

APPROVAL OF DEVELOPMENT PLAN FOR
COVE HARBOR MARINA RV RESORT

WHEREAS, the Aransas County Navigation District (the District), as Lessor, and Cove Harbor Marina and Drystack, L.P., as Lessee, are parties to that Lease Agreement dated February 21, 2007 (the Lease), as amended from time to time, covering premises of 14.762 acres of land, more or less, out of Cove Harbor North; and

WHEREAS, Lessee has previously developed and is operating a marina on the premises; and

WHEREAS, Lessee has requested approval from the District to develop and operate a recreational vehicle resort also on the premises of said Lease, in accordance with development plans attached hereto as Exhibits A and B, and subject to the restrictions attached hereto as Exhibit C; and

WHEREAS, the Navigation and Canal Commission finds that the development plan is satisfactory and will be a reasonable use of the premises, based upon the plans presented and the representations made by Lessee in support of the request for approval.

WHEREFORE, the Navigation and Canal Commission hereby takes the following actions:

Section I, Approval: the Navigation and Canal Commission hereby approves the request of Lessee to develop and operate a recreational vehicle resort, in accordance with the plans shown in Exhibits A and B attached hereto, subject to the restrictions attached hereto as Exhibit C, and in reliance upon the representations of Lessee.

Section II, Construction Plans: This approval of a development plan does not constitute approval of the construction plans and specifications, as is required under the Lease, including but not limited to Sections 6, 7, 8, and 15. Lessee shall, and agrees to, submit all construction plans and specifications for approval as required in the Lease prior to commencing any excavations or construction.

Section III, Effective Date: This approval shall not be effective until agreed and signed by Lessee.

AGREED:

CH Marina and Drystack, L.P., a Texas Limited
Partnership

By: Third Holdings GP, LLC, a Texas Limited
Liability Company, its General Partner

By: _____
Haythem S. Dawlett, Managing Member

Date: _____

Exhibit C to Approval of Development Plan for Cove Harbor Marina RV Resort

RESTRICTIONS FOR COVE HARBOR RECREATIONAL VEHICLE RESORT
AS ADOPTED BY ARANSAS COUNTY NAVIGATION DISTRICT
AND AGREED BY LESSEE

1. The erosion along Highway 35 must be repaired in a way that ensures this severe erosion will not recur.
2. The area where recreational vehicles are parked must be visually blocked on three sides (north, south and west) by either a solid or a living fence that is at least 8 feet in height. Fencing is not required on the east side, which faces the marina.
3. Only the space to the west of the floating docks may be used for RV parking, as shown in the development plan submitted by Lessee. The number of such vehicles staying overnight on the premises at any one time shall not exceed 45. No vehicle shall be occupied for living without being properly parked and connected in a designated space as shown on the Plan.
4. Individual sheds, utility buildings, large steps, porches or outdoor decks of any kind are not allowed.
5. The area around each RV is to be kept neat, clean and cleared of debris.
6. Each RV must be clean and well maintained.
7. RVs parked on ACND property may not be sublet.
8. Digging for the installation of electrical poles or satellite dishes for individual vehicles is not allowed.
9. Each RV must have appropriate insurance as required by the lessee, Cove Harbor Resort and Yacht Club, and by the ACND.
10. BAY AND WETLANDS PROTECTION
 - A. No grease, shop towels, plastics or other pollutants are to be left outside at any time.
 - B. Hazardous materials and chemicals, including any kind of grease, cleaners, paint thinners, batteries, food waste, etc., are to be discarded properly. Such pollutants shall not be poured onto the ground, nor discharged or spilled where they may go into any marina, canal, or other waters or into the adjacent wetlands.
 - C. Both black and gray water shall be contained and drained properly into the sanitary sewer system, not dumped onto the ground and shall not be discharged or spilled where it may seep or drain into the marina, canal, or other waters or into the adjacent wetlands area.