

**FOURTH SUPPLEMENTAL DECLARATION  
TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR  
LAGUNA HARBOR SUBDIVISION,  
AN ADDITION IN GALVESTON COUNTY, TEXAS**

This **Fourth Supplemental Declaration of Covenants, Conditions and Restrictions** (the "Fourth Supplemental Declaration") **For Laguna Harbor Subdivision** is made and executed on the date hereinafter set forth by **Laguna Harbor LLC**, a Texas Limited Liability Company ("Declarant").

WHEREAS, Declarant is the owner of that certain tract or parcel of land containing approximately 54.739 acres of land, more or less, out of and part of the Townsite of Port Bolivar, a subdivision in Galveston County, Texas, and being that same land and property generally known as the **Laguna Harbor Subdivision** (the "Subdivision"), as described in the Map or Plat of said Subdivision filed of record in Volume 2004A, Pages 148 and 149 of the map records in the office of the County Clerk of Galveston County, Texas (the "Plat" or "plat"); and

WHEREAS, by Declaration of Covenants, Conditions and Restrictions for Laguna Harbor Subdivision (the "Master Declaration") dated January 19, 2005, and filed for record under File Number 200500442 of the Official Public Records of Galveston County, Texas, Declarant made all of the land and property within the Subdivision subject to the covenants, conditions and restrictions of the Master Declaration; and

WHEREAS, pursuant to the terms of the Master Declaration, Declarant has established and organized a property owners association for the Subdivision known as the **Laguna Harbor Property Owners Association** (the "Association"), which has all of the power and authority set forth in the Master Declaration and under the Association's Articles of Incorporation and Bylaws; and

WHEREAS, Article X of the Master Declaration provides, in part, that Declarant may add or annex additional real property to the scheme of the Master Declaration by filing of record a Supplemental Declaration of Covenants, Conditions and Restrictions (the "Supplemental Declaration"); and

WHEREAS, Article X of the Master Declaration further provides, in part, that any such Supplemental Declaration may contain complementary and supplementary provisions, conditions, covenants, restrictions and reservations, and may amend and modify the provisions, conditions, covenants, restrictions and reservations contained in the Master Declaration as they relate to the additional property to be brought within the scheme of the Master Declaration; and

WHEREAS, the Declarant now desires to bring into the Subdivision and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and contemplated by the Master Declaration, an additional 1.286 acre tract or parcel of land, to be known as "**Laguna Harbor, Section 5**", said 1.286 acre tract of land being described by metes and bounds in Exhibit "A" hereto attached, which exhibit is made a part hereof by reference.

NOW, THEREFORE, **Laguna Harbor LLC**, a Texas Limited Liability Company (the "Declarant"), hereby makes this Fourth Supplemental Declaration under and in accordance with the provisions of the Master Declaration:

I.

The Declarant, being the owner of the above-described 1.286 acre tract, has caused said 1.286 acre tract to be subdivided and platted into an addition in Galveston County, Texas, known and to be known as **Laguna Harbor, Section 5**, an Addition in Galveston County, Texas (hereinafter referred to as "Laguna Harbor, Section 5"), in accordance with the Plat of said **Laguna Harbor, Section 5**, prepared by Sidney Bouse, Registered Professional Land Surveyor, and filed for record on August 11, 2017 under File

Number 2017049049 and in Volume N/A of the Map Records of Galveston County, Texas; and, acting under and pursuant to the provisions of the Master Declaration, the Declarant hereby brings said 1.286 acre tract of land within the scheme of the Master Declaration and within the jurisdiction of the Association, and said **Laguna Harbor, Section 5**, shall henceforth constitute an addition to and be a part of the Subdivision.

II.

The Declarant hereby and herewith adopts the Plat of Laguna Harbor, Section 5 (the "Section 5 Plat") and does hereby dedicate the easements for common are and pedestrian access, street, utility and drainage purposes shown and reflected upon the Section 5 Plat, and does hereby impose upon the Lots in Laguna Harbor, Section 5, the basic restrictions and blanket easements set forth upon the Section 5 Plat. The area indicated as "Pedestrian Easement" and "Bulkhead" (collectively the "Walkway") denoted on said Plat, is hereby dedicated as a Common Area and for common use by all residents of Laguna Harbor. The Walkway will be under the control and management of the Association. No improvements, alterations nor construction may be undertaken within or upon the Walkway without the specific written permission of the Association. In addition, the Walkway will at all times be open for unencumbered, and unobstructed pedestrian and bicycle traffic usage.

III.

As herein and hereby modified and supplemented, all of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Master Declaration, together with all of the blanket easements reserved, granted or created by the Master Declaration, are hereby extended and made expressly applicable to Laguna Harbor, Section 5, and all of such property shall be held, sold and conveyed subject to the easements, provisions, covenants, conditions, restrictions and reservations set forth in the Master Declaration, as modified and supplemented hereby, and subject to the easements and basic restrictions set forth and reflected upon the Section 5 Plat. All of the aforementioned easements, provisions, covenants, conditions, restrictions and reservations, as modified and supplemented hereby, shall constitute covenants running with the land and shall be binding upon all parties having any right, title or interest in said 1.286 acre tract, or any part thereof, and upon such parties' respective heirs, successors, legal representatives, devisees, lessees and assigns, and shall inure to the benefit of such parties and their respective heirs, successors, legal representatives, devisees, lessees and assigns.

IV.

Notwithstanding any provision in the Master Declaration to the contrary, fractional ownership and co-ownership of Lots in Laguna Harbor, Section 5, shall be permitted. Every person or entity who is a record owner of a fee or undivided fee interest in any Lot in Laguna Harbor, Section 5, shall be a member of the Association. Each Lot shall carry with it one vote, which may be cast by the owner or co-owners of that Lot, but in no event shall more than one vote be case with respect to any Lot, except as otherwise expressly provided in the Master Declaration.

V.

Each Lot and property owner in Laguna Harbor, Section 5, shall be subject to all maintenance and assessments provided for in the Master Declaration. A schedule of each Lot's relative factor for each type of assessment is attached hereto as Exhibit "B" and is incorporated herein by reference.

VI.

The modified or supplemental restrictions or limitations set forth in this Fourth Supplemental Declaration are and shall be applicable solely and only to the Lots in Laguna Harbor, Section 5, and shall not in anywise be deemed or construed to supplement, amend, or modify the provisions, covenants, conditions, restrictions and reservations of the Master Declaration as to any other Lots in the Addition. Further, as modified and supplemented by this Fourth Supplemental Declaration, all of the provisions,

covenants, conditions, restrictions and reservations set forth and contained in the Master Declaration are hereby and herewith expressly extended and made applicable to the Lots in Laguna Harbor, Section 5.

IN WITNESS WHEREOF, Declarant and each of the other undersigned parties have caused this Fourth Supplemental Declaration to be executed on this 11<sup>th</sup> day of August, 2017.

**DECLARANT:**

**Laguna Harbor LLC, a Texas Limited Liability Company**

  
\_\_\_\_\_

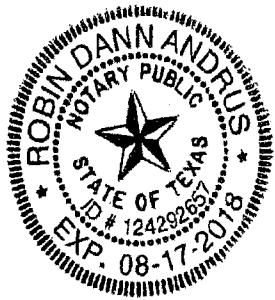
By: BlueCap Investments LLC, Manager  
Bradley B. Ballard, Manager of BlueCap Investments LLC, Manager of Laguna Harbor LLC

THE STATE OF TEXAS §

COUNTY OF GALVESTON §

This instrument was acknowledged before me on this 11 day of August 2017, by Bradley B. Ballard in his capacity as Manager of BlueCap Investments LLC, as Manager of Laguna Harbor LLC, a Texas Limited Liability Company.

Given under my hand and seal of office this 11 day of August, 2017.



*[Handwritten signature]*

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:

Laguna Harbor LLC  
P.O. Box 2299  
Friendswood, TX 77549  
Phone: (281) 639-0451

**EXHIBIT "A"**  
TO THE  
**FOURTH SUPPLEMENTAL DECLARATION  
TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR  
LAGUNA HARBOR SUBDIVISION,  
AN ADDITION IN GALVESTON COUNTY, TEXAS**

**LEGAL DESCRIPTION OF  
LAGUNA HARBOR, SECTION 5**

BEING a calculated 1.286 acres of land and canal out of Block 490 and Block 515 and the Intervening abandoned 20th Street and alleys out of Port Bolivar Townsite, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 10, Map Number 4A of the Map Records of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of LAGUNA HARBOR, SECTION 4, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2014A, Map Number 8 of the Map Records of Galveston County, Texas, said point also being the Southwest corner of Tract 14-A, a tract as approved by Galveston County Commissioner's Court, recorded under Galveston County Clerk's File No. 2015068170 of the Official Public Records of Galveston County, Texas and being in the North line of Nelson Avenue (80' R.O.W.) in said Port Bolivar Townsite;

THENCE S 44°26'52" W, along the North line of said Nelson Avenue, a distance of 320.00 feet;

THENCE N 45°33'08" W, at a distance of 90.12 feet passing the face of a concrete bulkhead, and continuing for a total distance of 175.00 feet, to a point in a Private Canal;

THENCE N 44°26'52" E, a distance of 320.00 feet, to the Northerly projection of the Westerly line of said LAGUNA HARBOR, SECTION 4;

THENCE S 45°33'08" E, along the said Westerly line of LAGUNA HARBOR, SECTION 4, at a distance of 93.16 feet, passing the face of a concrete bulkhead, and continuing for a total distance of 175.00 feet to the POINT OF BEGINNING, and containing a calculated area of land and canals of 1.286 Acres.

**EXHIBIT "B"**  
**TO THE**  
**FOURTH SUPPLEMENTAL DECLARATION**  
**TO THE DECLARATION OF COVENANTS, CONDITIONS**  
**AND RESTRICTIONS FOR**  
**LAGUNA HARBOR SUBDIVISION,**  
**AN ADDITION IN GALVESTON COUNTY, TEXAS**

**SCHEDULE OF RELATIVE FACTORS FOR ASSESSMENTS**  
**FOR LOTS IN LAGUNA HARBOR, SECTION 5**

<u>LOT #</u>	<u>GENERAL MAINTENANCE FACTOR</u>	<u>CANAL AND BULKHEAD FACTOR</u>	<u>QUARTERLY MOWING</u>
1	\$161.00	\$160.00	\$75.00
2	\$161.00	\$160.00	\$75.00
3	\$161.00	\$160.00	\$75.00
4	\$161.00	\$160.00	\$75.00
5	\$161.00	\$160.00	\$75.00
6	\$161.00	\$160.00	\$75.00
7	\$161.00	\$160.00	\$75.00
8	\$161.00	\$160.00	\$75.00

**FILED AND RECORDED**

Instrument Number: 2017049356

Recording Fee: 46.00

Number Of Pages: 7

Filing and Recording Date: 08/11/2017 12:55PM

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.



*Dwight D. Sullivan*

---

Dwight D. Sullivan, County Clerk  
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

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