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First VENDOR
PINEHURST SUBDIVISION

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-RE: RESTRICTIVE COVENANTS

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8

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
PINEHURST SUBDIVISION
A NEIGHBORHOOD DEVELOPMENT OF WEST TRACE
DEVELOPMENT**

DESIGN GUIDELINES

These Design Guidelines (“Design Guidelines”) shall apply to all Lots located within the Pinehurst Subdivision of West Trace, Development (the “Subdivision”). Capitalized terms, not otherwise defined within this instrument, shall have the meaning ascribed to them in that certain Declaration of Covenants, Conditions and Restrictions for West Trace Development, made by the City of Westlake, a political subdivision of the State of Louisiana, recorded on August 22, 2016, at COB 4137, Page 688, Instrument No. 3242464 in the records of the Clerk of Court for Calcasieu Parish, Louisiana (the “Declaration”). These Design Guidelines shall be in addition to the restrictions contained in the Declaration and in the event of a conflict between these Design Guidelines and the Declaration, these Design Guidelines shall govern.

Article 1

The following terms used herein shall have the meanings set forth below.

1.1. **“Act”** means the Louisiana Homeowners Association Act, Louisiana Revised Statutes 9:1141.1, *et seq.*, and any successor statutes to the said Louisiana Homeowners Association Act.

1.2. **“Common Area”** means any Common Areas located within the Property (as hereinafter defined).

1.3. **“Design Review Board”** means the Design Review Board created for the Pinehurst Subdivision, and is not the Design Review Board, or Declarant, or WREB, or the City of Westlake (as the case may be) under the Declaration.

1.4. **“Lot”** means any Lot located within the Property.

1.5. **“Parish”** means the parish in which the Property is located.

1.6. **“Person”** means any natural person, corporation, limited liability company, partnership, trustee, joint venture, association, joint stock company, trust, unincorporated organization, government or any agency or political subdivision of a government, or any other form of entity.

1.7. **“Property”** and **“PINEHURST SUBDIVISION”** both mean and include the land described in Exhibit A of these Design Guidelines, and includes every Lot and any Common Area thereon and all improvements, servitudes, easements, rights, and appurtenances to the said Common Area, all of which are subject to these Design Guidelines.

Article 2

2.1. CONSTRUCTION OF IMPROVEMENTS. All improvements on a Lot must (1) comply with any applicable governmental ordinances and codes, (2) have a building permit issued by the appropriate governmental entity, if the type of improvement requires a permit, and (3) have the Design Review Board's prior written approval. These three requirements are independent - one does not ensure or eliminate the need for another. The Owner and/or Owner's contractor must comply with all three requirements. Without the Design Review Board's prior written approval for a variance, improvements constructed on every Lot must have the following characteristics:

(1) HOUSES. The principal improvement on a Lot must be one detached single family dwelling. The dwelling size and exterior materials must comply with the applicable ordinances and with any higher standards established by the Design Review Board. Dwelling must have the following setbacks: (1) Twenty foot (20') front setback; (2) Five foot (5') side setback; and (3) Ten foot (10') rear setback.

(2) NEW CONSTRUCTION. The dwelling must be constructed on the Lot. A dwelling or addition constructed elsewhere may not be moved onto a Lot. Factory-built homes are not permitted, even though assembled or finished on the Lot. However, components of dwellings (such as roof trusses) may be manufactured off-site. The construction of a dwelling must be started promptly after the Design Review Board approves the dwelling's plans and specifications. At the start of construction - but not before - building material to be used in the construction may be stored on the Lot. Once started, the dwelling and all improvements on the Lot must be completed with due diligence.

(3) EXTERIOR WALL MATERIALS. The type, quality, and color of exterior wall materials must be approved by the Design Review Board. Generally, the dwelling's total exterior area, minus windows and doors, must be masonry or masonry veneer, such as brick, stone, or stucco or siding which must be a cement fiber board product, such as HardiPlank. Vinyl soffits and fascia are permitted, but Vinyl siding on an exterior wall is not permitted.

(4) ROOFS. Roofs must be covered with material having a manufacturer's warranty of at least 30 years. The use of fiberglass shingles is permitted. The color of roofing material must be weatherwood or an equivalent earth tone color. The Design Review Board may permit or require other weights, materials, and colors.

(5) GARAGE AND DRIVEWAY. Each dwelling must have an attached garage for at least two standard-size cars. If the Lot has alley access, the garage must be a rear or side entry using the alley for access. The driveway must be surfaced with concrete. The garage door may be oriented to face the street on lots that do not have alley access.

(6) CARPORTS. A carport may not be installed, constructed, or maintained on a Lot without the prior written consent of the Design Review Board.

(7) ACCESSORIES. Installation of all exterior items and surfaces, including address numbers, decorative hardware, external ornamentation, lights fixtures, and exterior paint and stain, is subject to the Design Review Board's prior approval, including approval of design, color, materials, and location.

(10) UTILITIES. All utility lines and equipment must be located underground, except for: (1) elevated or surface lines or equipment required by a public utility or the city; (2) elevated or surface lines or equipment installed by Declarant as part of the development plan; and (3) surface equipment necessary to maintain, operate, or read underground facilities, such as meters, risers, service pedestals, and transformers. The Design Review Board may require that utility meters, risers, pedestals, and transformers be visually screened from the street and neighboring Lots. Each Lot will use the city, parish, or private utility company providing sewer and water service to each lot in the community. Individual water supply and sewage disposal systems are not permitted.

2.2. ANNOYANCE. No Lot or Common Area may be used in any way that: (a) may reasonably be considered annoying to neighbors; (b) may be calculated to reduce the desirability of the Property as a residential neighborhood; (c) may endanger the health or safety of residents of other Lots; (d) may result in the cancellation of insurance on the Property; or (e) violates any law. The Board has the sole authority to determine what constitutes an annoyance.

2.3. APPEARANCE. Both the Lot and the dwelling must be maintained in a manner so as not to be unsightly when viewed from the street or neighboring Lots. The Design Review Board is the arbitrator of acceptable appearance standards.

2.4. DRAINAGE. No person may interfere with the established drainage pattern over any part of the Property unless an adequate alternative provision for proper drainage has been approved by the Design Review Board.

2.5. FENCES. All fences must be maintained and kept in good repair so as not to detract from the appearance of the development. The height of fences shall not exceed six (6') feet. Fences must be made of masonry, wood, or other Design Review Board-approved material. Any portion of a fence that faces a street, alley, or Common Area must have a "finished side" appearance. Retaining walls must be constructed entirely with Design Review Board-approved materials, however railroad ties may not be used for a retaining wall visible from a street. The use of barbed wire and chain link fencing is prohibited. The use or application of a stain that cures in a solid color or paint is prohibited. Wood fences may be left in their natural state. No wood fence may be stained to alter the fence color from a natural wood color. Without prior approval of the Design Review Board, clear sealants may be applied. Fences on lots which are adjacent to any lakes, ponds, park areas, recreational fields, pathways or Common Area ("Common Area Restricted Fence Lots") shall be constructed in such a manner as to reasonably preserve the view of such lakes, ponds, park areas, recreational fields, pathways or Common Area to all other Owners, and as such, these fences must be a minimum of 50% open (non-privacy). The height of fences along the rear property line of Common Area Restricted Fence Lots shall not exceed four (4') feet and the height of the first twenty (20') feet of side fencing from the rear property line shall not exceed

four (4') feet, and, after the first twenty (20') feet of side fencing, the side fencing may transition to a height not to exceed six (6') feet on an angle not to exceed 45 degrees (side fences may contain privacy fencing). Fencing shall not be built over or through any servitude or easement on any Lot. This Section is subject to the Design Review Board's right to adopt additional or different specifications for construction or reconstruction of fences. For purposes of illustration only, examples of fencing that would be considered to be constructed in accordance with this Section 2.8 are depicted on Exhibit B hereto.

2.6. GARAGES. Garage doors must be kept closed, except when vehicles are entering or leaving the garage. No garage built specifically for a recreational vehicle, camper, motor home or similar vehicle will be permitted. Such vehicles may be kept on the Lot by an owner only if such a vehicle remains in the permitted garage. Parking of any vehicle on any Lot other than in the garage, carport or driveway is prohibited.

2.7. MOVABLE STRUCTURES AND OUTBUILDINGS. No structure of any type, dwelling or otherwise, may be moved onto any Lot in the development except as expressly approved by the Design Review Board.

2.8. SCREENING. An Owner may be required to screen anything determined by the Design Review Board to be unsightly or inappropriate for a residential subdivision. Screening may be achieved with fencing or with plant material, such as trees and bushes, or any combination of these. If plant material is used, a reasonable period of time is permitted for the plants to reach maturity as an effective screen. As used in this Section 2.14, "**screened from view**" refers to the view of a person in a passenger vehicle driving on a street or alley, or the view of a person of average height standing in the middle of a yard of an adjoining Lot.

2.9. FURNITURE FOR FRONT PORCH, BALCONY AND YARD. Furniture placed outside of a dwelling on a Lot, whether on the front porch, balcony or in a yard, if visible from a street on the Property or any other location on the Property other than the rear yard of a Lot (i.e., the rear portion of a Lot which faces the rear wall of the dwelling) on which a dwelling is constructed: (a) must be durable, and (b) must not be made of plastic. All collapsible furniture placed outside of a dwelling on a Lot, whether on the front porch, balcony or in a yard, if visible from a street on the Property or any other location on the Property other than the rear yard of a Lot (i.e., the rear portion of a Lot which faces the rear wall of the dwelling) must be placed in storage and outside of the view of Person(s) on any street in the Property.

2.10. CLOTHESLINE VIOLATION. Outside clotheslines or other outside facilities for drying or airing clothes are specifically prohibited and shall not be erected, placed or maintained, nor shall any clothing, rug or other items be hung from any railing, fence, hedge or wall.

2.11. GARDENS. A non-commercial garden for use by a single household may be located on a Lot provided that it is not visible from any street or any neighboring Lot. Garden compost may be kept in quantities required by one household only, provided it is not visible from any street and is kept free from obnoxious odors and insects.

2.12. LEASH VIOLATION. All domestic animals shall be leashed, or detained by fences or invisible fences.

2.13. OFF-ROAD VEHICLE USAGE. Streets shall not be used for any, motorbikes, motorcycles, or motorized recreational vehicles of any type, except for street legal and state-licensed motorcycles for purposes of ingress and egress only. Walking paths shall be used for walking, jogging and bicycling only.

2.14. BULKHEADS, DECKS OR PIERS. No bulkheads or other structures shall be allowed within the Property unless approved by the Design Review Board.

2.15. COMPREHENSIVE PLANS. Nothing contained in these Design Guidelines shall be construed to (i) require an Owner to resubmit Approved Comprehensive Plans to the Design Review Board for any subsequent approval or re-approval following the initial approval of said Approved Comprehensive Plans, or (ii) prevent an Owner from commencing and/or carrying out any and all work or construction of improvements on any Residential Lot owned by such Owner when such work is commenced or carried out in accordance with an Approved Comprehensive Plan.

[SIGNATURE PAGE FOLLOWS]

THUS DONE AND SIGNED by at Westlake, Louisiana, on the 4th day of May, 2018, in the presence of the undersigned Notary Public and competent witnesses.

WITNESSES:

Jamie Russ
Sign above and print name below:
Jamie Russ

Tracy Dautriol
Sign above and print name below:
Tracy Dautriol

THE CITY OF WESTLAKE

By: Bob Hardey
Robert "Bob" Hardey, Mayor

WESTLAKE REAL ESTATE BOARD

By: M. J. Kerns
Name: Michael J. Kerns
Title: Chairman WREB

Andrea Mahfouz
Notary Public

Printed Name: **Andrea Mahfouz**
LSBA or Notary No.: **Notary Public, ID# 62769**
Calcasieu Parish, Louisiana

EXHIBIT A

Property Description

THAT CERTAIN TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4-SW/4) OF SECTION 14, THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4-SE/4) OF SECTION 15 AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4-NW/4) OF SECTION 23, ALL IN TOWNSHIP 9 SOUTH, RANGE 9 WEST, CALCASIEU PARISH, LOUISIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT A COMMON CORNER TO SECTIONS 14, 15, 22 AND 23, TOWNSHIP 9 SOUTH, RANGE 9 WEST, CALCASIEU PARISH, LOUISIANA;

THENCE SOUTH 00° 48' 11" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4-NW/4) OF SAID SECTION 23, FOR A DISTANCE OF 637.46 FEET;

THENCE SOUTH 09° 11' 49" EAST, FOR A DISTANCE OF 289.95 FEET TO A POINT LYING 10.0 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF LOUISIANA WAY, THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00° 39' 51" EAST, 10.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID LOUISIANA WAY, FOR A DISTANCE OF 13.18 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 994.00 FEET AND A CENTRAL ANGLE OF 30° 21' 08";

THENCE NORTHERLY, 10.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID LOUISIANA WAY AND ALONG SAID TANGENT CURVE TO THE LEFT, THROUGH AN ANGLE OF 16° 39' 53", FOR AN ARC LENGTH DISTANCE OF 209.11 FEET;

THENCE NORTH 83° 59' 58" EAST, FOR A DISTANCE OF 34.52 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 12° 22' 04";

THENCE EASTERLY, ALONG SAID TANGENT CURVE TO THE LEFT, FOR AN ARC LENGTH DISTANCE OF 75.63 FEET TO THE POINT OF TANGENT OF SAID CURVE;

THENCE NORTH 71° 37' 04" EAST, FOR A DISTANCE OF 33.25 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3524.38 FEET AND A CENTRAL ANGLE OF 07° 21' 00";

THENCE NORTHWESTERLY, ALONG SAID TANGENT CURVE TO THE LEFT, FOR AN ARC LENGTH DISTANCE OF 452.11 FEET TO THE POINT OF TANGENT OF SAID CURVE;

THENCE SOUTH 80° 41' 46" WEST, FOR A DISTANCE OF 35.01 FEET;

THENCE NORTH 30° 17' 47" WEST, FOR A DISTANCE OF 73.94 FEET;

THENCE SOUTH 58° 38' 15" WEST, FOR A DISTANCE OF 30.00 FEET;

THENCE NORTH 30° 21' 45" WEST, FOR A DISTANCE OF 43.45 FEET;

THENCE SOUTH 58° 01' 07" WEST, FOR A DISTANCE OF 84.98 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED LOUISIANA WAY, SAID POINT BEING IN A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3374.38 FEET AND A CENTRAL ANGLE OF 07° 12' 33";

THENCE NORTHWESTERLY, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID LOUISIANA WAY AND SAID TANGENT CURVE TO THE LEFT, THROUGH AN ANGLE OF 08° 00' 32" FOR AN ARC LENGTH DISTANCE OF 353.88 FEET TO THE POINT OF TANGENT OF SAID CURVE AND POINT OF REVERSE CURVATURE OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 61° 24' 21";

THENCE NORTHERLY, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID LOUISIANA WAY AND SAID TANGENT CURVE TO THE RIGHT, FOR AN ARC LENGTH DISTANCE OF 21.43 FEET TO THE POINT OF TANGENT OF SAID CURVE AND POINT OF REVERSE CURVATURE OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 119.50 FEET AND A CENTRAL ANGLE OF 39° 50' 07";

THENCE NORTHEASTERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LOUISIANA WAY AND SAID TANGENT CURVE TO THE LEFT, FOR AN ARC LENGTH DISTANCE OF 83.08 FEET TO THE POINT OF TANGENT OF SAID CURVE AND BEING THE POINT OF REVERSE CURVATURE OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 84° 39' 32";

THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NATIONAL DRIVE AND SAID TANGENT CURVE TO THE RIGHT, FOR AN ARC LENGTH DISTANCE OF 22.52 FEET TO THE POINT OF TANGENT OF SAID CURVE;

THENCE NORTH 48° 55' 02" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NATIONAL DRIVE, FOR A DISTANCE OF 204.35 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 860.00 FEET AND A CENTRAL ANGLE OF 14° 55' 34";

THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NATIONAL DRIVE AND SAID TANGENT CURVE TO THE RIGHT, FOR AN ARC LENGTH DISTANCE OF 250.09 FEET TO THE POINT OF TANGENT OF SAID CURVE;

THENCE NORTH 63° 50' 36" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NATIONAL DRIVE, FOR A DISTANCE OF 72.54 FEET;

THENCE SOUTH 28° 09' 24" EAST, FOR A DISTANCE OF 290.87 FEET;

THENCE SOUTH 83° 50' 38" WEST, FOR A DISTANCE OF 106.64 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 3824.38 FEET AND A CENTRAL ANGLE OF 14° 09' 43";

THENCE SOUTHERLY, ALONG SAID TANGENT CURVE TO THE RIGHT, FOR AN ARC LENGTH DISTANCE OF 945.28 FEET TO THE POINT OF TANGENT OF SAID CURVE;

THENCE SOUTH 20° 10' 43" EAST, FOR A DISTANCE OF 121.87 FEET;

THENCE SOUTH 34° 58' 56" WEST, FOR A DISTANCE OF 120.25 FEET;

THENCE SOUTH 68° 59' 03" WEST, FOR A DISTANCE OF 227.10 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF 12° 22' 54";

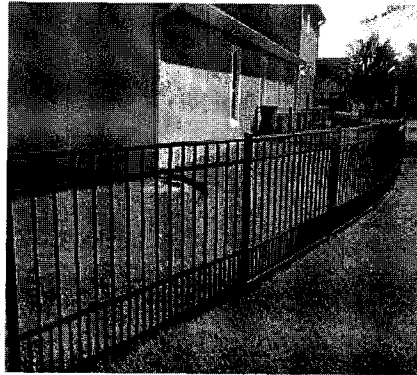
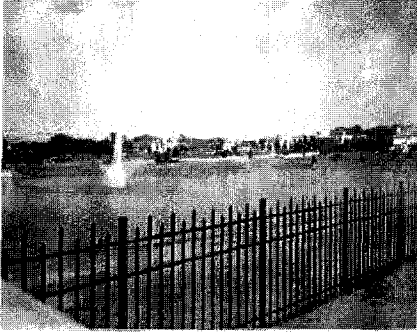
THENCE WESTERLY, ALONG SAID TANGENT CURVE TO THE RIGHT, FOR AN ARC LENGTH DISTANCE OF 140.48 FEET TO THE POINT OF TANGENT OF SAID CURVE;

THENCE SOUTH 82° 21' 57" WEST, FOR A DISTANCE OF 46.22 FEET TO THE POINT OF BEGINNING.

Being the same property depicted on that certain survey entitled "Pinehurst Subdivision at West Trace Development, City of Westlake, Louisiana, SW/4-SW/4 of Section 14, SE/4-SE/4 of Section 15 & NW/4-NW/4 of Section 23, All in Township 9 South, Range 9 West, Calcasieu Parish, Louisiana" dated April 24, 2018, prepared by Morrison Surveying, Inc., recorded on May 15, 2018, at Plat Book 54, Page 13, Instrument No. 3316194, Calcasieu Parish, Louisiana.

EXHIBIT B
FENCING EXAMPLES

examples of acceptable non privacy fences



example of acceptable transition
from 4' to 6'

