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TEXAS BOARD OF LEGAL SPECIALIZATION

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March 12, 2024

***Via Email: monique@meyerland.net***

Ms. Monique Cordoba  
Meyerland Community Improvement Association  
4999 West Bellfort  
Houston, Texas 77035

Re: Meyerland Community Improvement Association ("MCIA")

Dear Monique:

Enclosed is a copy of the recorded Certificate of Adoption of New Home & Major Construction Deposit Policy and the Certificate of Adoption of Amended and Restated Fences and Walls Policy. As you can see, these documents were recorded in the Real Property Records of Harris County, Texas, on March 12, 2024, under Harris County Clerk's File Numbers RP-2024-86226, and RP-2024-86254, respectively.

If you have any questions, please contact me.

Sincerely yours,

**HOOVER SLOVACEK LLP**

*Mark K. Knop*

Mark K. Knop

***Attachment:***

**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 Amended and Restated Fences and Walls Policy of Meyerland Community Improvement Association" recorded on September 3, 2021, in the Official Public Records under Clerk's File No. 2021-509226 (the "Previous 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 a further 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 November 9, 2023 (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 Previous 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:

### DEFINITIONS

1. **“Back/Side Yard Fence”** means the Fence or portion of a Fence that is at or behind the Front Fence Line, including a front facing Fence that is located on the Front Fence Line.
2. **“Fence”** means any fence, wall, or similar structure, whether on, at, or immediately adjacent to, a property line of a lot or on the interior of a lot, no matter how short or tall, or what material is used, including Gates.
3. **“Front Yard Fence”** means the Fence or portion of a Fence that is forward of the Front Fence Line.
4. **“Front Fence Line”** means a line that goes across a lot at the forward most point of the house, garage, or carport structure, provided that in no event may the Front Fence Line be forward of the front building line of the lot. For purposes of clarification, if per chance the house is forward of the front building line, then the Front Fence Line is the front building line. If a lot owner owns two (2) or more adjacent lots, then the Front Fence Line is determined based on the lot on which the house is constructed.
5. **“Gate”** means a portion of a Fence that opens to create a break in the Fence through which a person, animal, or object can pass.
6. **““Harmonious”** means a standard to be determined by the appropriate MCIA review committee in its reasonable judgment.
7. **“Masonry”** means the specific construction materials of brick, natural or man-made stone, and plaster portland cement finishes (also known as stucco) and the mortar used to join them together. By themselves, cinder block (CMU), split faced cinder block, and split faced stone are not acceptable building materials for a Fence. However, they may be used to form the internal structure of a stucco Fence when they are finished with a continuous plaster portland cement slurry, giving the Fence or wall a stucco or other textured appearance, so that the cinder block, split faced cinder block, and split faced stone and the joining compound cannot be seen. Cement board is not Masonry, even if finished to look like stone or brick.
8. **“Policy”** means this Amended and Restated Fences and Walls Policy.

### PROHIBITION

No Fence may be installed, constructed, repaired, or maintained, except in accordance with the terms of this Policy.

### EXISTING FENCES

Any existing Fence that was approved by the appropriate MCIA, met all requirements/restrictions when installed/constructed, and does not pose any line-of-sight issues or obstruction of public thoroughfare issues, may be maintained and repaired, in accordance with the terms of this Policy. During any twelve (12) month period, a maximum of forty percent (40%) of the total wooden pickets facing any lot line side (including front, rear and/or side) of a Fence may be replaced with the same picket without need for approval by the appropriate MCIA.

### REQUIREMENTS

Fences, unless otherwise allowed by applicable Deed Restrictions, shall comply with the following requirements:

## Back/Side Yard Fences

1. The height shall be a maximum of eight feet (8'), except for the portion of the Back/Side Yard Fences (1) abutting commercial property or (2) along Hillcroft Street, Chimney Rock Road, North Braeswood Blvd, South Braeswood Blvd, Rice Avenue, or the 610 feeder road may be up to ten feet (10') feet high, to the extent allowed by the City of Houston. In addition, sections of the Fence of no more than three feet (3') in length may be up to eight feet six inches (8'6") due to deviations in the grading/topography of the lot.
2. Back/Side Yard Fences are to be constructed of wood (plywood is not a suitable material), composite material that simulates real wood pickets (cement board is not acceptable), Masonry, and/or decorative/ornamental metal. No installation of wire, chain-link, chicken wire, metal mesh, welded wire, hog panel, or similar material will be allowed or permitted.
  - (a) Fences composed of (or which have posts composed of) Masonry or other material that requires a footing may have a concrete footing that is no more than six inches (6") above grade.
3. Back/Side Yard Fence posts may be constructed of wood, Masonry, metal or other material compatible with the fencing material itself. Fence posts may not exceed eight feet (8') in height, except that if an approved ten foot (10') Back/Side Yard Fence is constructed (1) abutting commercial property or (2) along Hillcroft Street, Chimney Rock Road, North Braeswood Blvd, South Braeswood Blvd, Rice Avenue, or the 610 feeder road, then the posts for such Back Fences may be ten feet (10') in height. Fence posts composed of Masonry or similar material may not be closer to each other than ten feet (10') (gap, not center to center).
4. Back/Side Yard Fences composed of, or which are on top of a support base or footing composed of, Masonry, concrete footing, or similar material must be entirely on the lot owner's side of the property line, unless the adjoining property owner(s) (at the time of initial construction of the Fence) consents in writing to the Fence being on the property line.
5. The color of the Back/Side Yard Fence must meet the following requirements:
  - (a) If the Fence is wood, it must be (A) left natural, (B) sealed with clear urethane or other clear protective material, OR (C) stained or painted a color that is Harmonious with the color of the house;
  - (b) If there is a Fence with a wooden Gate across the driveway that is painted, then the contiguous portion of the Fence facing the street must also be painted;
  - (c) If the Fence is a composite material that simulates wood, the color of the Fence must simulate that of a wood fence or be painted a color that is Harmonious with the color of the house;
  - (d) If the Fence is metal, the color of the Fence must be black or Harmonious with the color of the house;
  - (e) If the Fence is Masonry, the color of the Fence must be Harmonious with the color of the house; and
  - (f) If the footing of the Fence is concrete, the footing must be left natural or painted a color that is Harmonious with the color of the house.
6. Gates in wrought iron or other see-through materials across driveways that are at or behind the Front Fence Line may have a fitted screening composed of wood, metal, or other opaque material. For

purposes of clarification, these Gates are different from Gates that are composed of solid wood or composite material on a wood or metal frame.

- (a) The color of the screening must be solid and either match the color of the Gate to which it is attached or painted with a color that is Harmonious with the color of the house and the color of the Gate to which it is attached, except that:
    - (i) Wood screenings may also be (A) sealed with clear urethane or other clear protective material or (B) stained with a wood looking color.
  - (b) Gate screenings must be maintained and properly fitted and cannot be torn, weathered (except for normal wood weathering), rotted, rusted, or in disrepair.
7. Any Back/Side Yard Fence facing or directly visible from a street, shall be constructed in such a manner that the post/bracing side, if any, does not face the street. For example, the pickets face the street.
8. On corner lots, Fences may be placed along the side street side lot lines so long as such Fences do not impede the view of oncoming traffic.

#### **Front Yard Fences**

1. Front Yard Fences shall only be allowed as required by State law.
2. Front Yard Fences must be along both side property lines and the front property line of the front yard.
3. The height shall be six feet (6') including any support base wall. The Front Yard Fence may have a support base wall of up to two feet (2') above grade level.
4. Front Yard Fences are to be constructed of non-solid decorative/ornamental metal, such as fencing with metal rails, pickets and posts. No installation of wire, chain-link, chicken wire, metal mesh, welded wire, hog panel, or similar material will be allowed or permitted.
5. Front Yard Fence posts may be constructed of Masonry, metal, or other material compatible with the fencing material itself. The Fence posts may not exceed six feet (6') in height. Fence posts composed of Masonry or similar material may not be closer to each other than ten feet (10') (gap, not center to center).
6. Front Yard Fences composed of, or which are on top of a support base or footing composed of, Masonry, concrete footing, or similar material must be entirely on the lot owner's side of the property line, unless the adjoining property owner(s) (at the time of initial construction of the Fence) consents in writing to the Fence being on the property line.
7. The color of the Front Yard Fence must meet the following requirements:
  - (a) The metal portion of the Fence must be black;
  - (b) If the Fence support base is Masonry, the color of the base must be Harmonious with the color of the house; and
  - (c) If the footing of the Fence is concrete, the footing must be left natural or painted a color that is Harmonious with the color of the house.

8. Front Yard Fences shall be constructed in such a manner that the Fence post/bracing side does not face the street, the decorative/ornamental metal faces the street.

#### **General**

1. Fencing may not encroach into a public right-of-way. Gates, including driveway Gates, may swing outward from the lot. However, at no time may the driveway Gate impede a public right-of-way including, but not limited to, streets and sidewalks.
2. All solid Fences, including, but not limited to, those composed of Masonry and those with an above ground concrete footing, must have sufficient drainage under the Fence to allow for adequate flow of water, including but not limited to sheet water flow.
3. Barbed wire, razor wire, electrification or any other similar type of additional security measures are prohibited on any Fence or Gate.
4. Construction Fences are to be constructed of chain link or other materials approved by the appropriate MCIA review committee and must be locked when no one is on the property. Further details regarding Construction Fences may be found in the Construction Rules Policy.

#### **APPROVAL**


1. All Fences, Gates, and associated items must receive approval by the appropriate MCIA review committee before any installation, repair, or maintenance has begun, except for repairs permitted under the EXISTING FENCES section above.
2. Fence 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.
3. The color/stain/tint of all Fences, Gates, and other similar structures requires approval by the appropriate MCIA review committee before installation an application of product.

#### **ENFORCEMENT**

Any violation of this Policy is enforceable to the maximum extent permitted by law, including the imposition of fine(s) in accordance with the fine policy then in effect.

**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:   
Elaine Britt, President

THE STATE OF TEXAS

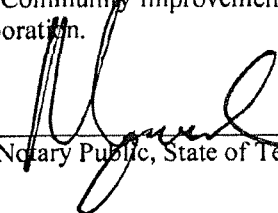
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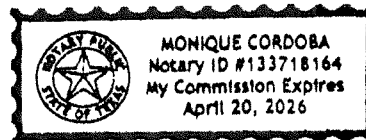
COUNTY OF HARRIS

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This instrument was acknowledged before me on the 1 day of FEB, 2024, by Elaine Britt, President of the Meyerland Community Improvement Association, a Texas non-profit corporation, on behalf of said corporation.

  
Notary Public, State of Texas



RP-2024-86226

RP-2024-86226  
# Pages 7  
03/12/2024 10:43 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$45.00

RECORDERS MEMORANDUM  
This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

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  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2024-86226