

# FOR SALE

## 129.251 Acres

### Custom Home Sites, Pasture, Hunting & Recreational Land

Lorena, McLennan County, TX 76655

## \$1,490,000

For slide show and investment offering go to: [www.texasfarmandranchrealty.com](http://www.texasfarmandranchrealty.com)



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A DBA of Dube's Commercial, Inc. TREC# 484723

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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land**

## **Lorena, McLennan County, TX 76655**

### **Property Highlights**

**Location** – From the intersection of Loop 340 and Interstate 35 in Waco travel South on Interstate 35 for approximately 8 miles. Take exit 322 toward Rosenthal Pkwy. Turn left onto Old Temple Rd then continue straight onto Rosenthal Rd and go 3.3 miles. Turn right onto Iron Bridge Rd and go .7 miles. The Property will be on the right. Located approximately 1 hour 30 minutes from Fort Worth, Texas, 1 hour 30 minutes from Austin and 2 hours 30 minutes from Houston.

**Acres** – 129.251 acres per survey dated 3/16/22 prepared by Toby Tibbit.

**Features** – Land use is for development of custom home sites, pasture, hunting and recreational land. There are two nice stock ponds on the property. The property is fenced and in good condition. The property has several antique barns and outhouses.

**Water** – There are two stock tanks on the property as well as Cottonwood Creek which borders the property. Levi Water Supply services the area and has approved 4 water meters for the property (see attached letter). Seller at its expense may at its choosing install a meter on the subject property and bore to a property across the road.

**FEMA** – See attached map for any flooding.

**Electricity** – Oncore services the area and there is no meter currently on the property.

**Soil** – There are various soil types on the property. Please refer to the USDA Soil Map located in this brochure for soil types.

**Minerals** – Seller reserves all owned minerals.

**Topography** – The land is a combination of gently rolling hills and flat land areas. The land offers several 360 degree panoramic views for beautiful home sites.

**Current Use** – Privately owned and is used for cattle, hay and recreation.

**Easements** – An abstract of title will need to be performed to determine all easements that may exist. Easements known are for utilities.

**Restrictions** – The property has restrictive covenants (See further back in this brochure).

**Showings** - By appointment only. If applicable, buyers who are represented by an agent/broker must have its agent/broker present at all showings and present an Exclusive Buyer Representation Agreement at the initial showing in order to participate in a commission paid by Exclusive Listing Agent.

**Presented At** - \$1,490,000 - \$11,528 an acre

Texas Farm and Ranch Realty dba Dube's Commercial, Inc., does not make any representations or warranties expressed or implied as to the accuracy of this information. All sources are deemed reliable.



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## **Property Pictures**



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## **Property Pictures**





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## **Property Pictures**





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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land**

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## **Property Aerial View**



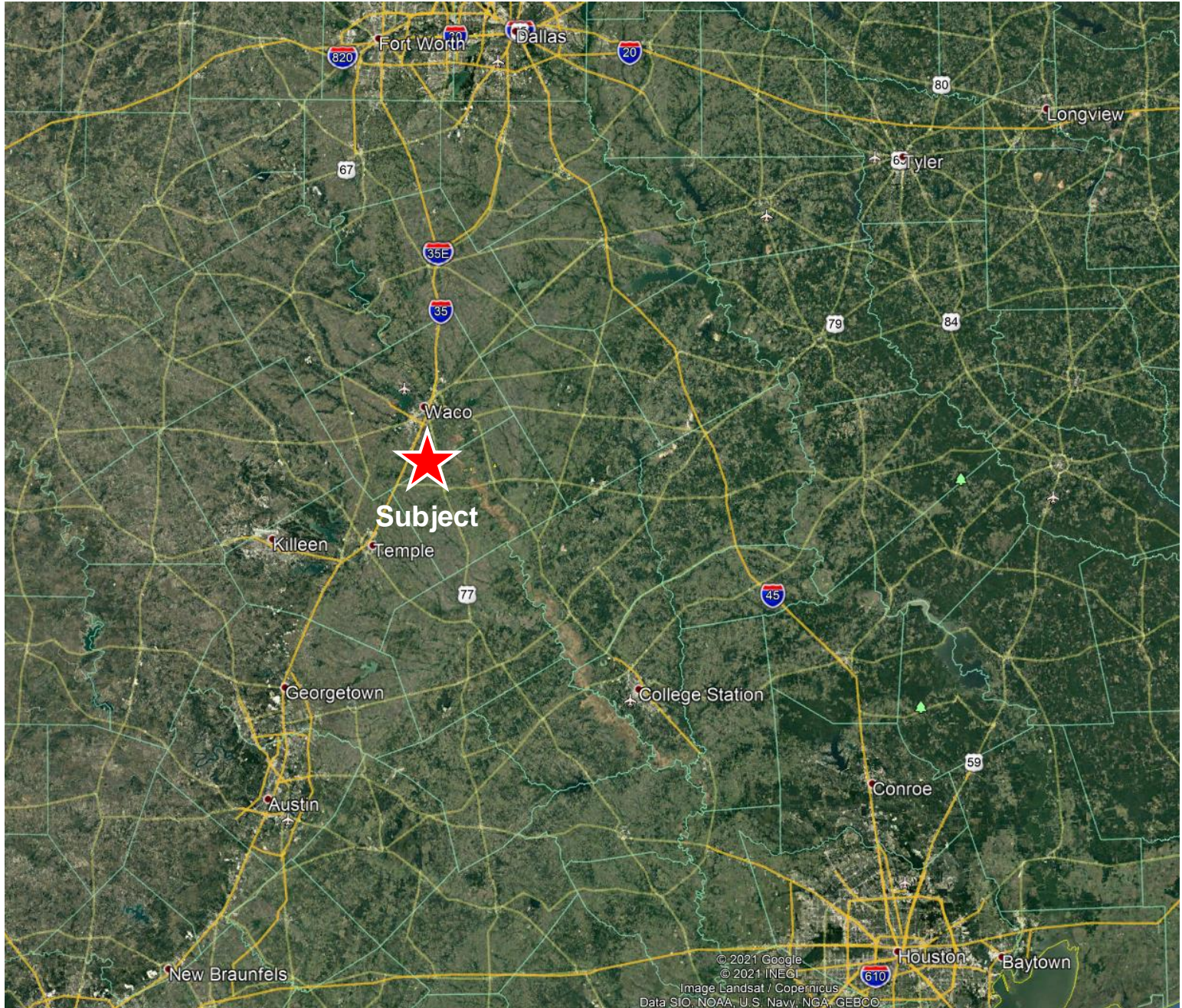


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## **Property Location Relative to DFW, Austin and Houston**



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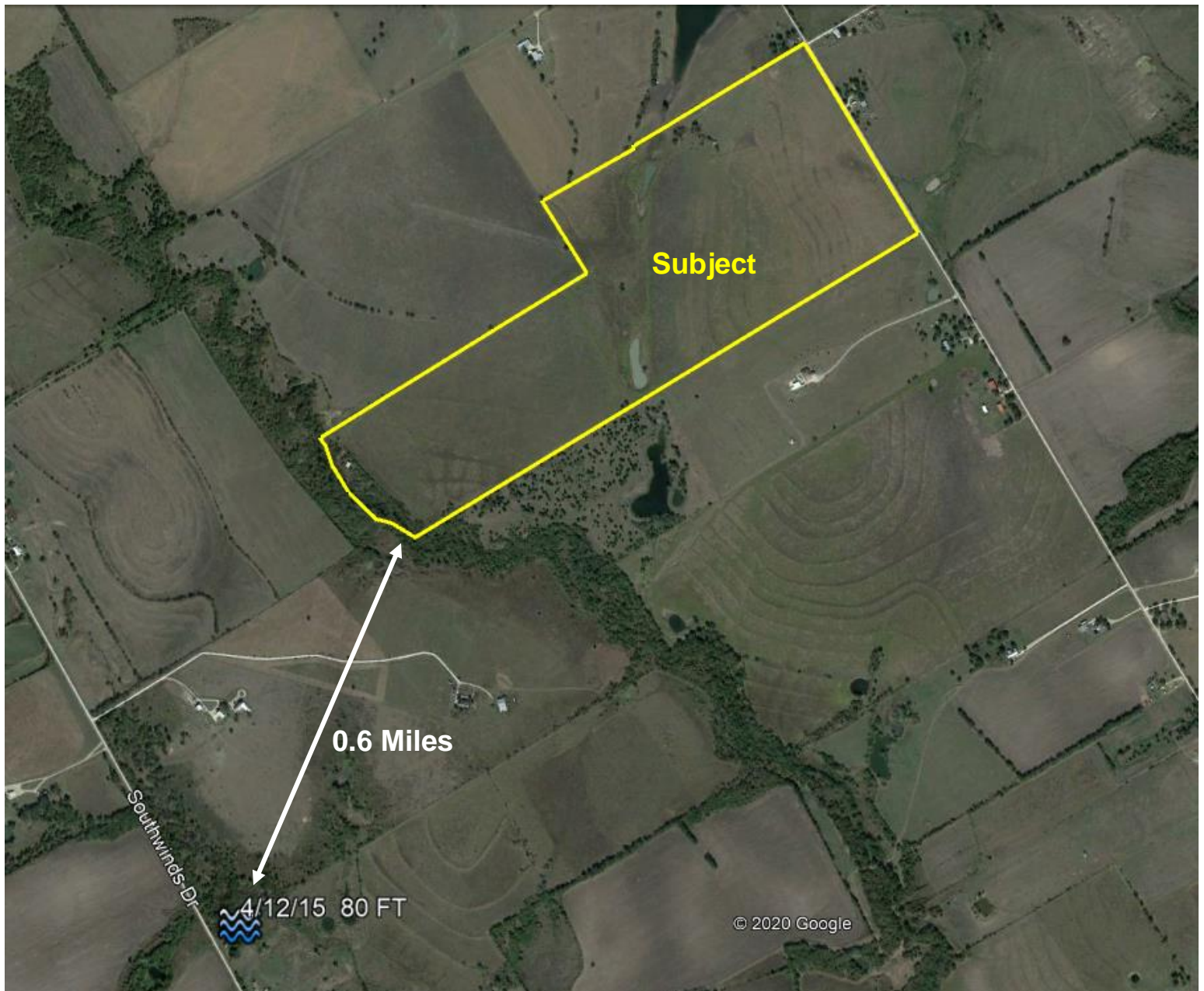


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## **Aerial of Water Well Nearest Property**



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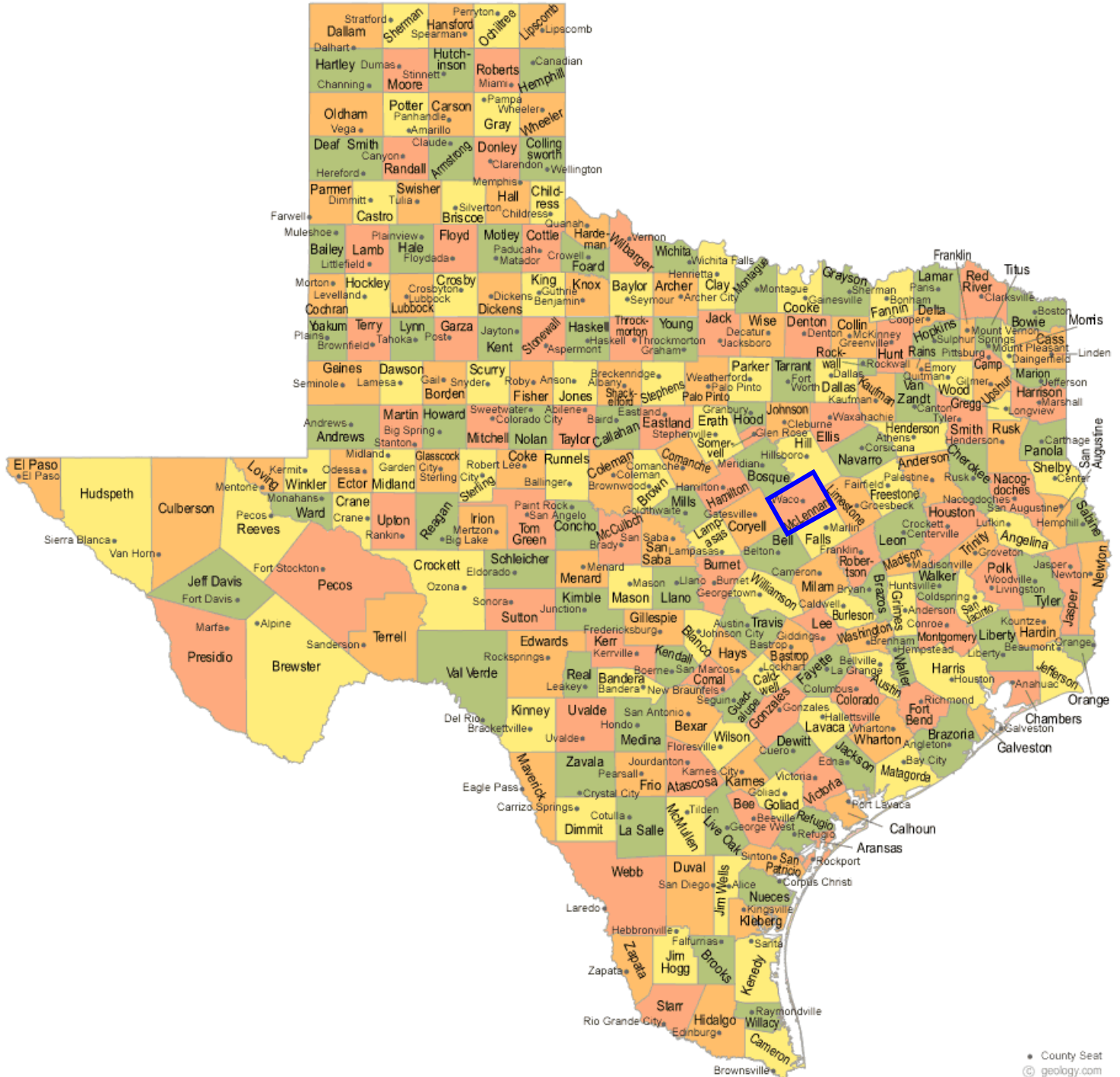
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## **Location of McLennan County**



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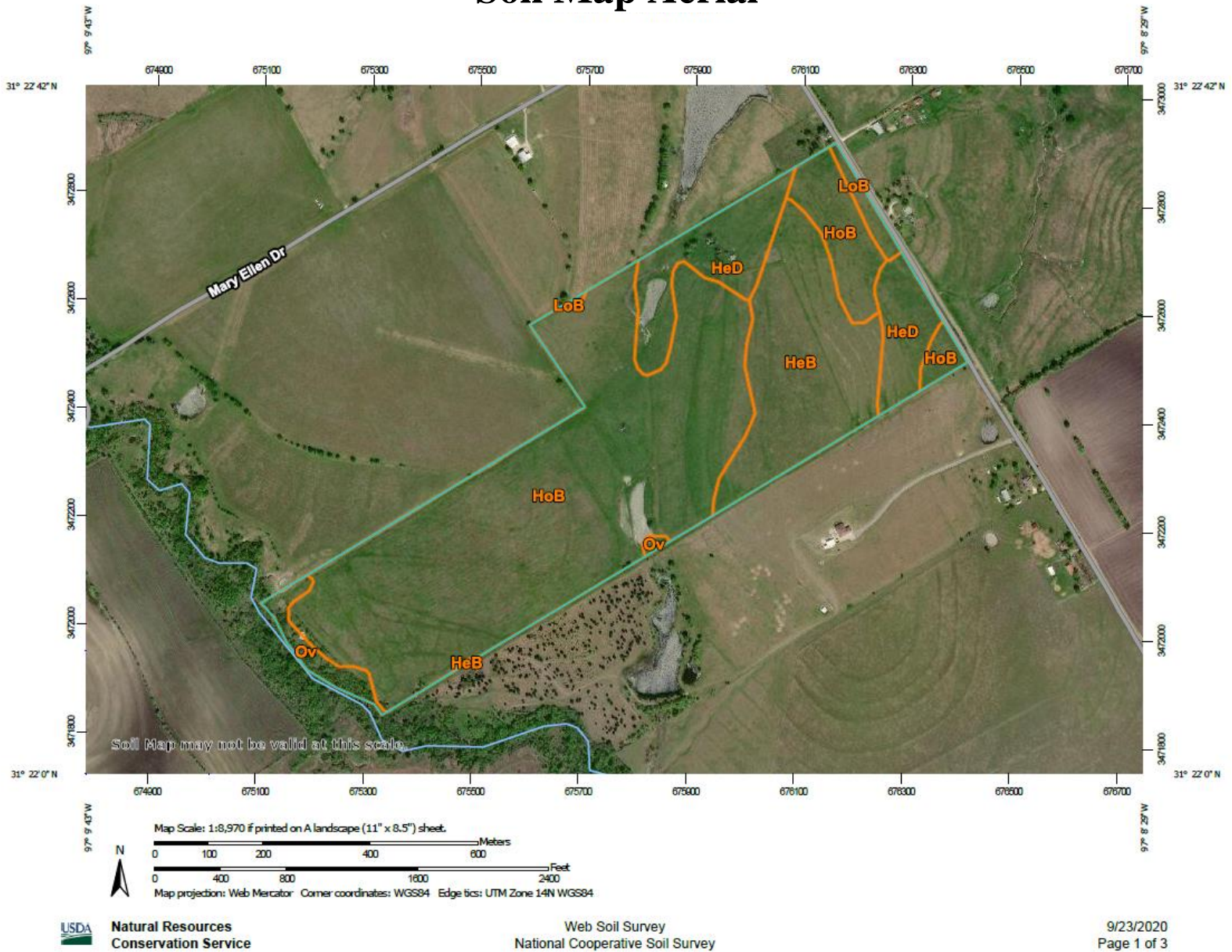


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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land**

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## **Soil Map Aerial**





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## **Soil Type Legend**

<b>Map Unit Symbol</b>	<b>Map Unit Name</b>	<b>Acres in AOI</b>	<b>Percent of AOI</b>
HeB	Heiden clay, 1 to 3 percent slopes	22.7	18.0%
HeD	Heiden clay, 5 to 8 percent slopes	15.7	12.4%
HoB	Houston Black clay, 1 to 3 percent slopes	82.9	65.7%
LoB	Lott silty clay, 1 to 5 percent slopes	1.6	1.3%
Ov	Ovan silty clay, frequently flooded	3.2	2.5%
<b>Totals for Area of Interest</b>		<b>126.1</b>	<b>100.0%</b>



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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land**

## **Lorena, McLennan County, TX 76655**

### **Soil Type – HeB**

**HeB—Heiden clay, 1 to 3 percent slopes**

#### **Management Concerns**

#### **Setting**

*Landform:* Uplands of Upper Cretaceous age  
*Distinctive landscape features:* None  
*Landscape position:* Foot slopes  
*Slope:* Gently sloping, slightly concave  
*Shape of areas:* Irregular or rounded  
*Size of areas:* 10 to 400 acres

#### **Typical Profile**

*Surface layer:*  
0 to 6 inches—dark grayish brown clay  
*Subsurface layer:*  
6 to 14 inches—dark grayish brown clay  
*Subsoil:*  
14 to 55 inches—dark grayish brown, grayish brown,  
and light brownish gray clay  
*Underlying material:*  
55 to 80 inches—yellow shale with clay texture

#### **Soil Properties**

*Depth:* Deep to shale  
*Drainage class:* Well drained  
*Water table:* None within a depth of 6 feet  
*Flooding:* None  
*Runoff:* Rapid  
*Permeability:* Very slow  
*Available water capacity:* High  
*Root zone:* Deep  
*Natural soil fertility:* High  
*Soil reaction:* Moderately alkaline  
*Shrink-swell potential:* Very high  
*Hazard of water erosion:* Moderate  
*Hazard of wind erosion:* Slight

#### **Composition**

Heiden soil and similar inclusions: 85 percent  
Contrasting inclusions: 15 percent

#### **Contrasting Inclusions**

- The well drained Lott and McLennan soils on hillsides
- The moderately deep Austin soils on foot slopes and ridges
- The well drained, deep Ferris soils on hillsides
- The moderately well drained Houston Black soils on the lower foot slopes

#### **Land Uses**

*Major land use:* Cropland  
*Other land uses:* Pasture, rangeland, wildlife habitat, recreation, urban development

#### **Pasture**

*Major limitations:*

- None
- Minor limitations:*
  - The very slow permeability can cause temporary wetness during wet periods.
  - Maintenance of fences is costly because of shrinking and swelling of the soil.

#### **Cropland**

*Major limitations:*

- None
- Minor limitations:*
  - The very slow permeability can cause temporary wetness, which can sometimes delay farming operations.
  - Because of the moderate hazard of water erosion, management of crop residue, terraces, or grassed waterways may be needed to prevent excessive soil loss.
  - Water enters the dry, cracked soil rapidly until the soil becomes sufficiently moist to swell and close the cracks, after which water enters the soil very slowly.

#### **Rangeland**

*Major limitations:*

- None
- Minor limitations:*
  - The very slow permeability can cause temporary wetness.
  - Maintenance of fences is costly because of shrinking and swelling of the soil.

#### **Urban development**

*Major limitations:*

- Shrinking and swelling of the soil can cause houses, sidewalks, roads, and streets to crack or buckle.
- The very slow permeability may cause septic systems to work improperly.
- Establishing and maintaining lawns and landscape plants can be difficult on this clayey soil.
- Shallow excavations sometimes cave in.

*Minor limitations:*

- The very slow permeability can cause water to accumulate for short periods in some areas.

#### **Interpretive Groups**

*Land capability classification:* IIe  
*Range site:* Blackland



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## **Soil Type – HeD**

**HeD—Heiden clay, 5 to 8 percent slopes**

### **Land Uses**

*Major land use:* Rangeland  
*Other land uses:* Cropland, pasture, recreation

### **Setting**

*Landform:* Uplands of Upper Cretaceous age  
*Distinctive landscape features:* Shaly hillsides  
*Landscape position:* Hillsides  
*Slope:* Moderately sloping  
*Shape of areas:* Elongated or irregular  
*Size of areas:* 10 to 200 acres

### **Management Concerns**

#### **Pasture**

*Major limitations:*

- Establishment of pasture species is difficult on this clayey, highly erodible soil.

*Minor limitations:*

- The very slow permeability and rapid runoff make it difficult for water to infiltrate the soil.
- Maintenance of fences is costly because of shrinking and swelling of the soil.

#### **Cropland**

*Major limitations:*

- Because of the severe hazard of water erosion and the slope, cropping systems that produce large amounts of crop residue are needed to maintain soil tilth, increase the rate of water infiltration, and prevent excessive soil loss. Terraces and grassed waterways also help to control erosion.

*Minor limitations:*

- The rapid runoff and very slow permeability may limit the amount of water that can enter the soil.
- Water enters the dry, cracked soil rapidly until the soil becomes sufficiently moist to swell and close the cracks, after which water enters the soil very slowly.

#### **Rangeland**

*Major limitations:*

- None

*Minor limitations:*

- The rapid runoff and very slow permeability make it difficult for water to infiltrate the soil.
- Maintenance of fences is costly because of shrinking and swelling of the soil.

#### **Urban development**

*Major limitations:*

- Shrinking and swelling of the soil can cause houses, roads, streets, and sidewalks to crack or buckle.
- The very slow permeability and the slope can cause septic systems to work improperly.

*Minor limitations:*

- Establishment and maintenance of lawns and landscape plants can be difficult on this clayey, moderately sloping soil.

### **Interpretive Groups**

*Land capability classification:* IVe  
*Range site:* Blackland

### **Setting**

*Landform:* Uplands of Upper Cretaceous age  
*Distinctive landscape features:* Shaly hillsides  
*Landscape position:* Hillsides  
*Slope:* Moderately sloping  
*Shape of areas:* Elongated or irregular  
*Size of areas:* 10 to 200 acres

### **Typical Profile**

*Surface layer:*  
0 to 6 inches—dark grayish brown clay

*Subsurface layer:*  
6 to 14 inches—grayish brown clay

*Subsoil:*  
14 to 50 inches—light brownish gray clay

*Underlying material:*  
50 to 80 inches—yellow shale with clay texture

### **Soil Properties**

*Depth:* Deep to shale  
*Drainage class:* Well drained  
*Water table:* None within a depth of 6 feet  
*Flooding:* None  
*Runoff:* Rapid  
*Permeability:* Very slow  
*Available water capacity:* High  
*Root zone:* Deep  
*Natural soil fertility:* High  
*Soil reaction:* Moderately alkaline  
*Shrink-swell potential:* Very high  
*Hazard of water erosion:* Severe  
*Hazard of wind erosion:* Slight

### **Composition**

Heiden soil and similar inclusions: 85 percent  
Contrasting inclusions: 15 percent

### **Contrasting Inclusions**

- The moderately well drained Houston Black soils along foot slopes
- The loamy McLennan and Lamar soils and clayey Lott soils along hillsides
- The light colored Ellis and Ferris soils along hillsides
- A few uncrossable gullies and areas where the topsoil has been removed by erosion



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## **Lorena, McLennan County, TX 76655**

### **Soil Type – HoB**

**HoB—Houston Black clay, 1 to 3 percent  
slopes**

#### **Setting**

*Landform:* Uplands of Upper Cretaceous age  
*Distinctive landscape features:* None  
*Landscape position:* Foot slopes  
*Slope:* Gently sloping  
*Shape of areas:* Rounded or irregular  
*Size of areas:* 10 to 2,000 acres

#### **Typical Profile**

*Surface layer:*  
0 to 6 inches—very dark gray clay  
*Subsurface layer:*  
6 to 25 inches—very dark gray clay  
*Subsoil:*  
25 to 75 inches—dark gray, gray, and grayish brown  
clay  
*Underlying material:*  
75 to 80 inches—yellow shale with clay texture

#### **Soil Properties**

*Depth:* Very deep  
*Drainage class:* Moderately well drained  
*Water table:* None within a depth of 6 feet  
*Flooding:* None  
*Runoff:* Slow  
*Permeability:* Very slow  
*Available water capacity:* High  
*Root zone:* Very deep  
*Natural soil fertility:* High  
*Soil reaction:* Moderately alkaline  
*Shrink-swell potential:* Very high  
*Hazard of water erosion:* Moderate  
*Hazard of wind erosion:* Slight

#### **Composition**

Houston Black soil and similar inclusions: 90 percent  
Contrasting inclusions: 10 percent

#### **Contrasting Inclusions**

- The noncalcareous Burleson soils on broad flats
- The well drained Heiden and Ferris soils on the upper slopes and hillsides
- The well drained Krum and Lewisville soils in the slightly lower positions
- The moderately well drained Branyon soils on broad flats
- The moderately well drained Slidell soils in the slightly higher positions

#### **Land Uses**

*Major land use:* Cropland  
*Other land uses:* Pasture, rangeland

#### **Management Concerns**

##### **Pasture**

*Major limitations:*  
• None  
*Minor limitations:*  
• The very slow permeability can cause temporary wetness during wet periods.  
• Maintenance of fences is costly because of shrinking and swelling of the soil.

##### **Cropland**

*Major limitations:*  
• None  
*Minor limitations:*  
• The very slow permeability can cause temporary wetness, which can sometimes delay farming operations.  
• Because of the moderate hazard of water erosion, management of crop residue, terraces, or grassed waterways may be needed to prevent excessive soil loss.  
• Water enters the dry, cracked soil rapidly until the soil becomes sufficiently moist to swell and close the cracks, after which water enters the soil very slowly.

##### **Rangeland**

*Major limitations:*  
• None  
*Minor limitations:*  
• The very slow permeability can cause temporary wetness.  
• Shrinking and swelling of the soil can cause fences to sag.

##### **Urban development**

*Major limitations:*  
• Shrinking and swelling of the soil can cause houses, roads, streets, and sidewalks to crack or buckle.  
• The very slow permeability can cause septic systems to work improperly.  
• Establishing lawns and landscape plants is difficult on this clayey soil.  
• Shallow excavations sometimes cave in.  
*Minor limitations:*  
• The slow runoff and very slow permeability can cause water to accumulate for short periods.

#### **Interpretive Groups**

*Land capability classification:* IIe  
*Range site:* Blackland



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## **Lorena, McLennan County, TX 76655**

### **Soil Type – LoB**

**LoB—Lott silty clay, 1 to 5 percent  
slopes**

#### **Setting**

*Landform:* Uplands of Upper Cretaceous age  
*Distinctive landscape features:* None  
*Landscape position:* Convex hillsides  
*Slope:* Gently sloping  
*Shape of areas:* Elongated or irregular  
*Size of areas:* 10 to 200 acres

#### **Typical Profile**

*Surface layer:*  
0 to 5 inches—dark brown silty clay  
*Subsurface layer:*  
5 to 12 inches—brown silty clay  
*Subsoil:*  
12 to 36 inches—brown silty clay  
36 to 52 inches—reddish yellow silty clay and silty clay  
loam  
*Underlying material:*  
52 to 80 inches—reddish yellow silty clay loam and  
clayey marl

#### **Soil Properties**

*Depth:* Very deep  
*Drainage class:* Well drained  
*Water table:* None within a depth of 6 feet  
*Flooding:* None  
*Runoff:* Medium  
*Permeability:* Moderately slow  
*Available water capacity:* Moderate  
*Root zone:* Very deep  
*Natural soil fertility:* Medium  
*Soil reaction:* Moderately alkaline  
*Shrink-swell potential:* Moderate  
*Hazard of water erosion:* Severe  
*Hazard of wind erosion:* Slight

#### **Composition**

Lott soil and similar inclusions: 85 percent  
Contrasting inclusions: 15 percent

#### **Contrasting Inclusions**

- The very deep Ellis, Ferris, and Lamar soils along hillsides
- The loamy McLennan soils along hillsides
- The deep Heiden and very deep Houston Black soils along foot slopes
- A few uncrossable gullies and areas where the topsoil has been removed by erosion

#### **Land Uses**

*Major land use:* Cropland  
*Other land uses:* Rangeland, pasture, recreation

#### **Management Concerns**

##### **Pasture**

- Major limitations:*
- None
- Minor limitations:*
- The moderate available water capacity limits production.

##### **Cropland**

- Major limitations:*
- Because of the severe hazard of water erosion, cropping systems that produce large amounts of crop residue are needed to prevent excessive soil loss and maintain the content of organic matter.
- Minor limitations:*
- None

##### **Rangeland**

- Major limitations:*
- None
- Minor limitations:*
- Production may be low during dry periods because of the moderate available water capacity.

##### **Urban development**

- Major limitations:*
- The moderately slow permeability may cause septic systems to fail.
- Minor limitations:*
- Maintenance of lawns and grasses is difficult on this clayey, gently sloping soil.
  - Shrinking and swelling of the soil can cause houses, roads, and streets to crack or buckle.

#### **Interpretive Groups**

*Land capability classification:* IIIe  
*Range site:* Clay Loam



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## **Lorena, McLennan County, TX 76655**

### **Soil Type – Ov**

**Ov—Ovan silty clay, frequently flooded**

#### **Management Concerns**

##### **Setting**

*Landform:* Holocene-age flood plains along local streams  
*Distinctive landscape features:* None  
*Landscape position:* Bottomland  
*Slope:* Nearly level  
*Shape of areas:* Elongated and narrow  
*Size of areas:* 20 to 300 acres

##### **Typical Profile**

*Surface layer:*  
0 to 20 inches—dark grayish brown silty clay  
*Subsurface layer:*  
20 to 35 inches—grayish brown silty clay  
*Subsoil:*  
35 to 80 inches—pale brown silty clay

##### **Soil Properties**

*Depth:* Very deep  
*Drainage class:* Moderately well drained  
*Water table:* None within a depth of 6 feet  
*Flooding:* Frequent, of very brief duration  
*Runoff:* Slow  
*Permeability:* Very slow  
*Available water capacity:* High  
*Root zone:* Very deep  
*Natural soil fertility:* High  
*Soil reaction:* Moderately alkaline  
*Shrink-swell potential:* High  
*Hazard of water erosion:* Slight  
*Hazard of wind erosion:* Slight

##### **Composition**

Ovan soil and similar inclusions: 85 percent  
Contrasting inclusions: 15 percent

##### **Contrasting Inclusions**

- The well drained, clayey Frio soils on flood plains
- The moderately well drained, clayey Tinn soils on hillsides bordering flood plains
- The well drained Sunev and Lewisville soils on hillsides bordering flood plains
- The well drained Heiden and moderately well drained Houston Black soils along foot slopes bordering flood plains

##### **Land Uses**

*Major land use:* Pasture  
*Other land uses:* Cropland, rangeland, recreation

##### **Pasture**

###### *Major limitations:*

- The soil is flooded about once every 1 to 2 years. Floods can destroy fences, cause scour erosion, and deposit sediment on established pastures.

###### *Minor limitations:*

- None

##### **Cropland**

###### *Major limitations:*

- Crop losses can occur because of flooding. Some areas are used for small grain, forage sorghum, or other crops.

###### *Minor limitations:*

- This slowly permeable, clayey soil can be wet for short periods. The wetness may delay planting in some years.

##### **Rangeland**

###### *Major limitations:*

- This soil is well suited to rangeland, but flooding may be a problem in some years.

###### *Minor limitations:*

- None

##### **Urban development**

###### *Major limitations:*

- Flooding is a severe hazard on sites for streets, houses, or other urban structures.
- The very slow permeability can cause septic systems to fail.

###### *Minor limitations:*

- Shrinking and swelling of the soil can cause buildings and roads to crack or buckle.

##### **Interpretive Groups**

*Land capability classification:* Vw

*Range site:* Clayey Bottomland



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## Survey



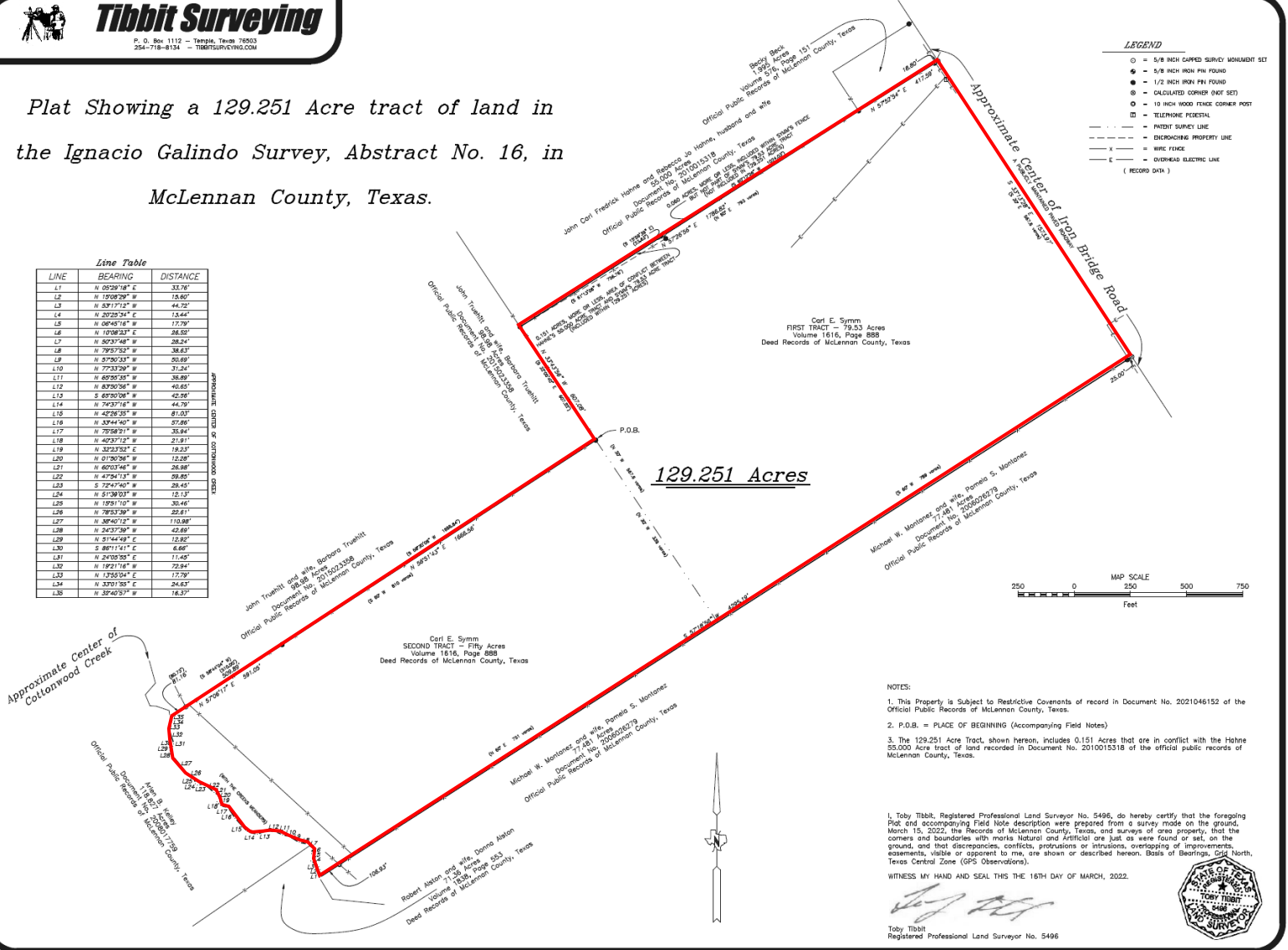
**Tibbit Surveying**

P. O. Box 1112 - Temple, Texas 76788  
254-718-8134 - TIBBITSURVEYING.COM

Plat Showing a 129.251 Acre tract of land in  
the Ignacio Galindo Survey, Abstract No. 16, in  
McLennan County, Texas.

Line Table

LINE	BEARING	DISTANCE
L1	N 05°29'18" E	33.76'
L2	N 19°08'29" W	19.80'
L3	N 33°17'12" W	44.72'
L4	N 20°25'24" E	15.44'
L5	N 08°45'16" W	17.79'
L6	N 10°08'31" E	28.50'
L7	N 50°37'48" W	28.24'
L8	N 79°57'52" W	38.63'
L9	N 37°50'24" W	30.09'
L10	N 77°33'29" W	31.24'
L11	N 69°55'55" W	36.89'
L12	N 87°50'56" W	40.65'
L13	S 65°50'08" W	42.98'
L14	N 74°37'16" W	44.79'
L15	N 42°52'51" W	81.03'
L16	N 33°44'40" W	57.86'
L17	N 79°58'51" W	35.84'
L18	N 42°57'12" W	21.91'
L19	N 33°23'52" E	19.23'
L20	N 01°50'56" W	12.08'
L21	N 62°02'14" W	26.98'
L22	N 47°54'13" W	59.85'
L23	S 72°47'40" W	29.45'
L24	N 51°39'23" W	12.13'
L25	N 19°51'10" W	30.46'
L26	N 78°53'39" W	23.61'
L27	N 38°40'12" W	110.86'
L28	N 24°37'59" W	42.89'
L29	N 01°44'49" E	12.82'
L30	S 88°11'11" E	6.86'
L31	N 24°05'53" E	11.49'
L32	N 19°21'16" W	79.94'
L33	N 17°59'04" E	17.79'
L34	N 33°01'53" E	24.63'
L35	N 39°40'57" W	16.37'



Bob Dube (Broker)

512-423-6670 (mobile) 254-803-5263 (LAND)

bob@texasfarmandranchrealty.com

www.texasfarmandranchrealty.com

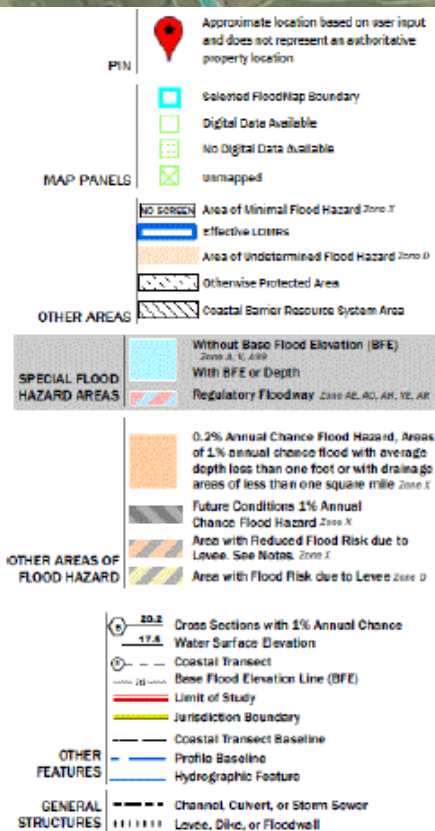
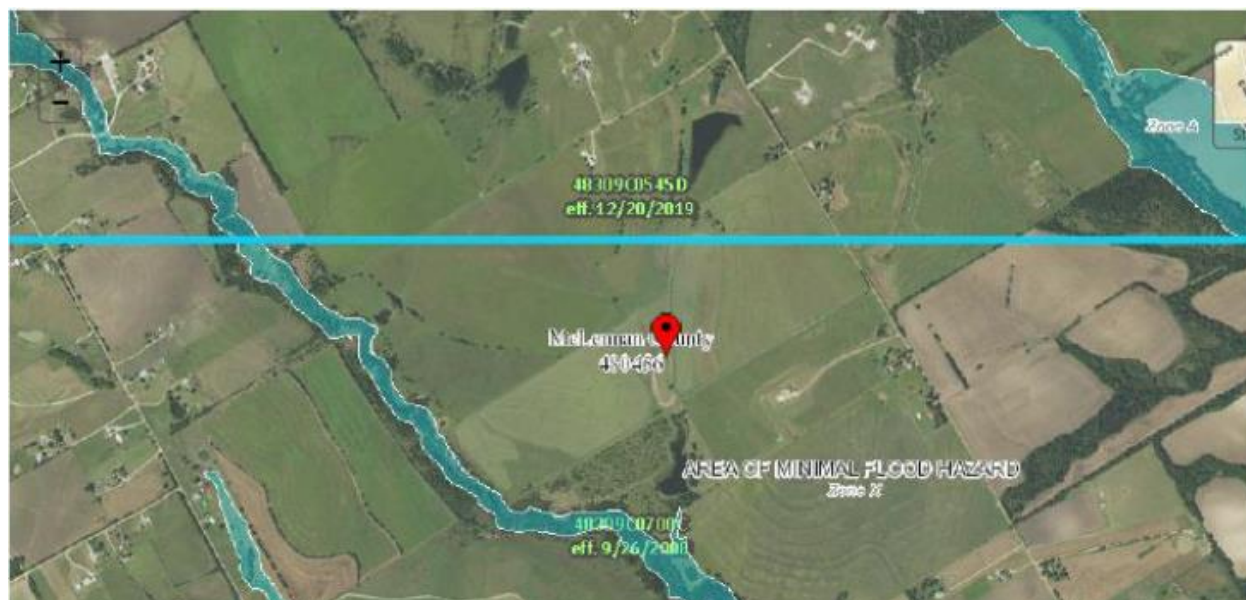
A DBA of Dube's Commercial, Inc. TREC# 484723

FOR  
SALE

# 129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land

Lorena, McLennan County, TX 76655

## FEMA Map



**TEXAS**  
FARM & RANCH REALTY

— "Stewards of Land"  
A DBA of Dube's Commercial, Inc. TREC# 484723

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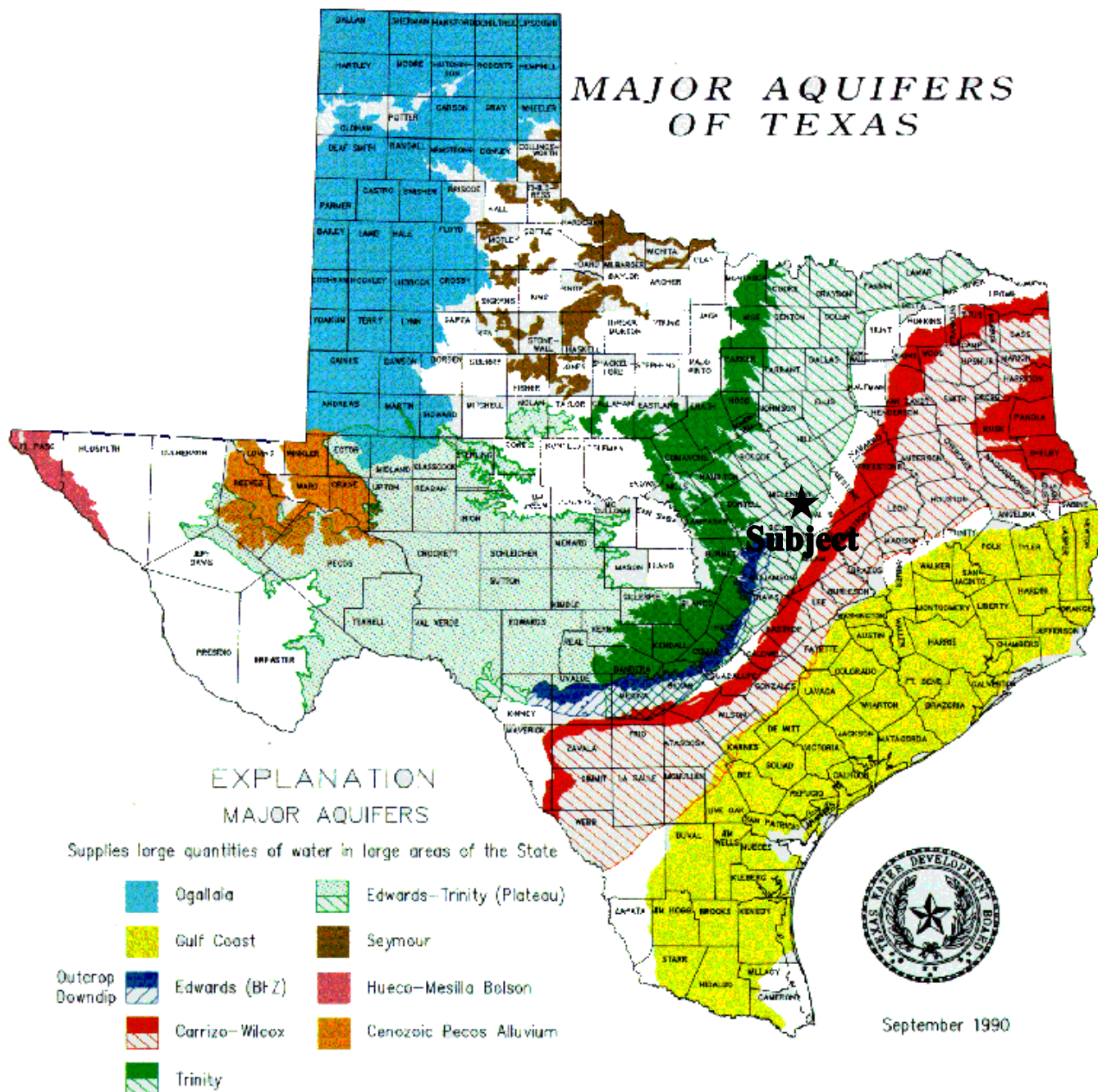
www.texasfarmandranchrealty.com



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## Property Location to Major Aquifers of Texas



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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land**

**Lorena, McLennan County, TX 76655**

## **Topo Map**





**FOR  
SALE**

**129.251 Acres – Custom Home Sites, Pasture, Hunting  
& Recreational Land  
Lorena, McLennan County, TX 76655**

**LEVI WATER SUPPLY CORPORATION**  
P.O. BOX 490 ♦ 2757 ROSENTHAL PKWY  
LORENA, TEXAS 76655-0490  
(25) 857-3050 ♦ FAX: (254) 857-3226  
accounts@leviwater.com

November 10, 2021

1742 Iron Bridge Road  
Lorena, Texas 76655

Re: Account 768 – 4 Water Meters - Iron Bridge Road

Dear Mr.

This is to confirm that you were approved for 4 meters on Iron Bridge Road. As per our requirements you have paid \$3,400.00 for each meter which totaled \$13,600. Payment was made by check 3389.

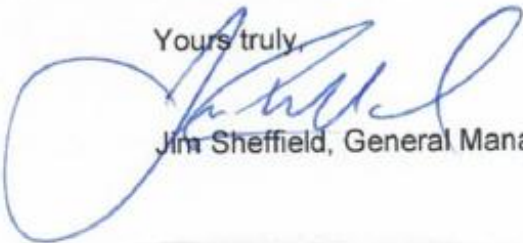
Beginning in November, 2021, you will be billed the minimum billing of \$52.26 each month for each meter.

There will be an additional charge for the installation of each meter. The current standard installation charge is \$685.00 per meter, subject to change based on parts and labor cost. The standard installation charge would be installing each meter close to Iron Bridge Road.

Any line extensions or road bores will be an additional charge.

Please let me know if any additional information is needed.

Yours truly,

  
Jim Sheffield, General Manager



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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land Lorena, McLennan County, TX 76655**

## **DECLARATION OF RESTRICTIVE COVENANTS**

STATE OF TEXAS

§

§

MCLENNAN COUNTY

§

This DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") is made by Carl E. Symm and Barbalee Symm, husband and wife (collectively "Declarant").

### **RECITALS**

Declarant is the sole owner of approximately 129 acres in the I. Golindo 8 League Grant in McLennan County, Texas, being the same property described in two tracts in a Warranty Deed with Vendor's Lien dated December 3, 1987 from Emil P. Stolz and Adele Stolz to Carl E. Symm, recorded in Vol. 1616, Page 889, Official Public Records of McLennan County, Texas, said 129 acres being further described in Exhibit "A" attached hereto and incorporated herein (the "Property").

Declarant imposes on the Property certain protective covenants, conditions, and restrictions, as described below, according to an established general plan for the improvement and development of the Property.

All of the Property will be held, sold, conveyed, and occupied subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which will run with the Property and will be binding on all parties having any right, title, or interest in or to the Property or any part of it, their heirs, successors, and assigns, and will inure to the benefit of each owner.

Each contract or deed that may later be executed with regard to the Property or any portion of it will conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions, and restrictions, regardless of whether they are set forth or referred to in the contract or deed.

### **ARTICLE 1 DEFINITIONS**

Unless the context specifies or requires otherwise, the following terms when used in this Declaration have the following meanings:

**1.01. Declarant.** "Declarant" means Carl E. Symm and Barbalee Symm, their duly authorized representatives or their successors or assigns. Any assignment of the rights of Declarant must be expressly set forth in writing and the mere conveyance of a portion of the Property without written assignment of the rights of Declarant will not be sufficient to constitute an assignment of the rights of Declarant under this Declaration.

**1.02. Declaration.** "Declaration" means this instrument as amended from time to time.





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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land**

## **Lorena, McLennan County, TX 76655**

**1.03. Improvement.** “Improvement” means every structure and all appurtenances to structures of every type and kind, including but not limited to buildings, outbuildings, storage sheds, patios, tennis courts, swimming pools, garages, storage buildings, fences, screening walls, retaining walls, stairs, decks, landscaping, poles, signs, exterior air conditioning, water-softener fixtures or equipment, and poles, pumps, wells, tanks, reservoirs, pipes, lines, meters, antennas, towers, and other facilities used in connection with water, sewer, gas, electric, telephone, regular or cable television, or other utilities.

**1.04. Owner.** “Owner” or “Owners” means the Person(s), including Declarant, holding a fee-simple interest in any portion of the Property.

**1.05. Person.** “Person” or “Persons” means any individual(s), entity, or entities having the legal right to hold title to real property.

### **ARTICLE 2 DEVELOPMENT OF THE PROPERTY**

**2.01. Development by Declarant.** Declarant may divide or subdivide the Property into several areas and develop some of the Property.

**2.02. Addition of Land.** Declarant may, at any time and from time to time, add land to the Property, and on such addition, this Declaration and the covenants, conditions, restrictions, and obligations set forth in it will apply to the added land, and the rights, privileges, duties, and liabilities of the Persons subject to this Declaration will be the same with respect to the added land as with respect to the lands originally covered by this Declaration. In order to add lands to the Property under this Declaration, Declarant will be required only to record in the real property records of McLennan, Texas, a notice of addition of land containing the following provisions a reference to this Declaration, a statement that the provisions of this Declaration will apply to the added land, and a legal description of the added land.

### **ARTICLE 3 GENERAL RESTRICTIONS**

All of the Property will be owned, held, encumbered, leased, used, occupied, and enjoyed subject to the following limitations and restrictions:

**3.01. Subdividing.** No Lot will be further divided or subdivided to an area less than ten (10) acres, however, when Declarant is the Owner, Declarant may further divide and subdivide any portion of the Property and convey any easements or other interests less than the whole.

**3.02. Hazardous Activities.** No activities will be conducted on the Property and no Improvements constructed on the Property that are or might be unsafe or hazardous to any Person or property. No portion of the Property shall be used in violation of any federal, state, local, and foreign statutes, regulations, and ordinances concerning public health and safety, worker health and safety, pollution, or protection of the environment, including all those relating to the presence, use, production, generation, handling, transportation, treatment, storage,



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disposal, distribution, labeling, testing, processing, discharge, release, threatened release, control, or cleanup of any hazardous materials, substances, or wastes, as such requirements are enacted.

**3.03. Mining and Drilling.** No portion of the Property will be used for the purpose of mining, quarrying, drilling, boring, or exploring for or removing oil, gas, or other hydrocarbons, minerals of any kind, rocks, stones, limestone, sand, gravel, aggregate, or earth.

**3.04 Solar and Wind.** No portion of the Property nor any part thereof shall be used for the commercial generation of solar or wind energy including the construction of or installation of solar panels or wind turbines. This restriction does not prohibit the installation of solar panels for use by Owner of the Property.

**3.05 Use of the Property.** No portion of the Property shall be used for professional, business, or commercial activity to which the public is invited.

**3.06. Animals.** No portion of the Property shall be used as a commercial poultry, dairy, goat, or hog farm. No Portion of the Property shall be used shall be used for a confined commercial feed lot or confined commercial stock yard. No animal kept on the Property will be allowed to make an unreasonable amount of noise, or to become a nuisance. No animal may be stabled, maintained, kept, cared for, or boarded for hire or remuneration on the Property, and no kennels or breeding operation will be allowed. All animals must be kept within each Owners' property, which must be clean, sanitary, and reasonably free of refuse, insects, and waste at all times.

**3.07. Rubbish and Debris.** No portion of the Property shall be used for a junk yard. No rubbish or debris of any kind will be placed or permitted to accumulate on the Property, and no odors will be permitted to arise from it so as to make the Property or any portion of it unsanitary, unsightly, offensive, or detrimental to any other property or to its occupants. Refuse, garbage, and trash must be kept at all times in covered containers, and the containers must be kept within enclosed structures or appropriately screened from view.

**3.08. Temporary Structures.** No tent, shack, or other temporary building, improvement, or structure will be placed on the Property; however, temporary offices and temporary structures necessary for the storage of tools and equipment or for office space for architects, builders, and foremen during actual construction may be maintained. Barns, sheds, and workshops are allowed on the Property provided they are built of metal framing, steel, rock, or brick siding and are kept in good condition and repair and adequately painted or otherwise maintained by the Owner.

**3.09. Unsightly Articles; Vehicles.** Owners may not keep more than four (4) automobiles so that they are visible from any other portion of the Property for any period in excess of seventy-two (72) hours. No automobiles or other above-mentioned articles or vehicles may be parked overnight on any roadway within the Property. Service areas, storage areas, and compost piles must be appropriately screened from view, and no lumber, grass, plant waste, shrub or tree clippings, metals, bulk materials, scrap, refuse, or trash will be kept, stored, or allowed to accumulate on any portion of the Property unless it is within an enclosed structure or is appropriately screened from view. No vehicles of any kind, including but not limited to





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motorcycles or motor scooters, that are inoperable are permitted to remain visible on any portion of the Property.

**3.10. Mobile Homes, Travel Trailers, and Recreational Vehicles.** No mobile home, manufactured home, house trailer, RV, or modular home may be parked or placed on any portion of the Property for use as a residence, either temporary or permanent, at any time other than during construction of a permanent residence on the Property, but in no event for longer than twelve (12) months. Recreational vehicles owned or leased by an Owner may be stored on the Property provided they are not used as a residence, except as specifically allowed in this Section 3.12, and are kept operational and in good repair.

**3.11. Dwelling Size** The primary dwelling on any Owner's portion of the Property will contain at least 2,500 square feet of enclosed living space, exclusive of porches (open or covered), decks, garages, and carports. Only new building materials (except for used brick) will be used for constructing any Improvements. Exposed metal roof decks that reflect light in a glaring manner in the direction of other dwellings on other properties, such as galvanized-steel sheets, are specifically prohibited.

**3.12. Drainage.** There will be no interference with the established drainage patterns over any of the Property, except by Declarant, unless adequate provision is made for proper drainage.

**3.13. Construction Activities.** This Declaration will not be construed so as to unreasonably interfere with or prevent normal construction activities during the construction of Improvements by an Owner (including Declarant) on any portion of the Property. Specifically, no construction activities will be deemed to constitute a nuisance or a violation of this Declaration by reason of noise, dust, presence of vehicles or construction machinery, posting of signs, or similar activities, provided that the construction is pursued to completion with reasonable diligence and conforms to usual construction practices in the area.

**3.14. Compliance with the Restrictions.** Each Owner must comply strictly with the provisions of the Restrictions as amended from time to time. Failure to comply with any of the Restrictions constitutes a violation of this Declaration and gives rise to a cause of action to recover amounts due for damages or injunctive relief or both, maintainable by the Declarant, an Owner, or, if applicable, any governmental entity having jurisdiction over the Property.

**3.15. No Warranty of Enforceability.** While Declarant has no reason to believe that any of the restrictive covenants or other terms and provisions contained in this Article or elsewhere in this Declaration are or may be invalid or unenforceable for any reason or to any extent, Declarant makes no warranty or representation as to the present or future validity or enforceability of any restrictive covenants, terms, or provisions. Any Owner acquiring any portion of the Property in reliance on one or more of the restrictive covenants, terms, or provisions assumes all risks of their validity and enforceability and, by acquiring the Property, agrees to hold Declarant harmless if they are held to be invalid or unenforceable.



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# **129.251 Acres – Custom Home Sites, Pasture, Hunting & Recreational Land Lorena, McLennan County, TX 76655**

## **ARTICLE 4 MISCELLANEOUS**

**4.01. Term.** This Declaration, including all of its covenants, conditions, and restrictions, will be effective on the date this Declaration is recorded in the real property records of McLennan, Texas, and will continue in effect for a period of ten (10) years, after which it will be automatically extended for successive periods of years each, unless amended or extinguished as set forth in Section 10.02.

**4.02. Amendment; Extinguishment.** This Declaration may be amended or extinguished only in accordance with the provisions of this Section. All provisions of this Declaration may be amended or extinguished by the recording in the real property records of McLennan, Texas, of an instrument executed and acknowledged by Owners owning least sixty-seven percent (67%) of the total acreage of the Property. Any amendment or termination of this Declaration must also be approved by Declarant so long as Declarant owns any portion of the Property or any property adjacent to the Property.

**4.03. Notices.** Any notice permitted or required to be given by this Declaration must be in writing. Unless otherwise required by law, the notice must be delivered to the Person to whom the notice is directed (1) in person, with written receipt received, (2) by U.S. mail, registered or certified, (3) by a nationally recognized overnight delivery service, (4) by e-mail, or (5) by any other method required or permitted under the Declaration. If delivery is by U.S. mail, the notice will be deemed to have been given when deposited, properly addressed and with proper postage, with the U.S. Postal Service. If delivery is by e-mail, the notice will be deemed to have been given when the message is transmitted to the proper e-mail address. The address or e-mail address at which a Person is given notice is the address on record with the McLennan County Appraisal District or any successor or replacement agency for purposes of ad valorem tax notices.

**4.04. Governing Law.** The provisions of this Declaration will be liberally construed to effectuate the purposes of creating a uniform plan for the development and operation of the Property and of promoting and effectuating the fundamental concepts of the Property set forth in this Declaration. This Declaration will be governed by and interpreted under the laws of the State of Texas.

**4.05. Exemption of Declarant.** This Declaration will not prevent or limit the right of Declarant to excavate and grade, to construct and alter drainage patterns and facilities, to construct any and all other types of improvements, sales and leasing offices, and similar facilities, and to post signs incidental to construction, sales, and leasing anywhere within the Property.

**4.06. Assignment of Declarant.** Despite any provision in this Declaration to the contrary, Declarant may assign, in whole or in part, any of its privileges, exemptions, rights, and duties under this Declaration to any other Person and may permit the participation, in whole or in part, by any other Person in any of these privileges, exemptions, rights, and duties.





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**4.07. Enforcement; Nonwaiver.** Except as otherwise provided in this Declaration, any Owner at its own expense, or Declarant will have the right to enforce any and all provisions of the Restrictions. This right of enforcement will include both damages for, and injunctive relief against, the breach of any provision. The failure to enforce any provision at any time will not constitute a waiver of the right to enforce the provision or any other provision in the future.

**4.08. Construction.** The provisions of the Restrictions will be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion of a provision will not affect the validity or enforceability of any other provision or portion of a provision. Unless the context requires a contrary construction, the singular includes the plural and the plural the singular, and the masculine, feminine, or neuter each includes the masculine, feminine, and neuter. All headings and titles used in this Declaration are intended solely for convenience of reference and will not enlarge, limit, or otherwise affect that which is set forth in any of the paragraphs, sections, or articles in this Declaration.



A DBA of Dube's Commercial, Inc. TREC# 484723

**Bob Dube (Broker)**

**512-423-6670 (mobile) 254-803-5263 (LAND)**

**[bob@texasfarmandranchrealty.com](mailto:bob@texasfarmandranchrealty.com)**

**[www.texasfarmandranchrealty.com](http://www.texasfarmandranchrealty.com)**

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**Lorena, McLennan County, TX 76655**

## **CONFIDENTIALITY & DISCLAIMER**

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**THE TEXAS REAL ESTATE COMMISSION (TREC) REGULATES  
REAL ESTATE BROKERS AND SALES AGENTS, REAL ESTATE INSPECTORS,  
HOME WARRANTY COMPANIES, EASEMENT AND RIGHT-OF-WAY AGENTS  
AND TIMESHARE INTEREST PROVIDERS**

**YOU CAN FIND MORE INFORMATION AND  
CHECK THE STATUS OF A LICENSE HOLDER AT  
[WWW.TREC.TEXAS.GOV](http://WWW.TREC.TEXAS.GOV)**

**YOU CAN SEND A COMPLAINT AGAINST A LICENSE HOLDER TO TREC  
A COMPLAINT FORM IS AVAILABLE ON THE TREC WEBSITE**

**TREC ADMINISTERS TWO RECOVERY FUNDS WHICH MAY BE USED TO  
SATISFY A CIVIL COURT JUDGMENT AGAINST A BROKER, SALES AGENT,  
REAL ESTATE INSPECTOR, OR EASEMENT OR RIGHT-OF-WAY AGENT,  
IF CERTAIN REQUIREMENTS ARE MET**

**IF YOU HAVE QUESTIONS OR ISSUES ABOUT THE ACTIVITIES OF  
A LICENSE HOLDER, THE COMPLAINT PROCESS OR THE  
RECOVERY FUNDS, PLEASE VISIT THE WEBSITE OR CONTACT TREC AT**



**TEXAS REAL ESTATE COMMISSION  
P.O. BOX 12188  
AUSTIN, TEXAS 78711-2188  
(512) 936-3000**



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## Information About Brokerage Services

*Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.*

11-2-2015



### TYPES OF REAL ESTATE LICENSE HOLDERS:

- A **BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A **SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

### A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

### A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

**AS AGENT FOR OWNER (SELLER/LANDLORD):** The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

**AS AGENT FOR BUYER/TENANT:** The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

**AS AGENT FOR BOTH - INTERMEDIARY:** To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
  - o that the owner will accept a price less than the written asking price;
  - o that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
  - o any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

**AS SUBAGENT:** A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

### TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

**LICENSE HOLDER CONTACT INFORMATION:** This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

Dube's Commercial, Inc.	484723	bob@texasfarmandranchrealty.com	254-803-5263
Licensed Broker /Broker Firm Name or Primary Assumed Business Name	License No.	Email	Phone
Robert T. Dube	365515	bob@texasfarmandranchrealty.com	254-803-5263
Designated Broker of Firm	License No.	Email	Phone
Licensed Supervisor of Sales Agent/ Associate	License No.	Email	Phone
Sales Agent/Associate's Name	License No.	Email	Phone

Buyer/Tenant/Seller/Landlord Initials

Date

Regulated by the Texas Real Estate Commission

Information available at [www.trec.texas.gov](http://www.trec.texas.gov)

IABS 1-0



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