



**AFTER RECORDING RETURN TO:**

**Robert D. Burton**

**Winstead, PC**

**401 Congress Ave., Suite 2100**

**Austin, Texas 78701**

**rburton@winstaed.com**

## **NOTICE OF NON-UNIFORM ASSESSMENT**

### **DOMINION CREEK**

*Bexar County, Texas*

Cross Reference that certain Declaration of Covenants, Conditions, Easements and Restrictions for the Dominion Planned Unit Development, recorded as Volume 2956, Page 0061, Official Public Records of Bexar County, Texas as amended and that certain Amended and Restated Declaration of Protective Covenants for C2 Zoning (Dominion Creek) recorded as Document No. 20130140526 in the Official Public Records of Bexar County, Texas, as amended.

## Notice of Non-Uniform Assessment – Dominion Creek

This Notice of Non-Uniform Assessment – Dominion Creek (this “Notice”) is made and executed on this 19<sup>th</sup> day of June, 2013, by INTCO-DOMINION PARTNERSHIP, a Texas general partnership (“Declarant”), and is as follows:

### RECITALS

1. **Authority Under Umbrella Declaration.** Pursuant to Article III, Section 10 of the Declaration of Covenants, Conditions, Easements and Restrictions for The Dominion Planned Unit Development dated October 18, 1983, and recorded in Volume 2956, Page 61, of the Official Public Records of Real Property of Bexar County, Texas, as amended (the “**Umbrella Declaration**”), Declarant may, in its sole discretion, elect to modify the assessments imposed on non-residential property on a non-uniform basis by filing a Notice of Non-Uniform Assessment.

2. **Designation of Non-Uniform Assessment.** This Notice of Designation of Non-Uniform Assessment is filed with respect to the property known as “Dominion Creek”, described on Exhibit "A" attached hereto and made a part hereof for all purposes (the “**Dominion Creek Tract**”). Assessments will be levied against the Dominion Creek Tract in increments known as a “Non-Uniform Commercial Assessment”. The Non-Uniform Commercial Assessment is currently set at \$250 per month. Assessments will be levied against the Dominion Creek Tract in an amount equivalent to two (2) Non-Uniform Commercial Assessments. Assessments will not be levied against the Dominion Creek Tract until either (i) the tract or a portion thereof, is sold or otherwise transferred to a subsequent purchaser or developer or (ii) Dominion Creek, LLC, a Texas limited liability company, the current owner of the Dominion Creek Tract, has caused Improvements to be constructed which may be used for residential or commercial purposes and intends to retain ownership of all or a portion of the Dominion Creek Tract rather than market for sale to a third party. In the event (ii) occurs, Assessments will commence on such the Dominion Creek Tract no later than the date a certificate of occupancy for such Improvements has been issued by the City of San Antonio, Texas.

3. **Adjustment to Non-Uniform Commercial Assessments.** Beginning on January 1, 2014, and continuing annually each year thereafter, each Non-Uniform Commercial Assessment shall be increased by the greater of:

(i) the percentage of increase, if any, in the cost of living index at the beginning of January 1, 2014 and each calendar year thereafter, over and above the cost of living index at the commencement of the immediately preceding calendar year. For purposes of this Paragraph 3(i), increases in the cost of living index shall be measured by the Consumer Price Index for “All Urban Consumers, U.S. City Average, All Items,” issued by the Bureau of Labor Statistics of the United States Department of Labor. The figures for purposes of calculating the percentage

increase, if any, shall be the last figures published prior to the applicable measurement date. If for any reason the Bureau of Labor Statistics does not furnish such an index and such information, the Board of Directors of the Association may use such other index or comparable statistics on the cost of living for Bexar County, Texas, as shall be computed and published by an agency of the United States or by a responsible financial periodical of recognized authority;

**OR**

(ii) the percentage of increase, if any, in the uniform regular monthly assessment to be levied by the Board of Directors of the Association for residential lots subject to the Umbrella Declaration for the calendar year 2014 and each calendar year thereafter, over and above the uniform regular monthly assessment levied by the Board of Directors of the Association during the immediately preceding calendar year.

**4. Subdivision.** In the event the Dominion Creek Tract is subdivided into additional platted lots, each resulting lot will be allocated one (1) Non-Uniform Commercial Assessment. In the event the Dominion Creek Tract is subdivided into two (2) platted lots, each lot will be allocated one (1) Non-Uniform Commercial Assessment. In no circumstance or event, including the combination of tracts or lots, will the Dominion Creek Tract be allocated less than two (2) Non-Uniform Commercial Assessments.

**5. Miscellaneous.** This notice constitutes a notice of non-uniform assessment under Article III, Section 10 the Umbrella Declaration. Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Umbrella Declaration.

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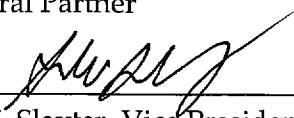
IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first set forth above.

DECLARANT:

INTCO-DOMINION PARTNERSHIP,  
a Texas general partnership

By: INTCO Properties III, L.P.,  
a Texas limited partnership  
its managing general partner

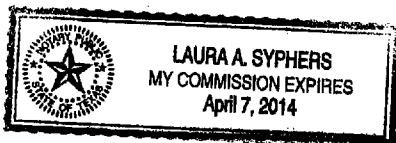
By: INTCO Properties G.P. III, Inc.,  
a Texas corporation,  
its General Partner

By:   
Larry W. Slayter, Vice President

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR §

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME this 19 day of June, 2013, by LARRY W. SLAYTER, Vice President of INTCO Properties G.P. III, Inc., a Texas corporation, as general partner of INTCO Properties III, L.P., a Texas limited partnership, as managing general partner of INTCO-Dominion Partnership, a Texas general partnership, on behalf of said corporation, said limited partnership and said general partnership.

[SEAL]



  
Notary Public, State of Texas

Laura A. Syphers  
(Name - Typed or Printed)

4/7/2014  
(Date Commission Expires)

EXHIBIT 'A'

FIELD NOTES for 5.513 acres of land, more or less, being out of the Manuel Tarin Survey No. 25, Abstract No. 742, County Block 4754, Bexar County, Texas and being the same property described in deed recorded in Volume 3828, Page 133 of the Real Property Records of Bexar County, Texas. Said 5.513 acres being more particularly described as follows:

- BEGINNING:** At a found boat spike on the northeast right-of-way line of the Southern Pacific Railroad right-of-way, said POINT OF BEGINNING having South Central Zone State Plane Coordinates of N 13787550.18, E 2087227.68 (N.A.D. 1983);
- THENCE:** Departing said right-of-way line, N 89° 56' 35" E 68.75 feet to a found 1/2" I.P. with red cap stamped OD;
- THENCE:** N 89° 02' 42" E, 36.29 feet to a set 1/2" iron pin on the west bank of Leon Creek.
- THENCE:** Generally along the west bank of Leon Creek the following:  
S 21° 01' 24" E, 206.02 feet to a found 2" pipe;  
S 24° 27' 17" E, 377.50 feet to a set 1/2" iron pin;  
S 31° 42' 42" E, 150.36 feet to a found 2" pipe;  
S 31° 57' 34" E, 245.06 feet to a found 1/2" iron pin with a yellow plastic cap stamped Pope Dawson;  
S 09° 17' 44" E, 158.50 feet to a found 1/2" iron pin with a yellow plastic cap stamped Pope-Dawson; and  
S 02° 07' 52" E, 254.95 feet to a found 1/2" iron pin with a yellow plastic cap stamped Pope-Dawson;
- THENCE:** Departing said west bank, S 71° 19' 42" W, 164.28 feet to a found 1/2" iron pin with yellow plastic cap stamped Pope-Dawson on the northeast right-of-way line of the Southern Pacific Railroad;
- THENCE:** Along said railroad right-of-way N 17° 35' 03" W, 1401.58 feet to the POINT OF BEGINNING and containing 5.513 acres of land, more or less.

**NOTE:** Bearings and coordinates are based on the Texas State Plane Coordinate System South Central Zone, North American Datum 1983. Coordinates were established by Global Positioning System based on Triangulation Station Lockhill 2, N 13750260.53, E 2099442.40 1965 and combined scale factor of 0.99982750. Distances shown are based on horizontal and do not contain combined scale factor.

Phan 8

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# Pages 6  
07/09/2013 1:00PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERARD C. RICKHOFF  
COUNTY CLERK  
Fees \$32.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
07/09/2013 1:00PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerard C. Rickhoff*