

RESTRICTIONS FOR PORTION OF
TYLER INDUSTRIAL FOUNDATION
INDUSTRIAL PARK

THE STATE OF TEXAS §
 COUNTY OF SMITH § KNOW ALL MEN BY THESE PRESENTS:

THAT TYLER INDUSTRIAL FOUNDATION, INC., a corporation, acting through its duly authorized officers, being the owner of the following described property:

All of the property owned by Tyler Industrial Foundation located on both sides of Robertson Street, between Loop #323 and the St. Louis Southwestern Railroad right of way in the City of Tyler, Smith County, Texas, LESS AND EXCEPT the property under lease to Levi Strauss Company;

does hereby impress said property with the following restrictions, covenants and conditions for the purpose of providing a uniform building program upon said property and to insure the present and future owners that said subdivision will be developed into a desirable commercial addition:

1.

No lot or tract conveyed by Tyler Industrial Foundation, Inc. to any grantee, fronting on Robertson Street as stated above, shall thereafter be subdivided without the written consent of Tyler Industrial Foundation, Inc. The other restrictions herein contained shall apply to each such lot or tract as conveyed by said Foundation and references to "lot" or "tract" shall mean each lot or tract fronting on said Robertson Street so conveyed by the Foundation.

2.

No building shall be constructed on any lot or tract which is closer than thirty feet to the right-of-way line of Robertson Street or closer than thirty feet to the right-of-way line of South Bennett Avenue.

3.

Not more than fifty per cent of the land area contained in any lot or tract shall ever be covered by buildings.

4.

The outside of all buildings constructed on such lot shall be constructed of brick, brick veneer, or masonry; or of some other material approved in advance by the Building Committee named below.

5.

No materials, supplies or equipment, excluding company-owned or operated trucks and motor vehicles, shall be stored in any area on a site except inside a closed building or behind a visual barrier at least six feet in height screening such areas from the view from the street.

6.

The owner of any such lot must provide adequate off-street parking for all of its employees, customers and invitees, and parking in Robertson Street or Bennett Avenue will not be permitted.

7.

The entire surface of each lot which is being used but is not covered by buildings or paved parking areas shall be covered by grass or shrubbery, which shall be regularly maintained in a neat condition. All unused and nonlandscaped land area that is planned for future building expansion or other purposes shall be maintained and kept free of weeds, other unsightly plant growth, rubbish and debris.

8.

If the owner of any of such lots shall fail to commence the construction of his or its main building on such lot within one year from the date of the deed from Tyler Industrial Foundation, Inc. conveying said lot, said Foundation shall have an

option to repurchase said lot from the owner at the same price originally paid to the Foundation for said lot. This option must be exercised within sixty days after the expiration of the one-year period.

9.

The President, First Vice President and Secretary-Treasurer of Tyler Industrial Foundation, Inc., and their successors in office, are hereby designated as the Building Committee mentioned above in these restrictions. Any two of them may act for the Building Committee.

10.

These restrictions may be enforced by mandatory injunction, and venue of any such suit shall be in Smith County, Texas.

If any portion of these restrictions shall be declared invalid by judgment or court order, it shall not affect the validity of any other provision or portion thereof.

EXECUTED, This 26th day of May, 1978.

ATTEST:

James H. Barney
Secretary

TYLER INDUSTRIAL FOUNDATION, INC.

By: Wilbert Lasater
Wilbert Lasater, President

THE STATE OF TEXAS §

COUNTY OF SMITH §

BEFORE ME, the undersigned authority, on this day personally appeared WILBERT LASATER, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said TYLER INDUSTRIAL FOUNDATION, INC., A corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 26th day of May, 1978.

Clara Kelly
Notary Public, Smith County, Texas