

**CERTIFICATE OF ADOPTION
OF
AMENDED and RESTATED FENCES and WALLS POLICY
OF
MEYERLAND COMMUNITY IMPROVEMENT ASSOCIATION**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, the Board of Directors (the “Board”) of Meyerland Community Improvement Association, a Texas non-profit corporation (known as the “Association” or “MCIA”), is charged with administering and enforcing, among other restrictions and covenants, restrictive covenants contained in Deed Restrictions (herein so called) applicable to the Meyerland Community (the “Community”) as recorded in the Real Property Records of Harris County, Texas (the “Official Public Records”); and

WHEREAS, the Board previously adopted that certain fences and walls policy as set forth in instrument entitled “Certificate of Adoption of Fences and Walls Policy of Meyerland Community Improvement Association” recorded on April 23, 2020, in the Official Public Records under Clerk’s File No. RP-2020-173021 (the “Original Fences and Walls Policy”); and

WHEREAS, the Board has determined that in connection with providing additional rules and regulations regarding fences and walls, it is appropriate for the Association to adopt an amended and restated fences and walls policy; and

WHEREAS, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

WHEREAS, the Board held a meeting on August 12, 2021 (the “Adoption Meeting”), at which at least a majority of the members of the Board were present and duly passed the amended and restated fences and walls policy described herein below (the “Amended and Restated Fences and Walls Policy”).

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the Amended and Restated Fences and Walls Policy. The Amended and Restated Fences and Walls Policy is effective upon recordation of this Certificate in the Official Public Records, and supplements and/or replaces, as the case may be any Deed Restrictions, policy or policies regarding fences and walls (including but not limited to the Original

Fences and Walls Policy) which may have previously been in effect for the Community, unless such, policy or policies are in conflict with the Amended and Restated Fences and Walls Policy, in which case the terms of the Amended and Restated Fences and Walls Policy will control. In the event that the Amended and Restated Fences and Walls Policy is in conflict with any applicable Deed Restrictions, the Deed Restrictions will control. The Amended and Restated Fences and Walls Policy is as follows:

Amended and Restated Fences and Walls Policy

Applicability

This Amended and Restated Fences and Walls Policy supplements and/or replaces, as the case may be any Deed Restrictions, policy or policies regarding fence and wall rules (including but not limited to the Original Fences and Walls Policy) which may have previously been in effect for the Community, unless such, policy or policies are in conflict with the Amended and Restated Fences and Walls Policy, in which case the terms of the Amended and Restated Fences and Walls Policy will control. In the event that the Amended and Restated Fences and Walls Policy is in conflict with any applicable Deed Restrictions, the Deed Restrictions will control, however, the Amended and Restated Fences and Walls Policy shall supersede and/or supplement those parts of applicable Deed Restrictions that are invalid or partial invalidated or partial unenforceable due to governmental/court requirements/laws/rulings.

Enforcement

This Amended and Restated Fences and Walls Policy may be enforced by the Meyerland Community Improvement Association ("MCIA"), acting by and through the Board, in the Board's sole discretion, to the fullest extent allowed by law and applicable Deed Restrictions. This Amended and Restated Fences and Walls Policy shall apply to all lots that fall within the jurisdiction of the MCIA.

Purpose

The purpose of this Amended and Restated Fences and Walls Policy is to help to ensure the aesthetics of the Community as pertaining to fences and walls. In no manner should this Amended and Restated Fences and Walls Policy be interpreted to limit the authority of the Board or the appropriate MCIA review committee, other than specifically as set forth in this Amended and Restated Fences and Walls Policy.

Term Usage

The terms "fences" and "walls", where and as appropriate, may be used interchangeably and may also apply to gates.

Rules

EXISTING STRUCTURES

Any existing structure that pertains to the subject of this Amended and Restated Fences and Walls Policy, which was approved by the appropriate MCIA review committee, met all requirements/restrictions when installed, and does not pose any line-of-sight issues or obstruction of public thoroughfare issues, may be maintained and repaired, with approval of and to the extent allowed by the appropriate MCIA review committee without being in violation of this Amended and Restated Fences and Walls Policy. -During any twelve (12) month period, a maximum of twenty-five percent (25%) of the total wooden pickets facing any lot line side (including front, rear &/or side) of a fence may be replaced without need for approval by the appropriate MCIA review committee, as long as above requirements are met and with the understanding that any such work does not imply that the MCIA waives any current or future rights to deny approval for such work and/or to require the removal of such work at the lot owners expense; nor does it waive the duty of the lot owner to adhere to any and all applicable Deed Restrictions and MCIA policies. Any and all liability for such work shall be solely and completely that of the lot owner.

SPECIFICS for FENCES & WALLS

Fencing NOT Forward of the Forward Most Portion of Building nor Forward of Front Building Line.

Fences/walls/gates (unless otherwise allowed by appropriate Deed Restrictions or this Amended and Restated Fences and Walls Policy) shall comply with the following:

1. Height – shall be a maximum of eight feet (8') in height.
2. Material - **Subject to Deed Restriction rules**, fences/walls/gates are to be constructed of wood (plywood is not a suitable material), composite material that simulates real wood pickets, masonry material, and/or decorative metal, as defined and approved by the appropriate MCIA review committee. No permanent installation of wire or chain-link (i.e. chicken wire or metal mesh) or welded wire (i.e. hog panel or similar material) will be allowed or permitted.
3. Construction of masonry and other solid wall-like structures that are (i) over twenty inches (20") in height and (ii) extend outside the building lines shall not be allowed if facing the front lot line. However, the appropriate MCIA review committee may make an exception for a necessary erosion control device and for instances involving conjoined/abutting lots owned by the same lot owner and if not replatted; if fence appears to enclose no more than two (2) lots and of which one (1) of said lots does not contain a single-family dwelling. Masonry may be used for fence posts.
4. These fences and walls may extend to the side lot line but shall not be forward of the front building line as specified on the plat nor extend forward of the forward-most portion of the forward most building.

Fencing Forward of Forward Most Portion of Building or Front Building Line.

1. Shall be allowed as and if required to be allowed by Texas state law and/or judicial decision.

2. Where forward of the forward most portion of the building, shall be a maximum of six feet, six inches (6'-6") in height.
3. Fences are to be constructed of non-solid decorative/ornamental metal, such as fencing with metal rails, pickets and posts, and as additionally or further defined, allowed and approved by the appropriate MCIA review committee. No permanent installation of wire or chain-link (i.e. chicken wire or metal mesh) or welded wire (i.e. hog panel or similar material) will be allowed or permitted.
Additionally:
 - a. Gate posts must be metal as approved by the appropriate MCIA review committee.
 - b. Line posts must be metal as approved by the appropriate MCIA review committee.
 - c. An at or near grade (as determined by appropriate MCIA review committee in its sole discretion) masonry footer may run under any fencing.
 - d. Masonry pony/foundation walls are not allowed if forward of front building line nor forward of forward most portion of building even if topped with a metal fence.
4. Color – all metal fencing forward of front building line must be black in color.

GENERAL for FENCES & WALLS

1. Fence, wall and gate material may be disallowed by the appropriate MCIA review committee for purely aesthetic reasons, even if a similar structure already exists or is allowed in similar circumstances, so long as not arbitrary and capricious.
2. All lots may have perimeter fencing for security purposes as and if required to be allowed by Texas state law and/or judicial decision.
3. Fencing may not encroach on an adjacent lot or into a public right-of-way. Gates, including driveway gates, may swing outward from lot. However, at no time may the driveway gate cross any lot line or impede a public right-of-way including, but not limited to, streets and sidewalks.
4. Any fence/wall/gate facing a street, shall be constructed in such a manner that the most aesthetically pleasing side as decided by the appropriate MCIA review committee, faces the street.
5. The color/stain/tint of all fences, walls, gates, and other similar structures requires the appropriate MCIA review committee approval before installation and application of product.
6. Exceptions to the height of construction may be made at the discretion of the appropriate MCIA review committee for fences abutting commercial property, major thoroughfares, for minor deviations in the topography and for transitions between fences but in no case shall the maximum height exceed ten (10) feet.
7. Line of Sight - On corner lots, fences/walls/gates may be placed along the street side lot lines so long as said fences/walls/gates:
 - (i) do not impede the view of traffic. In such instances, the fences/walls/gates, may be required to be a greater distance from the curb should the appropriate MCIA review committee or appropriate governmental authority find such necessary.

In all circumstances, obstruction of public thoroughfares and off-lot line of sight issues, as referenced in applicable Deed Restrictions, this Amended and Restated Fences and Walls Policy, by the City of Houston Code of Ordinances, and appropriate

governmental agencies, shall not be violated. Additionally, and notwithstanding the above, the appropriate MCIA review committee shall have full discretion to restrict any fencing further than the listed location requirements above, if the proposed fence location presents a potential line of sight blockage or other safety concern in the appropriate MCIA review committee's sole and absolute discretion.

8. All solid fencing/walls, including but not limited to masonry, must have sufficient drainage under said fence/wall (as determined by appropriate MCIA review committee) to allow for flow of water, including but not limited to sheet water flow.
9. Should any governmental code, regulation, law and/or judicial ruling **require** that a different height be allowed, said governmental code, regulation, law and/or judicial ruling shall at all times be followed.

APPROVAL

Any and all fences, walls, gates, other similar structures, and associated items must receive approval by the appropriate MCIA review committee prior to the start of any maintenance of or installation of any fencing or any associated items, unless specifically stated otherwise in this Amended and Restated Fences and Walls Policy. Approval may be withheld for purely aesthetic considerations, even if similar structures where previously approved or already exist in the Community.

LIMITING AUTHORITY, WAIVER and DISCLAIMER

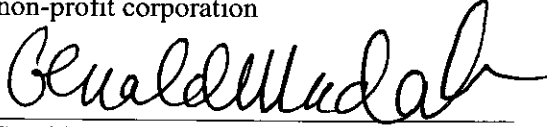
In no instance or manner should this Amended and Restated Fences and Walls Policy be interpreted as limiting or restricting any rights, powers or authority held by the MCIA and/or related committees.

In no instance or manner should this Amended and Restated Fences and Walls Policy be interpreted as a waiver of future approvals. Approval by the appropriate MCIA review committee of any/all projects does not inherently imply approval by the appropriate MCIA review committee to subsequent projects or lot owner revisions to approved projects.

MCIA, the Board, the MCIA review committees, their agents, and any members thereof shall not be responsible for the structural or other defects of any kind or nature whatsoever in any plans, specifications, or documents submitted for approval, and/or improvements/modifications constructed or made as a result of plans, specifications, or documents submitted to the appropriate MCIA review committee. Lot owners are responsible for the safety and quality of the improvement constructed, made, or erected by, or for, said lot owner. No approval of plans specifications or documents may be construed as representing or implying that, if followed, the applicable structure will comply with the applicable Deed Restrictions, this Amended and Restated Fences and Walls Policy, or other applicable legal requirements, or as to any matters relating to the health, safety, workmanship or suitability, for any purpose of the structure.

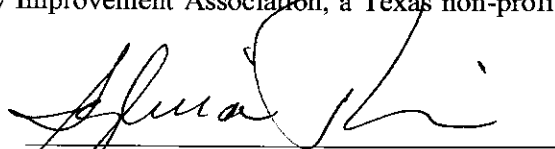
EXECUTED on the date of the acknowledgment set forth herein below, to be effective upon recordation in the Official Public Records.

Meyerland Community Improvement Association,
a Texas non-profit corporation

By: 
Gerald Radack, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on 9/02/, 2021, by Gerald Radack, President of Meyerland Community Improvement Association, a Texas non-profit corporation, on behalf of said corporation.


Notary Public, State of Texas

