FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR SEAGRASS REACH

SEAGRASS BEACH A SUBDIVISION IN GALVESTON, COUNTY, TEXAS

STATE OF TEXAS \$ \$ KNOW ALL MEN BY THESE PRESENTS COUNTY OF GALVESTON \$

WHEREAS, Seagrass Beach, LLC, a Texas limited liability company, hereinafter referred to as the "Declarant", executed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Seagrass Beach ("Declaration"), recorded on June 13, 2016, under Clerk's File No. 2016035182, in the Office of the County Clerk of Galveston County, Texas, which imposes covenants, conditions and restrictions upon Seagrass Beach, a subdivision in Galveston County, Texas, as more fully set forth therein ("Seagrass Beach"); and further incorporates by reference the Seagrass Beach Architectural Control Guidelines, dated June 13, 2016 attached to the Declaration;

WHEREAS, the Declaration allows for amendments pursuant to the following provisions:

SECTION 12.04. Amendment

- (a) **By Declarant**. During the Development Period, Declarant shall have the right from time to time and at any time to amend, modify or repeal this Declaration, in whole or in part, without joinder of any Owner or any other Person, effective upon recordation of an instrument of amendment in the Real Property Records of Galveston County, Texas.
- (b) **By Owners**. By a vote of sixty-seven (67%) percent of the Lot Owners then contained within the Subdivision shall always have the power and authority to amend, modify or repeal this Declaration, in whole or in part, at any time and from time to time, and any such amendment shall become effective upon the date an instrument of amendment covering same is signed by the requested number of Owners and filed for record in the Real Property Records of Galveston County, Texas.
- (c) <u>By Association</u>. After the Development Period, the Association, by vote of the Board of Directors, shall have the right from time to time and at any time to amend, modify or repeal this Declaration, in whole or in part, without joinder of any Owner or any other Person, effective upon recordation of an instrument of amendment in the Real Property Records of Galveston County, Texas:
 - (i) To resolve or clarify any ambiguity or conflicts herein, or to correct any inadvertent misstatements, errors or omissions herein; or

(ii) To conform this Declaration to the requirements of any governmental agency, including the Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, Veterans Administration or Federal Housing Administration; and

WHEREAS, the Declarant desires to amend the Seagrass Beach Architectural Guidelines within the Declaration as set forth below;

NOW, THEREFORE, for and in consideration of the recitals set forth above, and for other good and valuable consideration, Declarant does hereby amend the Seagrass Beach Architectural Guidelines attached and incorporated into the Declaration as follows:

5.1 SITE PLANNING

5.1.1. BUILDING SETBACKS

- (a) The building (including decks, balconies, arbors, pergolas and chimneys) shall not encroach into the building setbacks as indicated on the subdivision plat. The side building setback lines are 5 feet, except where noted on the subdivision plat as shown on lots 1, 2, 3 and 35. The street side building setback lines are 20 feet, except where noted on the subdivision plat as indicated on lots 1, 2, 3 and 35. The beach side building setback lines are 40 feet, except where noted on the subdivision plat as indicated on lots 1, 2 and 35. Only roof overhangs may encroach into the specified building setback, but by no more than 3 feet over the side building setback line, and by no more than 5 feet over the street side building setback line.
- (b) Lot 35 Modification of the West beachside building setback line to 90 feet from the West property line; as shown on Exhibit "A" attached hereto and made a part hereof. Notwithstanding Section 12.04 of the Declaration, this modification shall be permanent and irrevocable, and may not be subsequently amended.

Except as amended hereby, the remainder of the Declaration shall remain in full force and effect.

Executed the _______, 2019.

(Signature & Acknowledgement on the Following Page)

Seagrass Beach, LLC, a Texas limited liability

company,

By:

DECLARANT:

BlueCap Investments, LLC, Manager

STATE OF TEXAS

COUNTY OF GALVESTON

On the _____ day of ______, 2019, before me, the undersigned Notary Public, personally appeared Bradley B. Ballard, known to me or satisfactorily proven to be the person whose name is subscribed to this instrument in his capacity as Manager of BlueCap Investments, LLC on behalf Seagrass Beach, LLC and acknowledged that he executed the same for the purpose contained therein on behalf of said corporation.

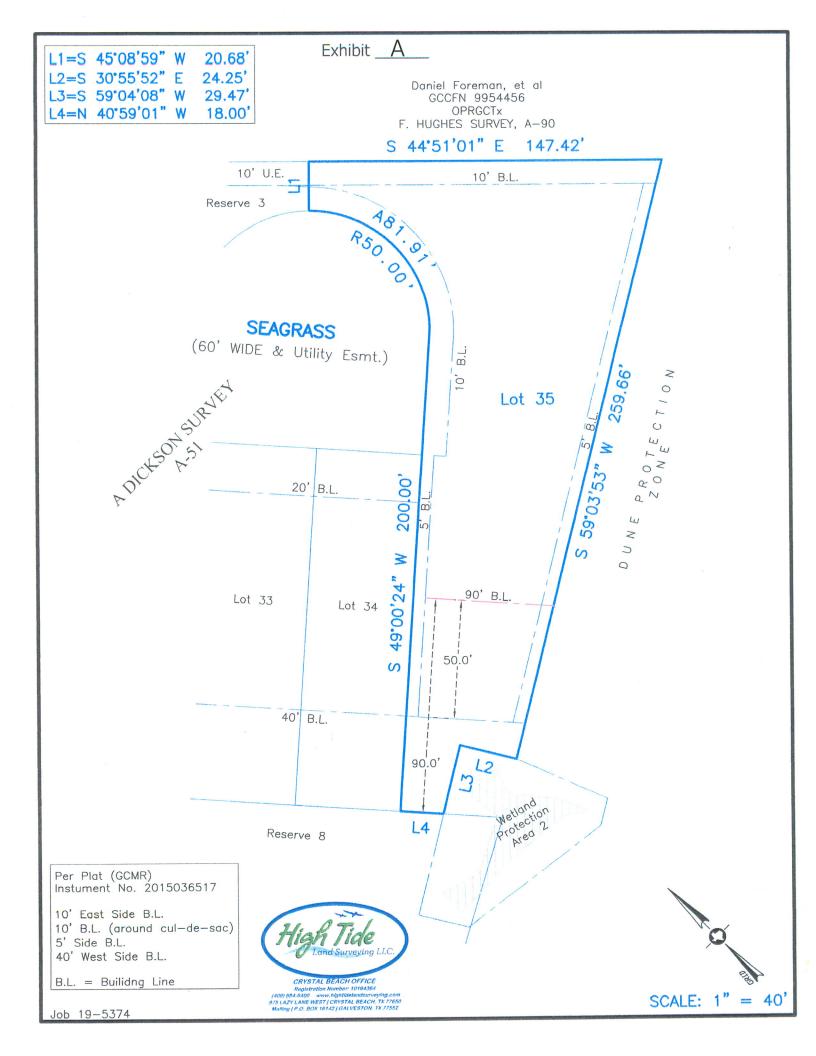
R. D'ANN ANDRUS

OTARY ID #124292657

My Commission Expires

August 17,2022

Notary Public, State of Texas



FILED AND RECORDED

Instrument Number: 2019029959

Recording Fee: 38.00

Number Of Pages:5

Filing and Recording Date: 06/07/2019 12:08PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.

HI COUNTY OF GALVESON

Dwight D. Sullivan, County Clerk

Galveston County, Texas

DO NOT DESTROY - Warning, this document is part of the Official Public Record.