

AFTER RECORDING RETURN TO:

City of Wylie
Attention: City Manager
300 Country Club Road
Wylie, TX 75098

AMENDED AND RESTATED DECLARATION OF DEED RESTRICTION

This Amended and Restated Declaration of Deed Restrictions (“Declaration”) is made this 13th~~11th~~ day of April~~August~~, 2024~~23~~ (the “Effective Date”) by JERICHO VILLAGE, LLC~~GAPE RESOURCE & ASSISTANCE CENTER, INC.~~, a Texas ~~nonprofit~~limited liability corporation company (“Declarant”) as an amendment to that certain Declaration of Deed Restriction effective April 11, 2023.

WHEREAS, the real property subject to this Declaration is located in Wylie, Collin County, Texas, and is more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, Declarant is the sole owner of the Property; and

WHEREAS, Declarant, as the owner of the Property, intends by the recording of this Declaration to subject the Property to the restrictions hereinafter set forth for the mutual benefit of the Declarant, the City of Wylie, Texas, and the present and future owners of any and all portions of the Property and their respective heirs, executors, successors, assigns, grantees, mortgagees and tenants of all or part of the Property; and

WHEREAS, Declarant hereby declares that the Property shall be held, sold, conveyed, encumbered, mortgaged, hypothecated, leased, used, occupied and improved subject to the restrictions set forth in this Declaration.

NOW THEREFORE, Declarant hereby declares as follows:

1. Restriction on Use of Property. The Property shall be developed, used and operated for affordable housing so that at least 90% of the units ~~to~~ serve individuals and families earning 80% or less of the then-current Area Median Family Income (AMFI) for the Wylie, Texas area, as set or established by the U.S. Department of Housing and Urban Development (HUD) or equivalent (collectively, the “Restriction”). Notwithstanding the foregoing, should Declarant be unable to lease the foregoing units to tenants that satisfy the foregoing income restriction despite the Declarant’s best efforts and due diligence, then, with prior consultation and consent from the City of Wylie, Texas, the Declarant may lease the foregoing units free of the Restriction.

2. Enforcement and Amendment.
 - a. The Restriction set forth herein: (i) shall be considered a “covenant running with the land”; and (ii) will bind Declarant, its successors and assigns, and all present and future owners of any and all portions of the Property and their respective

heirs, executors, successors, assigns, grantees, mortgagees and tenants of all or part of the Property. The provisions of this Declaration inure to the benefit of the City of Wylie, Texas, and are enforceable by the City of Wylie, Texas. In the event of a violation of the Restriction, the City of Wylie, Texas and/or Declarant will have the right to seek injunctive or any other legal or equitable relief in connection with such violation and to recover from the person or entity responsible for the violation all of its expenses and costs incurred in connection therewith, including, but not limited to, attorney's fees and court costs.

- b. The Restriction hereunder encumbering the Property: (i) shall inure to the benefit and may be enforced by the City of Wylie, Texas, Declarant or Declarant's successors or assigns; (ii) may be modified only with the written consent of the City of Wylie, Texas and Declarant or Declarant's successors or assigns, which said written consent must be acknowledged and recorded in the Official Public Records of Collin County, Texas; and (iii) shall remain in effect and bind the Property from the date of recording in the Official Public Records of Collin County, Texas, for a term of ten (10) years unless a written instrument of waiver, amendment, or termination has been recorded in such public records expressly modifying or terminating this Declaration, in which case this Declaration shall be modified or terminated as specified therein.
- c. If any provision of this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the last survivor of the now living descendants of George H.W. Bush, the 41st President of the United States of America.

Declarant has executed this Declaration to be effective as of the Effective Date.

DECLARANT:

JERICHO VILLAGE, LLC
RESOURCE & ASSISTANCE CENTER, INC.,
a Texas limited liability company

By: _____
Name: _____
Title: _____
Date executed: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this ____ day of _____, 2024, personally appeared _____, as _____ and duly authorized representative of _____, a _____, known to me to be one of the persons whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the

same for the purposes and consideration therein expressed and in the capacity therein stated on behalf thereof.

Notary Public, State of Texas

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

BEING a tract of land situated in the S.B. Shelby Survey, Abstract No. 820 of Collin County, Texas and being all of a called 2.4721 acre tract of land conveyed to KEP Brown Street Village, L.P. as recorded in County Clerk No. 20060327000390640 of the Official Public Records of Collin County, Texas and being more particularly described in metes and bounds as follows:

BEGINNING in the south Right-of-Way (ROW) line of West Brown Street at a 1/2" iron rod with plastic cap stamped "4613" set for the northwest corner of the called 2.4721 acre tract of land and said capped iron rod being the northeast corner of a called 0.500 acre tract of land conveyed to Spirit Master Funding VI, LLC as recorded in County Clerk No. 20140409000340620 of the Official Public Records of Collin County, Texas;

THENCE S 88°59'08" E with the south ROW of West Brown Street a distance of 323.09' to a 1/2" iron rod with plastic cap stamped "4613" set for the west corner of a corner clip conveyed to the City of Wylie in County Clerk No. 20110624000655820 of the Official Public Records of Collin County, Texas;

THENCE S 44°14'55" E along said corner clip a distance of 24.39' to a 1/2" iron rod with plastic cap stamped "4613" set for corner in the west ROW of Winding Oaks Drive, a 50' ROW;

THENCE S 01°00'52" W with the west ROW of Winding Oaks Drive a distance of 168.31' to a 1/2" iron rod with plastic cap stamped "4613" set for corner at the beginning of a curve to the right;

THENCE with said curve to the right following the west ROW of Winding Oaks Drive with an arc length of 62.84', with a radius of 225.00', with a chord bearing of S 09°00'56" W, with a chord length of 62.64', to a 1/2" iron rod with plastic cap stamped "4613" set for the southeast corner of the called 2.4721 acre tract of land and said capped iron rod also being the northeast corner of Lot 18, Block F of Rustic Oaks, Phase One, an addition to the City of Wylie as shown on the Plat thereof recorded in Cabinet D, Page 198 of the Plat Records of Collin County Texas;

THENCE N 89°42'08" W a distance of 128.98' to a 1/2" iron rod with plastic cap stamped "4613" set for the northwest corner of said Lot 18;

THENCE S 70°41'52" W a distance of 249.89' to a 1/2" iron rod with plastic cap stamped "4613" set for corner in the north line of Lot 14, Block F of said Rustic Oaks, Phase One;

THENCE N 70°39'08" W a distance of 60.72' to a 1/2" iron rod with plastic cap stamped "4613" set for the northern most corner of Lot 13, Block F of said Rustic Oaks, Phase One and said capped iron rod also being the northeast corner of Lot 1, Block F of Rustic Oaks, Phase Three, an addition to the City of Wylie as shown on the Plat thereof recorded in Cabinet D, Page 200 of the Plat Records of Collin County Texas;

THENCE N 20°57'04" E a distance of 141.36' to a 1/2" iron rod with plastic cap stamped "4613" set for the northeast corner of a called 0.438 acre tract of land conveyed to Jonvitch, Inc. as recorded in Volume 3925, Page 1455 of the Deed Records of Collin County, Texas;

THENCE N 70°23'49" W with the north line of the called 0.438 acre tract of land a distance of 24.54' to a 1/2" iron rod with plastic cap stamped "4613" set for the southeast corner of the called 0.500 acre tract of land;

THENCE N 21°04'50" E with the east line of the called 0.500 acre tract of land a distance of 187.45' to the POINT OF BEGINNING, and containing 107,669 Square Feet or 2.472 acres of land.