

**CERTIFICATE OF ADOPTION
OF
AMENDED and RESTATED
STRUCTURES OUTSIDE BUILDING LINES POLICY
OF
MEYERLAND COMMUNITY IMPROVEMENT ASSOCIATION**

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

WHEREAS, the Board of Directors (the “BOD”) 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 those certain structures outside building lines policy as set forth in instrument entitled “Certificate of Adoption of Structures Outside Building Lines Policy of Meyerland Community Improvement Association” recorded on May 7, 2020, in the Official Public Records, under Clerk’s File No. RP-2020-192613(the “Prior Structures Outside Building Lines Policy”); and

WHEREAS, the Board has determined that in connection with providing rules and regulations regarding structures outside the building lines, it is appropriate for the Association to adopt an amended and restated structures outside building lines 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 September 23, 2021 (the “Adoption Meeting”), at which at least a majority of the members of the Board were present and duly passed this Policy described herein below (the "Amended and Restated Structures Outside Building Lines Policy ").

WHEREAS, the Board held a meeting on September 23, 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 structures outside the building lines policy described herein below (the " Amended and Restated Structures Outside the Building Lines Policy "). REPLACE WITH (this "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 Structures Outside Building Lines Policy. The Amended and Restated Structures Outside Building Lines Policy is effective upon recordation of this Certificate in the Official Public Records, replaces the Prior Structures Outside Building Lines Policy and supplements any Deed Restrictions, policy or policies regarding structures outside building lines which may have previously been in effect for the Community, unless such, policy or policies are in conflict with the Amended and Restated Structures Outside the Building Lines Policy, in which case the terms of the Amended and Restated Structures Outside the Building Lines Policy will control. In the event that the Amended and Restated Structures Outside the Building Lines Policy is in conflict with any applicable Deed Restrictions, the applicable Deed Restrictions will control. The Amended and Restated Structures Outside Building Lines Policy is as follows:

Amended and Restated Structures Outside Building Lines Policy

Applicability

This Amended and Restated Structures Outside the Building Lines Policy supersedes any prior policy or part of a prior policy as it relates to structures outside the building lines. Additionally, this Amended and Restated Structures Outside the Building Lines Policy shall be used to clarify those Deed Restrictions which do speak to such structures listed herein, but which this Amended and Restated Structures Outside the Building Lines Policy does not directly conflict with.

Structures existing prior to this Amended and Restated Structures Outside the Building Lines Policy which had prior approval by the appropriate MCIA review committee and met all MCIA and governmental requirements at the time of construction/installation may be maintained and repaired, but only to the extent allowed by the appropriate MCIA review committee or the BOD, without violating this Amended and Restated Structures Outside Building Lines Policy.

Enforcement

This Amended and Restated Structures Outside the Building Lines Policy may be enforced, by the MCIA, acting by and through the BOD, in the BOD's sole discretion, to the fullest extent allowed by law, and applicable Deed Restrictions. This Amended and Restated Structures Outside the Building Lines Policy shall apply to all lots that fall within the jurisdiction of the MCIA.

Purpose/Definition

The purpose of this Amended and Restated Structures Outside the Building Lines Policy is to ensure the aesthetics of the Community as pertaining to structures outside the building lines. Such purposes include but are not limited to types of structures, location, size, approvable materials, maintenance, and overall aesthetics. In no manner should this Amended and Restated Structures Outside the Building Lines Policy be interpreted to limit the authority of the BOD or the appropriate MCIA review committee, other than specifically as set forth in this Amended and Restated Structures Outside the Building Lines Policy.

As used herein, "structure" is defined as anything which is built, erected, constructed, assembled, or otherwise joined by other than natural force.

As used herein, "landings" is defined as those structures used as part of stairs or ramps and that are more than six inches (6") above natural grade (as determined by the appropriate MCIA review committee).

As used herein "building line" is defined as the boundary upon which a building and certain structures may not encroach, pursuant to the applicable Deed Restrictions, the plat covering the applicable lot recorded in the Official Public Records (the "Plat"), City of Houston ("COH") Code of Ordinances, MCIA policies and/or per authority granted the BOD and the appropriate MCIA review committee. As used herein, "building line" shall also include setback line and similar terms that denote the same line. To determining whether proposed or completed construction complies with the building line (setback) requirements, the BOD and the appropriate MCIA committee considered the building line (setback) provisions to apply to all structures.

Rules

Deed Restrictions

All construction, renovation and lot modifications must comply with all provisions set forth in the applicable Deed Restrictions.

Structures and Locations

Structures which are not buildings, garages, carports, porte cocheres, gazebos or similar type structures as determined by the BOD or the appropriate review committee, in their sole discretion, AND which are allowable by the applicable Deed Restrictions AND which are approved in writing by the appropriate MCIA review committee or the BOD may be allowable outside of the building (setback) lines as long as such nonbuilding structures comply with the limits as to distance per the applicable MCIA review committee decision.

Front Lot Line and Front Building (Setback) Line

No structure shall be located on any lot between the front lot line and the front building (setback) line as shown on the Plat, other than the following, if not specifically allowed by the applicable Deed Restrictions:

- (i) erosion control devices,
- (ii) sidewalks,
- (iii) walkways,
- (iv) driveways,
- (v) stairs, steps, landings or ramps,
- (vi) fences/walls - if required to be allowed by State of Texas or other local governmental law, and
- (vii) other non-building structures as may be allowed by other written policies of MCIA or written approval of the appropriate MCIA review committee.

Side Street Lot Line and Building (Setback) Line

No structure shall be located on any lot between the side street lot line and the side street building (setback) line as shown on the Plat, other than the following, if not specifically allowed or restricted by the applicable Deed Restrictions:

- (i) erosion control devices,
- (ii) sidewalks,
- (iii) walkways,
- (iv) driveways,

- (v) stairs, steps, landings or ramps,
- (vi) fences, and
- (vii) other non-building structures as may be allowed by other written policies of MCIA or written approval of the appropriate MCIA review committee.

Interior Lot Line and Building (Setback) Line

No structure shall be located on any lot between the interior lot line and the interior building (setback) line as shown on the Plat or, other than the following if not specifically restricted by the applicable Deed Restrictions:

- (i) fences/walls,
- (ii) sidewalks/walkways,
- (iii) stairs, steps, or ramps to a structure,
 - a. if top tread or landing less than thirty-six inches (36") high and less than three feet (3') over building line.
 - b. for elevating existing homes, height and distance limitations may vary as decided by appropriate MCIA review committee or the BOD.
- (iv) a driveway may be as close as three feet (3') to the side interior lot line, or as allowed by the appropriate review committee for the repair of an existing driveway,
- (v) HVAC systems, water filtration/conditioner equipment, pool equipment, utility, and mechanical type equipment as per the discretion of the appropriate MCIA review committee, and/or
- (vi) other non-building structures as may be allowed by other written policies of MCIA or by written approval of the appropriate MCIA review committee.

Specific Restrictions

Notwithstanding the foregoing, the following structures may be located outside the building (setback) line **with the prior written approval of the appropriate MCIA review committee**, who may have more strict standards than governmental entities:

1. Unroofed stairs, steps, ramps, and landings, but not porches, may be:
 - i. up to five feet (5') outside of the front building (setback) line and or side street building (setback) line;
 - ii. may be up to three feet (3') outside interior side building line if top tread or landing is less than thirty-six inches (36") high, exceptions may be made, at the sole discretion of the appropriate review committee, as related to the elevation of an existing dwelling;
 - iii. up to the distance specified in a property-specific variance (indicating no violation or nonenforcement) granted in writing by the COH;
 - iv. up to distance specified by the BOD to the appropriate review committee as to allowance for construction deviations due to grade and structure elevation;
 - v. up to distance the appropriate MCIA review committee MAY allow for special exceptions/allowances as to distance beyond building/setback line(s) for NECESSARY and limited instances where an **existing** structure is raised to meet COH minimum flood protection elevation requirements and where access to home is limited due to the home location, driveway or other existing architectural features; and
 - vi. walkway steps and landings that generally follow natural contour and are near natural grade of lot, as determined by the appropriate MCIA review committee, shall not be considered as "stairs" and may be more than five feet (5') outside building lines.

2. Outdoor lighting and light posts suitable for residential use which do not encroach on another lot or any utility easement.

- i All exterior lighting shall be shielded, located, and of a color and/or intensity which is consistent with residential use, as determined by the appropriate MCIA review committee, in its sole discretion, so as not to be a nuisance to neighboring lot owners or residents, as determined by the appropriate MCIA review committee, in its sole discretion.
- ii The number of lights and light posts shall be approved/denied via MCIA review committee decision on a case-by-case basis which may consider the entirety of the lot's lighting plan.

3. Landscaping structures including but not limited to planters and raised flower beds.

General

In no circumstance may a structure encroach upon an easement.

Every lot owner and/or resident shall comply with all COH, Harris County, state and federal law/codes/regulations (including but not limited to building codes).

All structures and lot modifications must be of an aesthetically acceptable design, as determined by the appropriate MCIA review committee including, but not limited to types of structures, location, size, materials, and exterior color. Structures must be maintained for both aesthetic requirements and function, as determined by the appropriate MCIA review committee or the BOD.

Approval

Any and all proposed structure installation and lot or structure modifications including but not limited to types of structure(s), location, size, materials, color, and overall aesthetics must receive written approval from the appropriate MCIA review committee or the BOD prior to the start of any installation/work. Approval may be withheld for purely aesthetic considerations, even if similar structures were previously approved or already exist in the Community.

Limiting Authority, Waiver and Disclaimer

In no instance or manner should this Amended and Restated Structures Outside the Building Lines 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 Structures Outside the Building Lines Policy be interpreted as a waiver of future approvals. Approval of any/all projects does not inherently imply approval to subsequent projects or lot owner revisions to approved projects.

MCIA, the BOD, 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 Structures Outside the Building Lines 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*
Gerald Radack, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on 29th day of September, 2021, by Gerald Radack, President of Meyerland Community Improvement Association, a Texas non-profit corporation, on behalf of said corporation.

Jasmine A. Davis
Notary Public, State of Texas

