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AGREEMENT TO DESIGNATE ARCHITECTURAL CONTROL COMMITTEE

DOC# 9806126

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON §

WHEREAS, the deed restrictions for High Gabriel West, Section One, have been recorded by the County Clerk of Williamson County, Texas in Volume 544, Page 606, Deed Records of Williamson County, Texas; and

WHEREAS, article five (5) of said original restrictions creates an Architectural Control Committee to supervise construction within the subdivision as more particularly described in said restrictions; and

WHEREAS, said article five (5) authorizes a majority of the then record owners of the legal title to the lots to appoint the membership of the Architectural Control Committee through a duly recorded written instrument, if ten (10) years have elapsed from the date of the restrictions described above; and

WHEREAS, more than ten (10) years have elapsed from the date of the execution and recording of said original restrictions; and

WHEREAS, said section contains 75 lots; and

WHEREAS, by their signatures below, a majority of the current record owners have determined to appoint said Committee; and

WHEREAS, a majority of the current lot owners desire to confirm the prior establishment of the maintenance fund authorized by article twenty-seven (27) of said original restrictions;

NOW, THEREFORE, the lot owners covenant as follows;

- 1) Each of the persons signing below is a lot owner within High Gabriel West, Section One.
- 2) A majority of the lot owners are represented by their signatures below.
- 3) There is hereby appointed an Architectural Control Committee pursuant to article five (5) of the original deed restrictions.
- 4) The Board of Directors of High Gabriel Homeowners Association is

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WILLIAMSON COUNTY, TEXAS

composed of the same people composing the Board of Directors of the High Gabriel Water Supply Corporation. The member of the Board of Directors of the High Gabriel Homeowners Association are hereby appointed as the Architectural Control Committee for this subdivision, which Committee membership shall change as membership on said Board changes. If for any reason the Board of Directors of the Water Supply Corporation and Homeowners Association are separated into boards, the Board of the Homeowners Association shall serve as the Architectural Control Committee.

5) Pursuant to article twenty-seven (27) of the original restrictions, the undersigned constituting a majority of the lot owners do hereby confirm the prior establishment of a maintenance fund for the purpose described in said section, and designate the Board of Directors of the Homeowners Association as the lot owners' representative to administer said fund.

6) All means of enforcement of the restrictions mentioned in section thirty (30) of the original restrictions are incorporated herein by reference, and the Board of Directors of the Association is expressly given the authority to prosecute violations of the restrictions in its capacity as representative for the lot owners.

7) In order to provide for the orderly development of this subdivision, the Architectural Control Committee for this subdivision will have the right to grant variances to the above described restrictive covenants from time to time. Such variances will be in recordable form and executed by the Architectural Control Committee. Such variances will be granted solely at the discretion of the Architectural Control Committee. Architectural Control Committee has no obligation to grant any variance.

EXECUTED this 26th day of JANUARY, 1997 ^{8th}

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ELAINE BIZZELL
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