Map Records of Nueces County, Texas.



DATE: OCT. 5, 2004  
 SCALE: 1" = 60'  
 JOB NO.: 18394.A4.08  
 SHEET: 2 OF 2  
 DRAWN BY: RR

2025 RELEASE UNDER E.O. 14176

Between:  
Jacob Ponton  
1900 State Hwy 361  
Port Aransas, TX 78412

STATE OF TEXAS  
COUNTY OF NUECES

I hereby certify that this instrument was FILED in File Number  
Sequence on the date and at the time stamped herein by me, and  
was duly RECORDED, in the Official Public Records of  
Nueces County, Texas



Diana J. Barnera  
COUNTY CLERK  
NUECES COUNTY, TEXAS

Any provision herein which restricts the Sale, Rental or use  
of the described REAL PROPERTY because of Race, Color,  
Religion, Sex, Handicap, Familial Status or National Origin, is  
Invalid and unenforceable under FEDERAL LAW, 3/12/89

Doc# 2006008632  
# Pages 12  
02/20/2006 4:27PM  
Official Records of  
NUECES COUNTY  
DIANA J. BARNERA  
COUNTY CLERK  
Fees \$59.00