



SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ON AND FOR
LOTS 223-224, 249-250, 275-276 and 281-282,
VIRIDIAN,
A SUBDIVISION IN LUBBOCK COUNTY, TEXAS

STATE OF TEXAS }
 } **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF LUBBOCK }

WHEREAS, pursuant to the Declaration of Covenants, Conditions and Restrictions on an for Viridian, a subdivision in Lubbock County, Texas (“Viridian”), recorded June 6, 2019 under County Clerk File No. 2019021033, Official Public Records of Lubbock County, Texas, (the “*Original Declaration*”), 1585 Development, LLC, an Texas limited liability company (“*Original Declarant*”), subjected certain real property described in the Declaration to certain covenants, condition and restrictions;

WHEREAS, pursuant to Article XI, Section 3 (a) of the Original Declaration, 1585 Development, LLC is the current “Declarant” under the Declaration and has the right to amend the Declaration for any purposes during the Development Period pursuant to that certain First Amendment to Declaration of Covenants, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas recorded April 28, 2021 under County Clerk File No. 2021020760, Official Public Records of Lubbock County, Texas (“*First Amendment*”);

Declarant desires to add additional property (the “Additional Property”) as described on “**Exhibit A**” to this Second Amendment (being Lots 223-224, 249-250, 275-276 and 281-282), inclusive, VIRIDIAN, an Addition to Lubbock County, Texas).; and, Declarant desires that the Additional Property described on **Exhibit “A”**, to this Second Amendment shall be added to the scheme of the Declaration, subject to the modifications and amendments as contained within this Second Amendment pertaining to said Additional Property.

In accordance with Article VIII, Section 7 of the Declaration, mail cluster boxes per United States Postal Service (“USPS”) requirements at the locations described on **Exhibit “B”** attached hereto.

Article VIII, Section 6 (a) of the Declaration, Fences is herein amended as follows:

Except as otherwise provided in this Declaration, a perimeter fence shall be constructed on each Lot. The perimeter fence shall be constructed (i) across the rear property line of each Lot by the Declarant, at its expense, and will be of Concrete Masonry Unit (CMU) construction and at a

height of seven feet (7') and (ii) along the side of each Lot, by the Builder, from the rear fence corner to a point which intersects either the rear building line of the Dwelling Unit on the Lot or the front building line of the Dwelling Unit. All perimeter fences, with the exception of the rear lot line fence, shall be constructed of cedar, redwood, or other similar materials as approved by the ARC, and shall be of such design, materials and construction as conform to the design of the Dwelling Unit. All perimeter fences shall be approved by the ARC. Perimeter fences shall be a minimum of six feet (6') in height and under no circumstances will the ARC approve perimeter fences to be constructed of chain link, barbed wire, pipe, woven design or other material not expressly permitted and approved by the ARC. No fence, wall or hedge (which serves as a barrier) shall be erected, placed or altered on any Lot without the approval of the ARC. Perimeter fences constructed on common boundary lines between Lots will be maintained and repaired jointly by the Owners of the adjoining Lots, unless the Owners, agree otherwise.

Article VIII, Section 10 of the Declaration, Trash Containers is herein amended as follows:

Lots 223-224, 249-250, 275-276 and 281-282 will not have alleys at which trash service will be available, and thus trash containers for those Lots will be designed for front yard pick-up ("Special Garbage Handling"). For those Lots receiving Special Garbage Handling, trash containers will be provided by the City of Lubbock, Texas, and the Owners of the Lots receiving Special Garbage Handling will follow all rules and regulations established by the City of Lubbock, Texas for the pick-up of trash and debris.

The trash containers utilized on Lots receiving Special Garbage Handling will not be placed in the front yard for pick-up earlier than 6:00 o'clock P.M. of the day prior to the day scheduled for the garbage pick-up service, and such containers must be removed from the front yard prior to nightfall of the day of the garbage pick-up service.

At all other times, trash containers for Lots receiving Special Garbage Handling will be stored in the garage or otherwise screened from view of the street and other Lots. Declarant and the Association reserve the right to place dumpsters and other trash containers on Common Properties. All trash and debris shall be disposed of in proper containers, and at no time shall an Owner allow trash or debris to remain on a Lot.

The Declaration of Covenant, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas previously imposed and herein described are not amended, changed, modified or altered in any way other than as specifically and expressly set out herein.

IN WITNESS WHEREOF, Declarant and the other parties have executed this Amendment to be effective as of May 20, 2021 (the "**Effective Date**").

DECLARANT:

1585 DEVELOPMENT, LLC,
a Texas limited liability company

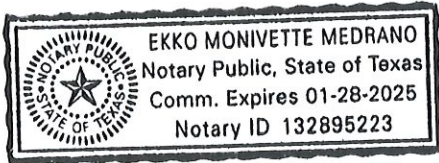


Thomas K. Payne, Manager

STATE OF TEXAS }

COUNTY OF LUBBOCK }

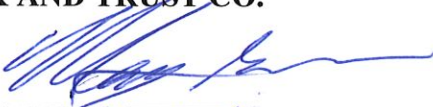
Before me, the undersigned authority on this 20th day of May, 2021, personally appeared THOMAS K. PAYNE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the instrument as the act of 1585 DEVELOPMENT, LLC, a Texas limited liability company, and that he executed the instrument on behalf of the limited liability company for the purposes and consideration expressed, and in the capacity hereinabove stated.





Notary Public – State of Texas

LENDERS:
FIRST BANK AND TRUST CO.

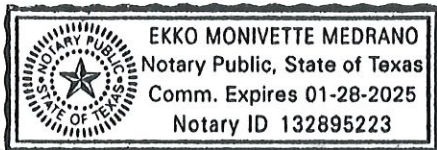
By: 

Print Name: Matt Graves
Title: SVP

STATE OF TEXAS }

COUNTY OF LUBBOCK }

Before me, the undersigned authority on this 20th day of May, 2021, personally appeared Matt Graves, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the instrument as the act of First Bank and Trust, a state banking association, and that he/she executed the instrument on behalf of the banking association for the purposes and consideration expressed, and in the capacity hereinabove stated.





Notary Public – State of Texas

EXHIBIT "A"
THE "ADDITIONAL PROPERTY"

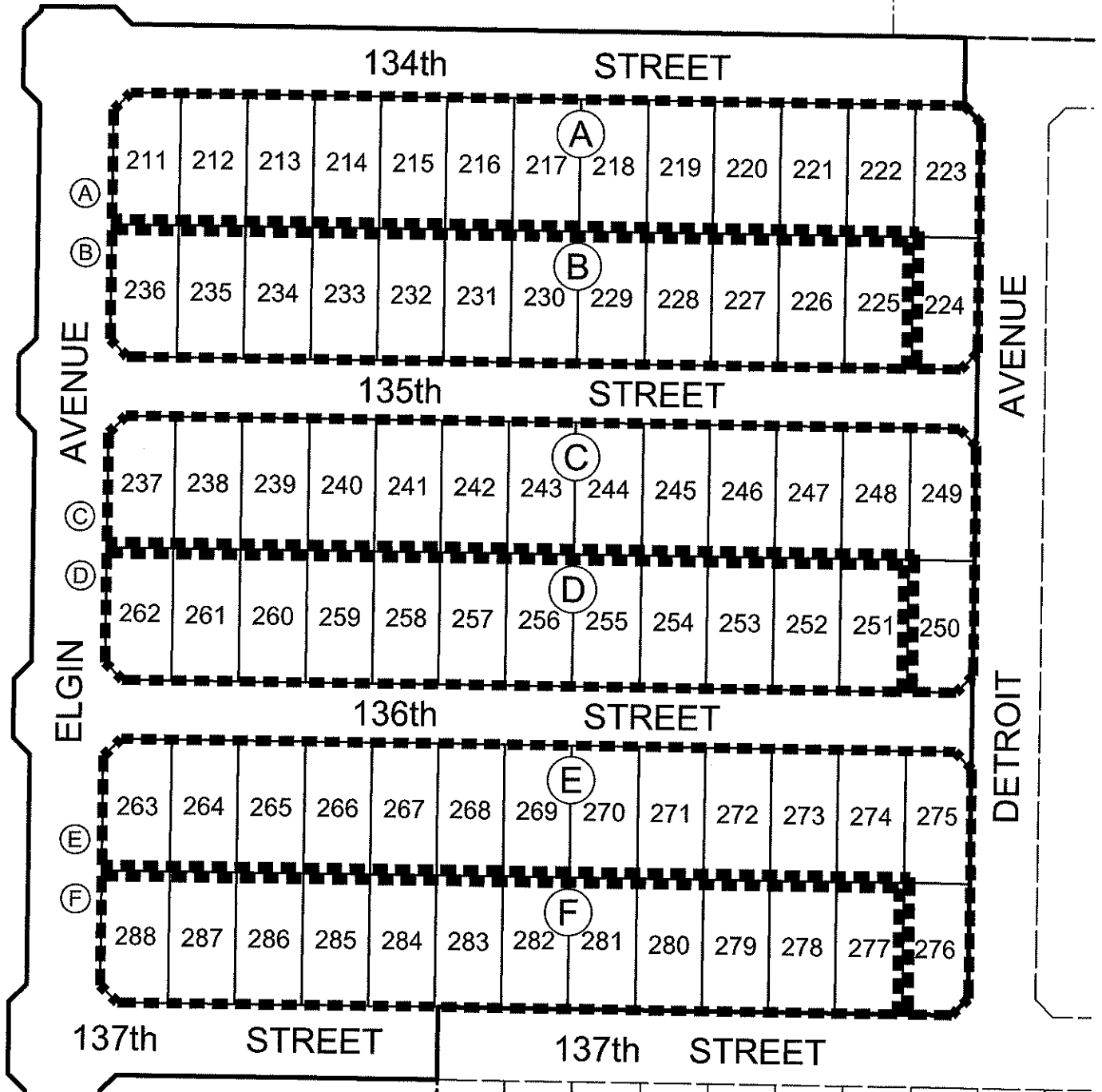
Lots 223-224, 249-250, 275-276 and 281-282, inclusive, VIRIDIAN, an Addition to Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed therefor recorded in County Clerk File No. 2021019219, of the Official Public Records of Lubbock County, Texas.

EXHIBIT "B"
USPS CLUSTER BOX LOCATIONS

LOTS 211 - 288

VIRIDIAN

CLUSTER MAIL BOX CONFIGURATION



(A)-(F) CLUSTER MAIL BOX LOCATIONS

- (A) - LOTS 211-224
- (B) - LOTS 225-236
- (C) - LOTS 237-250
- (D) - LOTS 251-262
- (E) - LOTS 263-276
- (F) - LOTS 277-288



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
05/21/2021 12:00 PM
FEE: \$50.00
2021025050