

2023012179
ELECTRONICALLY RECORDED
Official Public Records
2/10/2023 10:36 AM



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
Pages: 4 Fee: \$ 28.00

THIRD AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR RIVERSTONE COMMERCIAL AREAS

**THIRD AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR RIVERSTONE COMMERCIAL AREAS**

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVERSTONE COMMERCIAL AREAS (the “Third Amendment”) is made on the date hereinafter set forth by Sugar Land Ranch Development II Corp. as Declarant (“Declarant”).

W I T N E S S E T H:

WHEREAS, the Frost Ranch Investors, L.P. filed that certain Declaration of Covenants, Conditions and Restrictions for Riverstone Commercial Areas which is recorded under Clerk’s File No. 2001052840, and as amended under Clerk’s File No’s 2004011977 (First Amendment) and Clerk’s File No. 2005052496 (“Second Amendment”) in the Official Public Records of Fort Bend County, Texas, and as same has been or may be supplemented from time to time (collectively the “Declaration”); and

WHEREAS, Frost Ranch assigned its rights to Sugar Land Ranch Development II Corp. as Declarant in that certain Assignment of Rights and Designation of Successor Declarant which is recorded under Clerk’s File No. 2016136271 in the Official Public Records of Fort Bend County, Texas; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified in this Third Amendment; and

WHEREAS, pursuant to Article X, Section 5 of the Declaration, the Declaration may be amended unilaterally at any time and from time to time by Declarant without approval by the Members and Owners for any purpose, provided that the amendment has no material adverse effect upon any right of any Owner; and

WHEREAS, the Declarant desires to amend Article VII, Section 2 of the Declaration entitled “Prohibited Uses” to add additional prohibited uses; and

NOW, THEREFORE, pursuant to the authority granted to the Declarant in the Declaration, the Declarant hereby amends the Declaration as follows:

Article VII, Section 2 of the Declaration entitled “Prohibited Uses”, is amended by adding the following Section 2 (o) to the list of prohibited uses as follows:

(o) Any establishment that sells tobacco, nicotine, cannabidiol (CBD) oil, medical or recreational marijuana, and/or electronic cigarette products as primary product(s), by way of example and not limitation, smoke shops, vape shops, CBD shops, dispensaries, and/or cigar bars. This provision is not

intended to prohibit establishments such as convenience stores or other establishments that offer tobacco products and/or electronic cigarette products for sale along with numerous other unrelated products. The Board has the sole discretion to determine whether tobacco, nicotine, CBD oil, medical or recreational marijuana, and/or electronic cigarette products are primary product(s) of an establishment.

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

If any provision of this Third Amendment is found to be in conflict with the Declaration, this Third Amendment shall control.

IN WITNESS WHEREOF, this Third Amendment is executed by the Declarant and effective upon recording in the real property records of Fort Bend County, Texas.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this the 27th day of October, 2021.

DECLARANT:

SUGAR LAND RANCH DEVELOPMENT II CORP., a Texas corporation

By: *F.W. Reichert III*

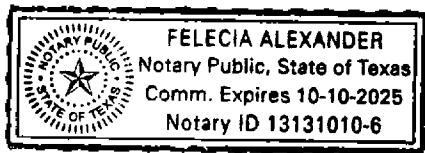
Name: F.W. Reichert III

Title: Vice President

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared F.W. Reichert III, vice president of Sugar Land Ranch Development II Corp., a Texas corporation, on behalf of said entity.

Given under my hand and seal of office, this 27th day of October, 2021.



Felecia Alexander
Notary Public – State of Texas

After recording return to:
Sipra S. Boyd
Roberts Markel Weinberg Butler Hailey PC
2800 Post Oak Blvd., 57th Floor
Houston, Texas 77056
RMWBH FILE NO. 2103-00001