

AFTER RECORDING RETURN TO:

**KRISTI E. STOTTS, ESQ.
WINSTEAD, PC
401 CONGRESS AVE., SUITE 2100
AUSTIN, TEXAS 78701**

**FIRST SUPPLEMENT TO
AMENDED AND RESTATED DECLARATION OF
PROTECTIVE COVENANTS
FOR
C2 ZONING

[DOMINION CREEK]**

BEXAR COUNTY, TEXAS

Cross Reference to Amended and Restated Declaration of Protective Covenants for C2 Zoning recorded under Document No. 20130140526, Official Public Records, Bexar County, Texas, as amended and supplemented thereto.

**FIRST SUPPLEMENT TO
AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS
FOR C2 ZONING**

This First Supplement to Amended and Restated Declaration of Protective Covenants for C2 Zoning (the "**First Supplement**") is executed on this 11th day of April, 2023 (the **Effective Date**) by GC SA PROPERTIES, LLC, a Texas limited liability company (the "**Owner**"), and THE DOMINION HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation (the "**Association**"), and is as follows:

RECITALS:

A. The Association and Dominion Creek, LLC, a Texas limited liability company, previously executed and recorded that certain Amended and Restated Declaration of Protective Covenants for C2 Zoning as Document No. 20130140526 in the Official Public Records of Bexar County, Texas, as amended (collectively, the "**Declaration**").

B. The Declaration encumbers all of the real property described in Exhibit "A" to the Declaration (the "**Property**").

C. The restrictions contained within this First Supplement apply only to that portion of the Property described as Lot 3, Block 110, New City Block 16386, Dominion Retail Subdivision located in Bexar County, Texas, according to the plat recorded in Volume 9720, Page 159, Deed and Plat Records, Bexar County, Texas (the "**Applicable Area**").

D. Owner is currently the owner of fee simple title to the Applicable Area.

E. Owner and the Association now desire to supplement the Declaration by further restricting the uses of the Applicable Area as set forth hereinbelow.

NOW THEREFORE, for and in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby supplemented as follows:

1. **Applicable Law.** "*Applicable Law*" shall mean all statutes, public laws, ordinances, policies, rules, regulations and orders of all federal, state, county and municipal governments or their agencies having jurisdiction and control over the Applicable Area in effect at the time a provision of the Declaration, the plats and plans, the bylaws, Community Manual, or any rule of the Association (the "*Restrictions*") is applied, and pertaining to the subject matter of the Restriction provision, and all other ordinances, including but not limited to Section 35.310.10 and Table 311-2 Non-Residential Use Matrix of the City of San Antonio, Texas, Unified Development Code dated January 1, 2006, and any other applicable building codes, zoning restrictions and permits or other applicable regulations. Statutes and ordinances specifically referenced in the Restrictions are "*Applicable Law*" on the date of the Restrictions, and are not intended to apply to the Applicable Area if they cease to be applicable by operation of law, or if

they are replaced or superseded by one or more other statutes or ordinances. All references to "applicable law" in the Restrictions shall be hereby deleted and replaced with Applicable Law.

2. **Permitted Land Use.** Section 2.1.1 and Section 2.1.2 are hereby added in their entirety to the Declaration as set forth below:

2.1.1 **Accessory Live Entertainment at Food Service Establishment.** Unless otherwise approved by the ACC, permitted food service establishments located within the Applicable Area may provide live music entertainment, so long as live music is permitted by and in compliance with Applicable Law, and any outdoor live music does not continue past 11 p.m., Central Standard Time. The food service establishment must exercise reasonable care to avoid noise levels that exceed what is customary for live music performances. The ACC reserves the right to adopt specific requirements from time to time with respect to the location, duration, and character of any live music entertainment.

2.1.2 **Food Service Establishment Hours of Operation.** Unless otherwise approved by the ACC, permitted food service establishments located within the Applicable Area may operate on any day of the week, so long as such establishment does not remain open for business earlier than [CONFIRM] 7 a.m. and later than 12:00 a.m., Central Standard Time; provided, however, that the operation thereof otherwise complies with Applicable Law. The ACC reserves the right to adopt specific requirements from time to time with respect to hours of operation for food service establishments.

3. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

4. **Amendment.** This First Supplement may be amended by an instrument in writing executed by Owner and the Majority of the Board.

EXECUTED to be effective as of the date this instrument has been recorded in the Official Public Records of Bexar County, Texas.

[SIGNATURE PAGE FOLLOWS]

ASSOCIATION:

THE DOMINION HOMEOWNERS ASSOCIATION, a
Texas non-profit corporation

By: [Signature]

Printed Name: Rob McDaniel

Title: General Manager

THE STATE OF TEXAS §

§

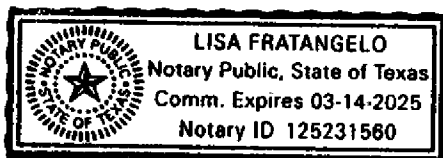
COUNTY OF Bexar §

This instrument was acknowledged before me on the 27th day of March, 2023,
by Rob McDaniel General Mgr of The Dominion Homeowners Association,
Inc., a Texas non-profit corporation, on behalf of said corporation.

(SEAL)

[Signature]

Notary Public Signature



OWNER:

GC SA PROPERTIES, LLC, a Texas limited liability company

By: Allen Tharp
Printed Name: Allen THARP
Title: CEO

THE STATE OF TEXAS §
 §
COUNTY OF Bexar §

This instrument was acknowledged before me on the 1th day of April, 2023, by Allen THARP CEO of GC SA PROPERTIES, LLC, a Texas limited liability company, on behalf of said limited liability company.

(SEAL)



[Handwritten Signature]
Notary Public Signature

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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Recorded Date: April 21, 2023
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**** THIS PAGE IS PART OF THE DOCUMENT ****

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 4/21/2023 10:44 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk