

October 7, 2016

Name
Street Number, Street Name
City, State, Zip Code

RE: Address

Dear Property Owner,

In 1959, Richland Terrace Inc. owned a large tract of land that was to become the Richland Terrace Addition. Richland Terrace Inc. filed a plat in the Tarrant County real property records creating the subdivision. That plat subdivided the large tract into 44 single family lots now known as the Richland Terrace Addition.

As you may know, in modern land development practice, when a developer creates a new subdivision, the developer files a document generally called a Declaration of Covenants, Conditions and Regulations (sometimes referred to as a "CCR"), and establishes a homeowners' association to enforce those regulations, and creates a mechanism to modify the covenants on an as-needed basis as part of that document. However, back in 1959, homeowners associations (HOAs) were not widely used. Instead, typical covenants and regulations were sometimes included in the plat.

In this case, the Richland Terrace Addition plat included various regulations regulating common home improvements (i.e. patios, outbuildings, fences, etc.). It also includes a provision limiting the use of the lots to single family residential purposes only.

Numerous events (noted below) have occurred since 1959, introducing the potential for other uses beyond single family residential.

- 1967 - Completion of IH Loop 820, also known as NE Loop 820, a 4-lane highway
- 1976 - Construction of the former NRH City Hall
- 2014 - Expansion of IH Loop 820 into the 8-lane North Tarrant Express
- 2015 – Former NRH City Hall on NE Loop 820 listed for sale

While it is not yet known whether a prospective buyer would envision using your property for anything other than a single family residence, the current restriction limits interest,

specifically by those interested in purchasing and/or developing your property for a use other than as a single family residence.

The recorded plat provides that in order to remove any restriction, the change must be approved by a majority of the owners of the original 44 lots. The City currently owns 25 of the 44 original Richland Terrace Addition lots (20 of which were used to develop the former City Hall, and an additional 5 lots within the Addition), totaling 56% of the original lots, which constitutes a majority.

On October 24, 2016, at the regular City Council meeting, the North Richland Hills City Council will consider whether the restrictions limit the future use and marketability of the lots to the disadvantage of both the City and the other owners, and determine whether the City, as a majority owner, should release and waive some or all of the restrictions created by the plat. Even if the City Council decides to release and waive some or all of the restrictions, that action **would not** force you, as the property owner of one of the lots, to move or to stop using the property as a single family residence, nor would it prevent you from selling your property to a buyer for use as a single family residence. It simply removes a restriction that would prevent you from selling your property for some use other than single family residential. Moreover, the existing residential lots, including yours, are still zoned for single family residential use. Therefore, any plan for a different use would require that a zoning change be approved by the Planning and Zoning Commission and the City Council.

As stated, the City Council will be considering action on October 24, 2016 and, while the City represents the required majority, it welcomes your input and participation in this decision. As a property owner, you have a right to join in signing a petition removing the restrictions, or you may choose not to. If you wish to join in the petition effort, attached is a prepared petition to remove the restrictions. In the event you wish to support such modification, it will need to be signed in front of a notary.

Feel free to contact me with any questions, comments or for the need of notary services.

Sincerely,

Craig Hulse
Director of Economic Development
Office: (817) 427-6091
Cell: (972) 829-3858
Email: chulse@nrhtx.com

PETITION TO MODIFY RESTRICTIONS APPLICABLE TO LOTS 1 THROUGH 8 INCLUSIVE OF BLOCK 31 AND LOTS 1 THROUGH 12 INCLUSIVE OF BLOCK 32 (AS ORIGINALLY PLATTED) (NOW COLLECTIVELY REPLATTED AS LOT 1R OF BLOCK 31), AND LOTS 1 THROUGH 10 INCLUSIVE OF BLOCK 33 AND LOTS 1 THROUGH 14 INCLUSIVE OF BLOCK 34 OF THE RICHLAND TERRACE ADDITION

1. Property description:

Lot 1R of Block 31, Lots 1 through 10 inclusive of Block 33, and Lots 1 through 14 of Block 34 of the Richland Terrace Addition to the City of North Richland Hills, Tarrant County, Texas, as originally platted via plat recorded in Volume 3880014, beginning at Page 0076 of the Plat Records of Tarrant County, Texas, and revised via plat recorded in Volume 3880093, beginning at Page 0501 of the Plat Records of Tarrant County, Texas. (Lot 1R of Block 31 was originally platted as Lots 1 through 8 inclusive of Block 31 and Lots 1 through 12 inclusive of Block 32.)

2. Reference to real property records or map or plat records containing the restriction sought to be modified is recorded:

Plat recorded in Volume 3880014, beginning at Page 0076 of the Plat Records of Tarrant County, Texas.

3. Restrictions to be deleted:

1. All numbered lots as shown in the above described plat shall be known as residential lots, and the following restrictions apply to said residential lots.

2. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one single family dwelling, not to exceed one story in height and a private garage for not less than one car, and necessary outbuildings typical for single family use.

3. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building has been approved in writing as to the conformity and harmony of external design with existing structures in the subdivision and as to location of the building with respect to the topography and finished ground elevation by a committee composed of the following persons: M.V. Lathan and Donald R. Campbell, or a representative designated by them. In the event of the death or resignation of any member of said committee, the remaining member or members shall have full authority to approve or disapprove such design and location; or to designate a representative with like authority. In the event said committee, or its designated representative fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, or in

any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion there, such approval will not be required and this covenant will be deemed to have been fully complied with. Neither the members of such committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. The powers and duties of such committee and of its designated representative shall cease after January 1, 1965. Thereafter, the approval described in this covenant shall not be required unless, prior to said effective date, and effective thereon a written instrument shall be executed by the then record owners of a majority of the lots in this subdivision and duly recorded appointing a representative, or representatives, who shall thereafter exercise the same powers previously exercised by said committee.

4. No building shall be located nearer to the front property line than that shown on the plat of said addition, nor on any of the lots shown thereon, shall a building be located nearer than five (5) feet to any interior said lot line, so as to provide a minimum of 10 feet between dwellings. No dwelling shall be located nearer than 15 feet to any side street line

5. Any detached garage or other outbuildings erected, shall conform to the main dwelling as to the type and construction, and shall be located no nearer than 25 feet to the rear of the main building.

6. No residential structure shall be erected or placed on any building plot, which plot has a area of less than 7,000 square feet or a width of less than 55 feet at the front building set-back line as shown on the recorded plat.

7. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

9. Each dwelling constructed or placed in said addition shall be constructed of 80% brick and all dwellings must be so placed on the lot as to face the street on which the lot faces.

10. No ground floor area of the main dwelling, exclusive of garages, open porches, patios, screen porches, shall be less than 1,200 square feet. All garages must be of at least one car size and may be attached or detached from the main dwelling.

11. Easements are reserved as shown the recorded plat for utility installation and

maintenance.

12. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet, advertising the property for sale or rent, or sign used by a builder to advertise the property during the construction and sales period.

13. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.

14. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property line extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of the driveway or alley pavement. No trees shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

16. No fence shall be erected or permitted to remain on any lot nearer the front property line of the lot than 30 feet.

17. If the parties hereto or any of them or their heirs, assigns, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate such covenant and either prevent him or them from so doing or to recover damages or other dues for such violations.

4. **Restriction after proposed modification:** None.

5. **Petition:**

I/We, the undersigned, execute this petition in order to delete the above-described restrictions on use of property in the subdivision. Specifically, we have executed this petition for the purpose of deleting all of the restrictions described above, which restrictions are contained in

the original plat of the subdivision which is filed in the Deed Records of Tarrant County on or about February 17, 1959. It is our intention that upon the filing of a petition by the owners of a majority of the lots affected, all of said restrictions shall be deleted in their entirety.

I/we, the undersigned, being all of the record owner(s) of the following described property in the above-referenced subdivision, agree to the deletion of the restrictions described above.

Street Address of Owner's Property:

Legal Description of Owner's Property:

SIGNATURE

I/we, the undersigned, after first being duly sworn, upon my oath, state that I/we own the above-referenced property in the above-referenced subdivision, and that I/we have executed this petition to indicate our consent to the deletion of the restrictions described in the attached petition.

Signed this _____ day of _____, 2016.

Owner=s Name:

Owner's Signature:

ACKNOWLEDGEMENT

STATE OF TEXAS

,

COUNTY OF TARRANT

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Before me, the undersigned authority, on this day personally appeared _____, who after first being by me duly sworn, acknowledged and stated he/she has executed the above and foregoing document for the purposes and consideration therein expressed, in the capacity therein described, and with full authority to so act, on this, the _____ day of _____, 2016.

Notary Public in and for the State of Texas

My commission expires: _____

ACKNOWLEDGEMENT

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Before me, the undersigned authority, on this day personally appeared _____, who after first being by me duly sworn, acknowledged and stated he/she has executed the above and foregoing document for the purposes and consideration therein expressed, in the capacity therein described, and with full authority to so act, on this, the _____ day of _____, 2016.

Notary Public in and for the State of Texas

My commission expires: _____