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BOARD POLICY RESOLUTION OF
SUGARBERRY PLACE PHASE II HOMEOWNERS' ASSOCIATION, INC.

DATED: 12/23, 2013

WHEREAS, Sugarberry Place Phase II Homeowners' Association, Inc. is a Texas Non-Profit Corporation governed by the Texas Property Code, and more specifically Chapter 202-211; and

WHEREAS, Sugarberry Place Phase II Homeowners' Association, Inc. is given authority to appoint committees as deemed appropriate in carrying out the purposes of the Board of Directors, as authorized under Article VIII of the By-Laws for Sugarberry Place Phase II Homeowners' Association, Inc.;

WHEREAS, Sugarberry Place Phase II Homeowners' Association, Inc. is given authority to promulgate a Policy to regulate the installation, use and display of certain flags, as authorized under Texas Property Code § 202, *et seq.* as well as by Article VI of the By-Laws for Sugarberry Place Phase II Homeowners' Association, Inc.;

WHEREAS, Sugarberry Place Phase II Homeowners' Association, Inc. is given authority to promulgate a Policy to regulate the installation and use of xeriscaping under Texas Property Code §§ 202.007(a)(4), 202.007(d)(8), and 202.007(d-1), *et seq.* as well as by Article VI of the By-Laws for Sugarberry Place Phase II Homeowners' Association, Inc.;

Said Policy regarding the aforementioned items and improvements stating as follows:

I. AMENDED POLICY REGARDING DISPLAY OF FLAGS

1. This Policy is meant to substitute for and wholly replace those portions of the prior Supplemental Deed Policy regarding the display of flags, filed for record on December 28, 2011, under Clerk's File No. 20110542659.
2. An Owner may display (1) the flag of the United States of America; (2) the flag of the State of Texas; or (3) an official flag or replica flag of any branch of the United States armed forces on their property, subject to the following restrictions:

General Restrictions

- a. In addition to the requirements set forth below, display of the flag of the United States of America must conform with the requirements under the United States Code, 4 U.S.C. Sections 5-10;
- b. In addition to the requirements set forth herein below, display of the flag of the State of Texas must conform with the requirements under the Texas Government Code Section 3100;

RP 009-99-0029

- c. Only one (1) freestanding flagpole or mounted flagpole bracket may be utilized by any Owner or resident, per residence. No more than one (1) flag of the approved types delineated above may be displayed simultaneously;
- d. No flag may be displayed or maintained in any manner other than on a freestanding flagpole, or via a mounted flagpole bracket;
- e. All displayed flags, flagpoles and flagpole brackets must be maintained in good condition. In the event that any displayed flag, flagpole or flagpole bracket which is not, in the judgment of Sugarberry Place Phase II Homeowners' Association, Inc. maintained in good condition, Owner shall be responsible for repairing, replacing or removing said displayed flag, flagpole or flagpole bracket, upon written request of Sugarberry Place Phase II Homeowners' Association, Inc. Sugarberry Place Phase II Homeowners' Association, Inc. shall be the sole arbiter to determine whether such a condition exists;
- f. No displayed flags shall exceed three (3) feet in height, and five (5) feet in length;
- g. Any flag displayed for more than twenty-four (24) hours must be illuminated;
- h. No Owner may install a flag on the property owned or maintained by Sugarberry Place Phase II Homeowners' Association, Inc. including but not limited to general common elements or limited common elements, with the exception of a wholly enclosed, fenced yard or patio area;
- i. No Owner may install a flag on the property owned in common by the members of Sugarberry Place Phase II Homeowners' Association, Inc. including but not limited to general common elements or limited common elements.

Restrictions on Freestanding Flags

- a. No flagpole located in or on an Owner's property may exceed twenty (20) feet in height;
- b. Any flagpole located in or on an Owner's property must be constructed of a permanent, long-lasting material, with a finish appropriate to the material used in the construction of the flagpole, and harmonious with the dwelling;
- c. No flagpole located in or on an Owner's property may be located outside the applicable building setback lines for that lot;
- d. If lights are used to illuminate the flag during evening hours, said lights must be directed in such a manner, and utilized at an intensity that does not substantially interfere with the use and enjoyment of other Owners or residents by causing

unreasonable discomfort or annoyance to other persons of ordinary sensibilities. Sugarberry Place Phase II Homeowners' Association, Inc. shall be the sole arbiter to determine whether such a condition exists;

- e. No flagpole halyard, flagpole snap-hooks or other fastening devices shall be allowed to generate noise of an intensity or frequency so as to substantially interfere with the use and enjoyment of other Owners or residents by causing unreasonable discomfort or annoyance to other persons of ordinary sensibilities. Sugarberry Place Phase II Homeowners' Association, Inc. shall be the sole arbiter to determine whether such a condition exists;
- f. An Owner or resident may be required to utilize flagpole snap-hook covers to eliminate flagpole noise at the request of Sugarberry Place Phase II Homeowners' Association, Inc.

Restrictions on Flags Displayed in Flagpole Brackets

- a. No flagpole mounted in a flagpole bracket may exceed five (5) feet in length;
- b. If applicable, no flag displayed from a mounted flagpole bracket may extend beyond the airspace created by the boundaries of a fenced yard or patio area;
- c. No mounted flagpole bracket may be affixed to any portion of the general or limited common elements;
- d. Mounted flags and/or flagpole brackets may only be placed upon portions of a residential structure owned by the property Owner and not maintained by the Association.

II. POLICY REGARDING XERISCAPING

1. Pursuant to Texas Property Code §§ 202.007(a)(4), 202.007(d)(8), and 202.007(d-1), effective as of September 1, 2013, Owners have been given the limited right to install drought-resistant landscaping or water-conserving natural turf ("Xeriscaping"). Prior to any such installation, an Owner must submit a detailed plan for the installation of such Xeriscaping. Such plan must contain:
 - a. Location of all proposed Xeriscaping, including a graphic depiction (i.e. scale drawings) showing location, number, estimated size and color of all proposed Xeriscaping;
 - b. A description of the aesthetic qualities of the proposed Xeriscaping;
 - c. Species and maximum height of all proposed included plants, grasses, shrubs or trees;

2. The Architectural Control Committee reserves the right to regulate the Owner's use of gravel, rocks, or cacti contained within the Xeriscaping in accordance with the aesthetic compatibility of the subdivision, the Architectural Control Committee's policies or other appropriate committee's guidelines or discretion;
3. Pursuant to the Association's governing documents, the Association is responsible for maintaining the front yards of the lots within the Association. No Xeriscaping may be placed or installed on any areas for which the Association has maintenance responsibility without a written statement by the Owner of the property permanently waiving Association maintenance, accepting full responsibility for the future upkeep, care and maintenance of the areas within that lot previously maintained by the Association.
4. These guidelines are supplementary and are in addition to any and all other covenants, conditions, restrictions, rules, and guidelines in effect for the Association.

THEREFORE, BE IT RESOLVED THAT, Sugarberry Place Phase II Homeowners' Association, Inc. adopts a uniform Policy to apply to all Unit Owners within Sugarberry Place Phase II Homeowners' Association, Inc.;

BE IT FURTHER RESOLVED THAT, the Policy approved by this resolution touches and concerns all Lots within Sugarberry Place Phase II Homeowners' Association, Inc. and shall run with the land to all subsequent Owners of said Lots;

The Board of Directors of Sugarberry Place Phase II Homeowners' Association, Inc. hereby memorializes in its minutes its formal resolution providing a uniform policy for all lots within Sugarberry Place Phase II Homeowners' Association, Inc.

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Stuart Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

DEC 26 2013



Stuart Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS