

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

**DECLARATION OF RESTRICTIONS**

WHEREAS, GARDEN OAKS BAPTIST CHURCH, a Texas nonprofit corporation (“Seller”), and TLPE, LLC, a Texas limited liability company (“Purchaser”), entered into that certain Purchase and Sale Agreement dated October 31, 2017 (as amended, the “Contract”), for the purchase and sale of that certain 1.742 acre tract of land situated in the City of Houston, County of Harris, State of Texas, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Land");

WHEREAS, the Seller desires to restrict the use of the Land by this instrument in accordance with the Contract. Except as set forth within the Contract, no other provision of the Contract continues to affect the Land after the recording of this document.

NOW THEREFORE, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Seller agrees and declares that the Land shall be held and conveyed subject to the following restrictions:

The Land shall not be used as a site for any of the following uses:

- a.) any sexually-oriented business, including, without limitation, a topless or semi-nude dancing establishment, adult book store, video store selling or renting any movies that are rated "X" or "XXX", escort or massage parlor, or store which predominately sells condoms; provided, however, the foregoing shall not prohibit a nationally or regionally-recognized franchise massage business, such as by way of example Massage Envy and Massage Heights, or a high-end day spa or salon that offers medical or therapeutic massages as an ancillary service (so long as said massages are performed by licensed, professional massage therapists);
- b.) any used car sales lot;
- c.) a boarding kennel for animals, except for in-store (inside) facilities that are used in connection with the operation of a pet store or a veterinary clinic or hospital;
- d.) RV park, mobile homes or tents;
- e.) any use that is offensive by reason of gas, dust, smoke, noise, pollution or vibration or that otherwise constitutes a public nuisance or is hazardous, dangerous or unsafe;

- f.) commercial excavation of building or construction materials (but excluding excavation in connection with the construction of improvements on the Land);
- g.) dumping, disposal, incineration, or reduction of garbage, sewage, dead animals, or refuse, or the construction or operation of water or sewage treatment plants or electrical substations (excluding such plants as may be operated by public utility companies or by utility districts or governmental authorities providing services to the Land);
- h.) smelting of iron, tin, zinc, or other ores; or refining of petroleum or its products;
- i.) outside storage in bulk of bulk or used materials, except in connection with construction of improvements on the Land;
- j.) any gun store or rifle range;
- k.) any pawn shop;
- l.) any manufacturing facility or any site for an industrial use;
- m.) any pipe yard or container yard;
- n.) any truck stop or truck washing or storage yard;
- o.) any "head shop," store selling vapor cigarettes, hookah pipes or "smoke toys," or store otherwise associated with marijuana or marijuana paraphernalia;
- p.) a bar, tavern, nightclub, dance hall, liquor store, hookah bar, ice house or similar establishment that sells alcoholic beverages, except that alcoholic beverages may be sold as part of a restaurant or restaurant/bar business for on-premises consumption so long as such alcohol sales do not exceed 50% of such occupant's annual gross sales;
- q.) a cemetery or grave yard;
- r.) a tattoo or body art parlor; and
- s.) a medical service facility that supports or provides abortion services.

The exception to the restriction set forth in subsection p.) above shall in no way be interpreted as an attempt to supersede or modify the spacing requirement set forth in the City of Houston Code of Ordinances regarding the sale of alcohol near a church or school. The restrictions contained herein shall run with the Land and bind all future owners of the Land. These restrictions benefit Seller's retained property on which the Garden Oaks Baptist Church is situated and all land located immediately adjacent to the Land (e.g. sharing a boundary line with

the Land). Without limiting the above, the following parties shall have standing to enforce these restrictions: (i) the Seller; (ii) the owner of any property located in Garden Oaks, Section One, a subdivision in Harris County, Texas; and (iii) Garden Oaks Maintenance Organization, Inc. or other homeowners association duly formed and established in accordance with the Texas Property Code for Garden Oaks, Section One, a subdivision in Harris County, Texas.

SELLER:

GARDEN OAKS BAPTIST CHURCH, a Texas nonprofit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS                    §  
  §  
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This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, \_\_\_\_\_; \_\_\_\_\_, \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_ and \_\_\_\_\_, \_\_\_\_\_ of GARDEN OAKS BAPTIST CHURCH, a Texas nonprofit corporation, on its behalf.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires:

Upon Recordation, Return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE LAND**

Lot Eight (8), in Block Fourteen (14), of GARDEN OAKS, FIRST SECTION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 14, Page 5 of the Map Records of Harris County, Texas, SAVE AND EXCEPT a strip 10 feet wide off the East side of Lot Eight (8), conveyed to the State of Texas for street purposes, recorded in Volume 4196, Page 73 of the Deed Records of Harris County, Texas; and

Lot Nine (9), in Block Fourteen (14), of GARDEN OAKS, FIRST SECTION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 14, Page 5 of the Map Records of Harris County, Texas, SAVE AND EXCEPT the East 10 feet conveyed to the State of Texas by instrument recorded in Volume 1177, Page 246 of the Deed Records of Harris County, Texas; and

Lots Ten (10) and Eleven (11), in Block Fourteen (14), of GARDEN OAKS, FIRST SECTION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 14, Page 5 of the Map Records of Harris County, Texas, SAVE AND EXCEPT the East 10 feet of Lot 11 in Block 14, conveyed to the State of Texas by instrument dated 8-22-40, recorded in Volume 1172, Page 577 of the Deed Records of Harris County, Texas.