

2019033613  
ELECTRONICALLY RECORDED  
Official Public Records  
12/17/2019 10:54 AM



*L. H. Chambers*  
Lee Haidusek Chambers, County Clerk  
Liberty County, TX Fee: \$ 72.00  
Pages: 15 AGR

**ACC GUIDELINES TO  
HOME, RV, MOBILE HOME & RESORT CABIN  
LOT & STRUCTURE CONSTRUCTION &  
MAINTENANCE**

*(Architectural Control Committee)*

Adopted August 1, 2011, Revised March 8, 2013, Revised February 6, 2014, Revised August 12, 2014, Revised August 19, 2014 (v2), Revised September 12, 2014, Revised May 8, 2015, Revised September 1, 2015, Revised December 1, 2015, Revised August 10, 2018, Revised October 11, 2019, Revised December 14, 2019

**PURPOSE**

These Guidelines, issued by the Board of Directors, ("Board") of the Liberty Lakes Property Owners' Association, Inc., ("POA"), are designed to keep the Cypress Lakes Subdivision of Liberty County, Texas, known as *The Preserve of Texas*, ("Preserve") an attractive, desirable and safe place to live for all property owners of lots in the Preserve, ("Owners"). These Guidelines are enacted by the Board pursuant to and in compliance with the Covenants, Conditions and Restrictions affecting the Preserve as recorded in the public records of Liberty County, Texas, as amended from time to time, ("CC&Rs").

The purpose of these Guidelines is to:

- Maintain general harmony of construction, appearance, value and safety in the Cypress Lakes Subdivision, now known as THE PRESERVE OF TEXAS.
- Assure conformity with and respect for the natural surroundings.
- Create procedures to implement and enforce the CC&Rs.

**ARCHITECTURAL CONTROL COMMITTEE**

Committee Structure: An Architectural Control Committee ("ACC") shall consist of a Chairman which is appointed by the Board of Directors of the Preserve of Texas Property Owner's Association ("POA"). Other members shall be appointed by the Board of Directors at their discretion.

**COMMITTEE'S FUNCTION**

The function of the ACC is to:

- Approve or disapprove plans and specifications for all exterior/outside construction, modifications, building transfers to property, and Lot clearing to ensure compliance with the CC&Rs.
- Issue Certificates of ACC Approval for approved projects.
- Assure compliance with these Guidelines and the CC&Rs.

**RULES**

1. All Certificates of ACC Approval are to be obtained prior to beginning work.
2. All exterior/outside construction, modifications, building transfers to property, along with Lot clearing and improvements must be pre-approved by the ACC.

3. The property owner's Plans and Specifications must be submitted to the ACC for approval prior to starting any exterior/outside improvements, alterations or construction. Please refer to the CC&Rs and these Guidelines for details.
4. Home and Lot Maintenance. Landscaping must be maintained in a neat and attractive condition, including trimming all foliage necessary to minimize view restrictions. Home maintenance is, including, but not limited to, home repairs to ensure proper functioning of all systems/equipment in the home, painting or spray washing exterior structures, roof repair and replacement, window and gutter cleaning, outdoor equipment, (propane tanks, generators, etc.) and driveways. An application is not required unless maintenance involves color such as painting or shingle replacement. Color choice will need to be approved by the ACC. There is no charge for permits that include maintenance described above that are required to maintain the property in good condition as required by the CC&Rs.

Erecting, remodeling/additions or repairs to a structure is NOT defined as maintenance and proper insurance and licensing is required, as more fully defined herein.

5. Property Management- All structures must be maintained in a neat and attractive manner, including but not limited to marine structures, garages, dog/pet housing, etc.
6. Portable Buildings - All portable building placements and maintenance must comply with the CC&Rs with the design and construction materials being approved in advance by the ACC.
7. Lot Clearing- Lot clearing requires a permit, and must be completed within the permitted time as stated in the permit issued to the member by the ACC.
8. Setbacks (Easements) - When developing any lot or making any changes to a lot, the following setbacks (easements) will not be infringed upon by any fence, driveway, building, RV, Park Model or structure of any kind: The setback (easement) for the rear side of the lot is five (5) feet and for both sides of the lot is ten (10) feet from the property line. The setback (easement) for the front of the lot is twenty (20) feet from the property line. The driveway is allowed to pass thru the setback (easement). (Note: In the original CCRs in 1972, the only structures permitted on the North Side of the Subdivision were homes. With the changes in the CCRs since 2010 permitting RV and Park Models on North Side lots, coupled with historical evidence that twenty-five (25) feet setbacks are not necessary anywhere in the Subdivision for utility purposes, this change is made by the ACC for the benefit of lot owners who wish to develop their lots.). Notwithstanding the foregoing, the setback requirements as specified in the current CCRs shall apply.
9. Septic Holding Tanks are to be located as close to the front of the property as possible and the location approved by the ACC committee.
10. Any exterior/outside construction, modifications, building transfers to property including lot clearing and improvements are Grandfathered under the terms and conditions of the CC&Rs in effect at the time of such improvement, alterations or construction. All permits submitted and approved by the ACC Guidelines, which were first adopted August 1, 2011, are subject

to the terms and conditions of the Guidelines in place when the permit is submitted.

#### DEFINITIONS PER CC&Rs

1. CCR's shall mean the Seventh Amendment and Reinstatement of Agreement of Covenants, Conditions and Restrictions for Cypress Lakes Units I, II, III, IV, V, VI, VII, VIII, IX, X and XII.
2. Casita shall mean a small building not to exceed 400 square feet in size used as a guest bedroom or game room only if located on a lot with a residence.
3. Improved Lot shall mean a Lot (i) surveyed on all four (4) corners, (ii) with a paved driveway and culvert (if required by the ACC to prevent water flowage blockage, (iii) connected to water, sewer and electrical service and (iv) cleared of all underbrush.
4. Lot shall mean each of the subdivided lots shown on the Plats.

Mobile Home" (also known as a "Manufactured Home" or a single-wide or double-wide trailer) shall mean a movable or portable dwelling built on a chassis with wheels, and designed without a permanent foundation, whether real property or personal property.

5. Modular Home shall mean a factory-built home constructed to a local state code (i.e. UBC, IRC, etc.) built either as an "on-frame" or "off-frame" modular. On-frame modular will be built on a permanent chassis. Off-frame modular will be built with the chassis frame removed. An off-frame modular will usually require additional cranes to assist with home placement. Modular homes are, more often than not, attached to private land.
6. Park Model (also known as a "Resort Cabin", "Destination Trailer", or "Tiny Home") shall mean a unique trailer-type RV or Park Model, certified by its manufacture as complying with the ANSI A119.5, and designed to provide either a temporary or permanent residence. A Park Model is manufactured with wheels on a chassis which may remain attached and treated as personal property or detached and permanently attached to realty. If the Park Model exceeds 400 square feet, the wheels must be removed and attached to realty.
7. Recreational Vehicle (also known as an "RV") shall mean a self-propelled recreational vehicle with a valid RVIA seal, that has been certified by the Recreational Vehicle Industry Association or an authority having jurisdiction to have been manufactured as specified by the NFPA Code 119.2 or ANSI code A119.4.
8. Site-built House means a residential dwelling constructed entirely or largely on the site which it is intended to occupy upon its completion rather than in a factory or similar facility and which is intended to serve as a permanent residence.

#### APPLICATION PROCEDURE

1. Step 1: Applicant Must Obtain Copies of the:
  - a) Current ACC Guidelines.
  - b) Current Community Rules & Regulations.
  - c) Current CC&Rs.
2. Step 2: Applicant Submits All Information Required: (These forms available in POA Office)

- a) A Completed & Signed Application Form.
- b) Development Plan Acknowledgement, ("Approved Permit"). Applications for New Home Permits also require the documentation listed on the Development Plan Acknowledgement. Inspections are required for new homes and are scheduled through the POA office.
- c) Workers Compensation & General Liability Evidences & Acknowledgments if required by the ACC depending on the nature of the improvements and whether performed by an Owner or Contractor.
- d) Davis Bayou Service Company Application for Water & Sewer Service.
- e) A signed Hold Harmless Agreement for POA.
- f) Additional Instructions, as requested.
- g) Evidence of electric service application from the Sam Houston Electrical Cooperative, ("SHECO").
- h) Legal Evidence of Ownership - A copy of the Recorded Deed of member ownership must be submitted to and verified by the POA office.
- i) Plans and Drawings for Construction or Modifications - Two sets of Architecturally Stamped Drawings, (1/4-inch scale recommended) shall be submitted to the ACC and must include site plan, floor plan, foundation elevations and electric distribution box, based on the architectural quality and/or its equivalent required for New Home construction and major improvements. These plans and drawings are for the purpose of fully illustrating the work to be performed. One set of drawings will be returned to builder/homeowner. One copy will remain on file at the POA office.
- j) SURVEY - A four corner survey which designates Lot boundaries by pin settings must be filed with the POA office for new construction, Lot clearing and/or site development.
- k) SITE PLAN - A site plan must be furnished showing the construction location on the site, with measurements to all property lines, including setbacks and easements, and all related items such as decks, patios, walks, fences tanks and driveways. All other pertinent items in conjunction with the construction, Lot clearing, site development or modification must also be shown.
- l) HEIGHT SUGGESTIONS FOR RAISING PERMANENT STRUCTURES - For any permanent structure dwelling the ACC/POA strongly suggest raising your structure to at least the heights recommended by Liberty County, Texas or your Insurance Provider. We also strongly recommend having soil samples performed so the proper raising technique is executed.
- m) DOCUMENTATION FOR OTHER EXTERIOR/OUTSIDE MODIFICATIONS OR ACTIVITIES:
  - i. One copy of a site plan with sufficient clarity and detail that the ACC can determine the exact intent and location of the modification with respect to all existing structures and property lines.
  - ii. Complete list of material types & finishes to be used.

- iii. Pictures of any pre-fabricated structures to be located on property.
  - iv. Permit obtained, and Permit Fee paid prior to starting any work as outlined in the Permit section of this document.
  - v. Owner will be responsible to pay for any repairs to common property.
- n) LICENSED SUBCONTRACTORS REQUIRED - Electrical work must be performed by a licensed electrician. Plumbing work must be performed by a licensed plumber. Copies of each license must be submitted with the permit application. After work is completed, a signed Certificate of Completion form is required from the licensed company or person holding the license, confirming the work completed passes inspection. Certificate of Completion is to be filed with the Application.
- o) HIRING OF SUBCONTRACTORS - When lot improvements are being undertaken and performed by an independent contractor hired by the Property Owner, these activities are subject to a signed Hold Harmless Agreement and a Certificate of Insurance evidencing the insurance provisions outlined herein. Additionally, proper licensing of any subcontractor must be provided with the Permit application, specifically for a licensed plumber and licensed electrician.
- p) OWNER PERSONALLY IMPROVING LOT AND/OR BUILDING A STRUCTURE - If these activities are being performed personally by the Property Owner with his relatives, there can be no other subcontractors other than the licensed plumber and licensed electrician. A signed Hold Harmless Agreement is required; however, an Insurance Certificate evidencing the insurance provisions herein is not required. In lieu of this Insurance Certificate, proof of sufficient Homeowner's Insurance coverage, with a minimum of \$300,000, is required naming the POA as an insured party, sufficiency to be determined by the ACC. A copy of the complete Homeowner's Insurance Policy evidencing such coverage is required to demonstrate that the owner's Lot is covered for this work. Additionally, proof of proper licensing for a licensed plumber and licensed electrician must be provided with the Permit application.

3. General Practices:

- a) All lots MUST have a 4-corner survey, driveway & culvert, (culvert if needed and required by the ACC) installed before permission for additional improvements can be submitted and approved by the ACC.
- b) An ACC Certificate of Approval, ("Signed Permit") must be displayed at each construction or remodeling site in a location readily viewable from the primary street.
- c) An ACC Certificate of Approval is valid for a maximum six (6) month period from the date of issuance. However, projects approved by the ACC for shorter time periods must adhere to the time frame specified. The property owner, whether themselves or through their builder or contractor, in the event necessary, must submit a written request to the ACC, and receive approval for a renewed or extended Certificate.



4. Permits:

- a. **REQUIRED:** Permits must be obtained, and Permit Fees paid prior to starting construction. The Permit Fees are payable to "Liberty Lakes Property Owner's Association" and are required as outlined in the Permit Fees section herein.
- b. **ASSUMPTION OF FINANCIAL RESPONSIBILITY:** The property owner's signature is required indicating the assumption of financial responsibility for any resulting damages to roads lots and common areas, etc.
- c. **TIMING FOR ACC RESPONSE:** ACC Review & Disposition of Permit Applications shall occur within 45 Days or less. The ACC will undertake to respond within thirty (30) days from the date of receipt of a complete Application as provided for in the CC&Rs and will make its best efforts to respond quickly where possible. If additional information is required by the ACC, the period for a response by the ACC shall be extended accordingly. A property owner's plan for implementation of the proposed project should allow time to complete the approval process. No work shall begin prior to the ACC approval. Unapproved work shall be deemed to be a violation of the CC&Rs and such work is authorized to be halted by the ACC, and removal may be required or enforced, and/or a penalty may be charged as per these ACC Guidelines and the CC&Rs.

5. Responsibilities and Duties Upon Receipt of Approved Certificate:

- a) **PAST DEED RESTRICTION VARIANCES:** The ACC is aware that the original Developer granted certain variances from the CC&Rs in the past. However, the POA reserves the right and grants the authority to the ACC to approve or reject applications which would require a variance from the current CC&Rs. Any variances must be provided as part of a written contract or some form of written communication in order to be considered by the ACC.
- b) **OWNER/CONTRACTOR/BUILDER RESPONSIBILITIES:** The property owner is responsible for ensuring all work of the builder or contractor for construction or other work to conform to the standards set by the ACC and CC&Rs. An approval by the ACC shall not waive or exempt an owner from complying with requirements contained in the CC&Rs, unless a variance is granted by the ACC in writing with regard to the specific item.
- c) **PROOF OF INSURANCE:** The Applicant/Owner is responsible for his contractor or builder, or himself, carrying and providing evidence to the ACC of the necessary Texas Workers' Compensation Insurance and General Liability Insurance necessary to cover the work to be performed if required by the ACC. Both types of Insurance coverage are required.
- d) **GENERAL RESPONSIBILITIES:** The person or business entity principally responsible for the work of erecting, remodeling, or any site construction or maintenance as outlined in these Guidelines, must adhere to the following:
  - i. **Workers Compensation Release - Builders shall complete the Workers Compensation Release Form and furnish same to the POA office.**

- ii. Rest Room Facilities- A portable rest room facility shall be required on all construction sites if there is not a facility available on the property owner's property.
- iii. Excavations- Contact with appropriate authorities is mandatory prior to excavations to ensure that underground lines will not be damaged. All cuts across roadways shall be restored to their previous condition by the property owner and/or his contractor. The free flow of water in easement ditches shall not be obstructed in anyway.
- iv. Building Equipment- The property owner is responsible for the actions of his contractor or builder and shall insure that equipment used on the building site is not parked in any manner that impedes traffic and drainage (including overnight parking). The building site, insofar as is practical, should be maintained in a neat and orderly manner consistent with its surroundings. Heavy equipment, no longer needed for the completion of work, shall be removed on a timely basis.
- v. Responsibility for Operation of Commercial Trucks:
  - 1) Redi-mix cement not utilized shall be removed from the Subdivision unless dumped on said construction Lot with contractor/builder approval. This also includes the washing of the truck's trough. No run-off to lakes or streams is permitted.
  - 2) Builders, contractors and property owners shall encourage drivers of trucks servicing the Subdivision, in keeping with driving safety, to keep heavy loads away from the outer limits of the roads in order to not break down the road beds, and to maintain posted speed limits.
  - 3) Truck drivers of all commercial trucks shall utilize planks, pads or whatever is necessary to eliminate damage to the road edges.
- e) CONTROLLED BURNS:
  - 1. Debris eligible for burning is limited to brush, leaves, fallen trees and other natural vegetation resulting from site maintenance or clearing.
  - 2. Any debris that is burned shall be reduced to ashes before it can be buried. All fires must be extinguished before leaving the premises.
  - 3. All burns shall be controlled burns and Owner, or Contractor must provide prior notification to the Cypress Lakes Volunteer Fire Department. Burns shall not be left unattended. Conditions such as wind, drought and any burn ban which may be in effect will affect the approval of controlled burns.
- f) DUMPSTER: Except where approved by Developer in its sole and absolute discretion, a dumpster is required on all construction sites where building a new home or any major remodeling of such property is being performed, or where debris would otherwise be accumulated on the exterior or lawn of the property.

g) OTHER COMPLIANCES:

- All construction and modifications must comply with:
  - 1) International Residential Code (Contact your builder).
  - 2) Manufacturer's recommendations for installation of materials, equipment, etc.
  - 3) The CC&Rs.
  - 4) Electrical: All electrical installation in compliance with the National Electrical Association Code (latest revision) and the National Fire Protection Code NFPA.
- Disclaimer – ACC approval specifically does not insure that the property owner/applicant is in compliance with building codes, which compliance is the sole responsibility of the applicant and his/her agents, contractors or representatives.

6. Denied Application:

- i. If an application is not approved, the ACC shall state on the Application the reason(s) for denial and provide advised changes needed that would assist the property owner with a method by which to alter the decision and conditions for approval.

If a property owner wishes to discuss or appeal an ACC decision, the POA Board should be contacted in writing at the POA office address: 73 CR 2305 South, Cleveland, Texas 77327. Phone: 281-592-0536. Additionally, a copy of the correspondence must be sent to the attention of the President of the POA as follows: P.O. Box 573036, Houston, Texas 77257. All correspondence to the POA must be sent by certified mail.

### BUILDINGS AND SITE DEVELOPMENT

1. On site construction must meet county and state construction and wetlands codes.
2. . In addition to stick-built homes being permitted, Manufactured and Modular Housing and Mobile Homes are permitted on the North and South Side of Hwy 105 of the Subdivision. These classifications must also meet all county and state construction and wetlands codes.
3. The addition of any Mobile or Modular Home where permitted on the South Side of Hwy 105, or Modular Home or Mobile Homes as permitted on the North Side of 105, may be a maximum of 20 years old at the time of installation, unless otherwise approved by the Board in its sole and absolute discretion and must comply with all Department of Housing and Urban Development (HUD) standards, via the Federal National Mfg. Housing Construction and Safety Standards Act of 1974, as well as any state regulations such as tie downs. Exceptions to the age requirement must be approved by the POA Board at its sole discretion. An Application and Permit is required prior to bringing one of these Units onto the property. These



Units must be maintained in reasonable condition, as determined by the Board.

4. Recreational Park Trailers (Resort Cabins/Park Models) must have been manufactured no sooner than 1999, and have an RPTIA seal on the side of the unit. No more than one may be kept on a Lot unless prior approval is obtained from the ACC. It is recommended they have metal roofs, hardi-plank siding, and to be in compliance with the Architectural look of the community of earth tone and sky tone colors as are the standards for homes in the Subdivision. Each Park Model must be skirted around the exterior with the siding matching the Park Model exterior and on a minimum of 399 sq. ft. of crushed concrete on I-beams foundation. An Application and Permit is required prior to bringing one of these Units onto the property.
5. Recreational Vehicles brought onto a designated RV Lot must be certified by the RVIA that it was built to the NFPA code 119.2. It must be manufactured no earlier than 1995 and maintained in a reasonable condition, as determined by the Board with a minimum of 18-foot length excluding tongue. No former FEMA units permitted. An Application and Permit is required prior to bringing one of these Units onto the property.
6. Pop-Up RVs are prohibited on the North and South side of the properties unless approved by the Developer in its sole and absolute discretion.
7. No Recreational Vehicle may be stored on an unimproved RV designated Lot, or on a non-designated RV Lot for more than one week. Any RV left on a non-designated RV Lot for more than one week, without the specific permission of the POA Board, will be removed at the owner's expense without further notice and stored, with the property owner subject to penalties, costs and fines.
8. Mobile and Modular Homes, Stick built Homes and Resort Vehicles with porches and decks that are specifically utilized for entry and exit must be built and maintained in an acceptable manner. Plans for renovations to existing structures such as new decks, outside stairs, walkways or room additions must be submitted and approved by the ACC prior to work beginning.

The ACC highly recommends that improvements be at least one (1) foot above the crown of the road in order to prevent floodwater drainage problems and the foundation should also meet the requirements of the Liberty County, TX Codes. There should be a remedy to prevent flooding of adjacent lots such as a trench/ditch to allow water to run off to the road or lake, if applicable. The ACC also recommends that soil samples be taken on a lot prior to a permanent structure being placed on the lot. Due to prior flooding incidents in the Subdivision, the ACC highly recommends that the Owner obtain an elevation certificate prior to the construction of improvements. EACH OWNER HEREBY AGREES TO INDEMNIFY AND HOLD THE ASSOCIATION, THE DEVELOPER, THE MANAGEMENT COMPANY, AND THEIR OFFICERS, DIRECTORS, EMPLOYEES, AFFILIATES, AGENTS, REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS HARMLESS FROM ANY DAMAGES OR LOSSES OF ANY KIND RELATED TO, CAUSED BY, OR ARISING FROM THE OCCURRENCE OF FLOODING OR HIGH WATER IN THE SUBDIVISION.

### **COLORS OF HOME & STRUCTURE EXTERIORS**

The exterior of all building and appurtenances must be painted and maintained in good condition. Color choices must be approved by ACC and will be earth tones and sky tones in order to blend with the natural landscape of the property. Earth tone means colors that are muted and flat, emulating natural colors found in dirt, moss, trees and rocks and which are the color palettes of browns, tans, grays, greens and warm reds. "Sky Tone Colors" shall mean colors which are muted and flat in an emulation of the natural colors found in the sky and drawn from a color palette of various blues.

### **COMMERCIAL PROPERTIES**

These same ACC Guidelines apply to the Commercial Lots in the Subdivision. For any operation of a business on the property, proof of current and adequate public liability insurance is required which names the POA as an additional insured. Fire insurance coverage must be provided to the POA prior to the start of any business operation. The business owner is responsible for furnishing current policy information to the POA at the time of each policy renewal. The operation of the business must meet all State and Local licensing laws for the specific operations therein. In order to protect the public and membership, failure to maintain insurance and to provide proof thereof will result in the POA notifying the membership and the public that the business does not have proper licensing and insurance. In order to maintain the image of the entire Subdivision, the property of the commercial business MUST be kept neat, clean and safe, mowed, trees cleared, good roofing, reasonable and appropriate signage, all of which is to be pre-approved by the ACC, and is subject to inspection by the ACC to insure all appropriate maintenance is continually kept in acceptable condition. The CC&Rs speak specifically to the types and locations where light commercial activity is permitted.

### **ELECTRIC SERVICE**

Residents are solely responsible for their own electrical service and must comply with all State and local regulations as well as regulations imposed by the local utility company.

### **FENCES**

Any fencing constructed on a Lot in the Subdivision—must be approved by the ACC as it is considered an "Addition." Any existing fences must be properly maintained and structurally sound, or repair/tear down will be required. All fencing must be constructed and maintained in a manner that does not exceed height restrictions or restrict views and must not close off or deny access on or to any public road or walkway. Fences must be constructed of wood, iron, metal, PVC or chain link fences with metal, wood, or PVC posts and wood frames. , Hog wire and similar fences are not permitted. Privacy fences higher than six feet (6') are prohibited without prior approval of ACC committee. The front fence may not be closer to front lot line than is allowed per setback requirements. Fences shall be completed within two (2) months of commencement date.

### **LAWN MAINTENANCE**

The property owner is responsible for maintaining his property, which includes keeping litter picked up. No outside storage or any accumulation of trash, junk or general clutter is permitted. No littering is allowed at any other areas of the Subdivision at any time.

### **SKIRTING**

Skirting should match the material on the unit being skirted or lattice is also acceptable. Skirting is required for Park Models, Modular Homes, or Tiny Homes with wheels in which the owner decides to remove and/or raise making the dwelling a permanent dwelling structure. The ACC recommends all permanent dwelling structures be raised based on the Liberty County Code requirements, (which depend on the Unit's location in the Subdivision) and the space created thereby must be skirted. The Owner must submit the type and color of the skirting to be approved by the ACC prior to installation.

Mobile Homes permitted on the South or North side of Hwy 105 must be skirted with conventional skirting designed for Mobile Home underpinning with the type material and color approved by the ACC prior to installation.

### **SEWER HOOK-UPS**

Proper hook-ups with the Davis Bayou Service Company system are required.

### **STORAGE**

For health, safety and aesthetic concerns for our residents, no storage is permitted underneath any Home in the Subdivision where visible from the street. Items must be removed both underneath and outside of each Home, including the underside of porches and patios. Non-permanent storage structures are permitted at this time as long as they meet State and County regulations, are pre-approved by the ACC, and which are kept neat, clean, painted and locked. Any storage underneath a Home must be completely hidden from view of the street by an appropriate covering, which covering must be pre-approved by the ACC.

### **STORAGE STRUCTURES (NON-PERMANENT)**

Article 7, Section 10 of the CCRs, as more clearly defined in these ACC Guidelines allow a non-permanent storage building, gazebo or swimming pool to be constructed on a Lot only in the event there is a residential dwelling, which is inclusive of a RV or Park Model or Modular Home, under construction thereon. The maximum size of this structure is 600 square feet, with a maximum of 20' parallel with the road front, 30' depth on a Lot, a maximum height of 9', single story, with the roof line not to exceed 14'. Non-permanent storage structures may include a washer & dryer hook up and sink, with a maximum 2" drain line.,.

### **WATER SERVICE & MAINTENANCE**

All residents and on each improved Lot, including Commercial, Mobile and Modular Home, RV and Resort Cabin Lots, are responsible for their own water consumption. Individual water meters are installed at each improved Lot. The water meters are read each month and each improved Lot owner is billed for individual water consumption. Tampering with the water meters is strictly prohibited and will be considered an act of "vandalism". Any water leaks in any pipes or running toilets MUST be corrected immediately. Water consumption is monitored on a monthly schedule in order to determine average water usage, water leaks or lack of attention by the property owners to any problems. Problems observed must be corrected immediately by the property owner or by notice to the POA office in order that Davis Bayou Service Company, if needed, may address the problem.

The property owner is responsible for piping from the water meter to their individual Lot and for sewer piping from the sewer unit to the connection point established by Davis Bayou Service Company. Residents and property owners must notify the POA immediately when any water problems are observed for which immediate repairs are required to the water units. Anyone needing assistance in such repairs is requested to immediately notify the POA so that assistance can be provided. The property owner is responsible for costs of necessary repairs to the property owner's grinder pump or the piping described unless otherwise provided in the current schedule set forth in the tariff approved by the Texas Commission on Environmental Quality (TCEQ). The TCEQ sets the water and sewer meter rates which Davis Bayou Services Company charges its customers.

### DEVELOPMENT STANDARDS

Each Lot that is to be utilized for any overnight purposes must first be improved at the Owner's expense. The following installations are required (subject to POA approvals):

1. Culverts: The objective of installing a new culvert is to prevent a bottleneck in water flow to adjacent properties.
  - a. Length
    - Minimum of 14 feet, 3 feet beyond either side of driveway is required.
  - b. Diameter
    - Minimum of 10 inches, final size will be determined on a case by case basis.
  - c. PSI
    - Must handle necessary use loads.
2. Driveway:
  - a. Width
    - 8 Feet Minimum
  - b. Material
    - Curbing, or
    - Timbers or Concrete materials sufficient to contain the driveway aggregates. Must start at the street property line of the Lot.
  - c. Base
    - 2-inch minimum of compacted cohesive material, except 4 inch minimum for Recreational Vehicles.
  - d. Surface
    - 2-inch minimum compacted surface material including 1-inch crushed aggregate product crowned to drain, except 4 inch minimum/1 inch aggregate for Recreational Vehicles.
3. RV and Park Model and Mobile Home Lots: The layout of the driveway should be as shown on the plot plan example. Exceptions or variances must be submitted to the ACC for approval prior to any work being done.
4. Electrical: Underground Only beyond Lot lines.
5. Address Markers: When on an improved Lot, must be visible from the street.

6. Water & Sewer Utilities:

- 3-inch minimum Sewer pipe
- 3/4-inch minimum Water pipe

7. ACC Permit Fees: Permit Fees must be paid prior to starting any work defined under these Guidelines.

**PERMITS**

Permit Fees payable to Liberty Lake Property Owners Association as follows:

Lot Survey	Permit required, but no fee.	\$0
Tree Cutting/Clearing	Permit and ACC approval is required before cutting any tree larger than 10" in diameter and 2" above the ground.	\$0
Lot-Clearing	Fee is credited toward Lot Improvement Package and Residential New Construction Package	\$50.00
Basic Lot Improvement Package	For RV, Mobile Homes, and Park Model Lots. Includes Survey, Clearing, Culvert, Driveway and Pad.	\$400.00
New Residential Home Construction	Includes Lot Clearing, Survey, Culvert, Driveway and Foundation.	\$1,400.00
Remodeling	Additions to existing structure on an Improved Lot, includes permanent decking, additional room(s), anything additional to primary structure.	\$100.00
Installation of Landscaping and Irrigation System		\$75.00
Miscellaneous Add-On Construction or Prefabrications	Including, but not limited to: Fences, Portable Buildings, Sidewalks, Patios, Gazebos, Driveways, Driveway Extension, Garages, Carports, Docks, Piers, Bulkheads; Boathouses, Alterations of Roof Eave Overhangs, Decks, Skirting, Elevators, Ramp or Stairs, Tear-down of a Structure.	\$75.00
Replacement of Tanks and Lateral Lines on Owners Property	Permit required, but no fee.	\$0
Infringement on Common Grounds	Permit required, even if ACC waives fee.	\$300.00
RV (Recreational Vehicle)	Permit required, no fee	\$0

Permit Fees payable to Davis Bayou Service Company as follows:

Water Tap		\$200.00
Sewer Tap		\$400.00

8. Penalties:

Penalties payable to Liberty Lakes Property Owners Association as follows:

Failure to obtain a Permit	Failure to apply for and obtain a Permit prior to engaging in any activity listed above will result in a penalty of <u>\$100.00</u> per day for each day prior to a Permit being obtained. In addition, if the	\$100.00 per day
----------------------------	--	------------------



	structure or modification fails to meet ACC approval, additional modification, or in extreme cases, complete removal may be required.	
Lot clearing without Permit Approval		\$200.00
Tree clearing/cutting without permit		\$200.00 per tree
Infringement on the property of others or in a common area		\$300.00 per property side/incident
Failure to Cleanup	<p>Construction and/or unsightly debris cleanup is an expense of the property owner for him/herself and the Owner's contractor.</p> <p>Should the POA have to cleanup, after a 10-day Violation Notice has been given to the Owner, the cost of cleanup, removal, storage if applicable, and any other related costs will be assessed to the property Owner, including a <b><u>\$250.00</u></b> inconvenience penalty.</p>	\$250.00 and any related cleanup costs

**CERTIFICATION**

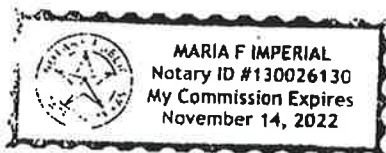
I, Lisa Gloyna, hereby certify that I am the elected Secretary of the Liberty Lakes Property Owners' Association, Inc (the "Association"), and I further certify that the foregoing Architectural Control Committee (ACC) Guidelines attached hereto are true and correct as amended by at least two-thirds action of the Association Membership entitled to vote at the Special Membership Meeting held on November 20, 2019 and continued on December 14, 2019 and called for the purpose of amending said ACC Guidelines, and that such action was properly noticed, properly taken and duly recorded in the Minutes Book of the Association.

LIBERTY LAKES PROPERTY OWNERS' ASSOCIATION, INC.  
a Texas nonprofit corporation

By: *Lisa Gloyna*  
Lisa Gloyna, Secretary

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 14 day of December, 2019, by Lisa Gloyna, Secretary of Liberty Lakes Property Owners' Association, Inc., a Texas nonprofit corporation.



*Maria Imperial*  
Notary Public Signature

AFTER RECORDING PLEASE RETURN TO:

Liberty Lakes Property Owners' Association, Inc.  
c/o Lisa Gloyna, Secretary  
P.O. Box 573036  
Houston, Texas 77257