

CERTIFICATE OF CORPORATE RESOLUTIONS OF
BOARD OF DIRECTORS

OEHA, INC., A TEXAS NON-PROFIT CORPORATION
AKA OAK ESTATES HOMEOWNERS ASSOCIATION

POLICY
ESTABLISHING
REGULATIONS, STANDARDS AND INTERPRETATIONS AS TO SETBACKS
AND HEIGHT

RP-2018-422130
09/14/2018 RP1 \$32.00

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The undersigned duly authorized Officer of **OEHA, INC.**, a Texas non-profit corporation, also known as **OAK ESTATES HOMEOWNERS ASSOCIATION**, ("Association"), does hereby certify, that at a duly called meeting of the Board of Directors held on SEPTEMBER 8 2018, the following policy establishing **REGULATIONS, STANDARDS AND INTERPRETATIONS AS TO SETBACKS** was adopted pursuant to the following resolutions duly made and duly approved by the Board of Directors:

WHEREAS, the subdivision/property subject to this Resolution(s) and policy is:

- (a) OAK ESTATES subdivision according to the map or plat thereof recorded in Volume 31, Page 67 of the Map Records of Harris County, Texas ("Oak Estates");
- (b) OAK ESTATES SECTION 2 according to the Map or Plat thereof recorded at Volume 35, Page 43 of the Map Records of Harris County, Texas ("Oak Estates Section; and
- (c) The lots adjacent to Oak Estates along the east side of Oak Estates Described as property "owned by others" on the map or plat of Oak Estates Recorded in Volume 31, Page 67 of the Map Records of Harris County, Texas, and more particularly described in the instrument adopting Oak Estates' Restrictions as applicable to said adjacent lots recorded at Volume 2318, Page 625 of the Deed Records of Harris County, Texas (the "Adjacent Lots")

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(collectively, the "Subdivision"); and

WHEREAS, the restrictive covenants applicable to the subdivision include, without limitation:

- (a) The Oak Estates Restrictions originally recorded at Volume 1992, Page 581 of the Deed Records of Harris County, Texas; the Oak Estates Section 2 Restrictions originally recorded at Volume 2257, Page 52 of the Deed Records of Harris County, Texas; the imposition and adoption of the Oak Estates Restrictions as made applicable to the Adjacent Lots by that certain instrument recorded at Volume 2318, Page 625 of the Deed Records of Harris County, Texas; "Renewal of Oak Estates Deed Restrictions" recorded under County Clerk's File No. F044670 of the Real Property Records of Harris

County, Texas; and "Renewal and Adoption of Restrictions of Oak Estates, Oak Estates Section 2, and Adjacent Lots" recorded under County Clerk's File No. M457661 of the Real Property Records of Harris County, Texas (collectively, the "Original Restrictions"); and

- (b) "Modification, Addition, and Extension of Restrictive Covenants Pursuant to Texas Property Code Chapters 201 and 204" recorded under County Clerk's File No. U149174 of the Real Property Records of Harris County, Texas (the "Amended Restrictions"); and

WHEREAS, all new construction or expansion of any existing structure must comply with all of the applicable restrictions set forth in the Original Restrictions, as amended by the Amended Restrictions, including, without limitation, setback restrictions ("Setback Restrictions" herein); and

WHEREAS, the applicable Setback Restrictions are described and set forth in: (i) the Original Restrictions; (ii) the Amended Restrictions; (iii) the Association's website; and (iv) as an attachment to that certain Certificate of Corporate Resolutions establishing Architectural Plans: Plan Review Policy" filed for record under Harris County Clerk's File No. 20130298248 of the Real Property Records of Harris County, Texas; and

WHEREAS, the Original Restrictions established and created building set-back lines applicable to the Lots within the Subdivision for a "house", "garage", and/or "outbuilding"; and the Amended Restrictions provides that no "structure" shall exist within the setbacks set forth in the Original Restrictions (the Amended Restrictions defining "structure" to include "any improvement, building, or House, including any Accessory Structure and fence; and further providing for certain "permitted protrusions" into such setbacks); and

WHEREAS, the Amended Restrictions created certain maximum heights applicable to Houses, detached garages, moveable storage structures, and Accessory Structures; providing that "height" shall be determined from the "Lot Grade", which is defined as "the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the structure and a line 5 feet from the structure"; and

WHEREAS, an ambiguity exists as to the setback lines applicable to "structures" other than a house, garage, and/or outbuilding; and further, an ambiguity exists as to the meaning of "finished surface of the ground", including as applied to those instances of new construction where ground surfaces will not be finished until project completion; and

WHEREAS, the Association, acting by and through its Board of Directors, has acted as, and constitutes the "Architectural Control Committee" as originally established in the Original Restrictions, for the purpose of the review and consideration (for approval or disapproval) of plans and specifications for any improvements (including any new construction) or the changes in the design thereof after the original construction of any lot or homesite in the Subdivision, pursuant to the Original Restrictions and the Amended Restrictions; and

WHEREAS, Section 204.010(a)(18) of the Texas Property Code provides that if the architectural control authority is vested in a property owners association, then the property

owners association, acting by and through the Board of Directors, may “implement written architectural control guidelines for its own use or record the guidelines in the real property records”, and “modify the guidelines as the needs of the subdivision change”; and Article VIII, Section 8.8 of the Amended Restrictions provide that “...the Board, from time to time, may issue regulations, standards and interpretations relating to particular restrictive covenants, consistent with the purposes and intent of the Restrictions, as part of the Board’s discretionary authority”; and

WHEREAS, the Association, acting by and through its Board of Directors, which constitutes the Architectural Control Committee, and has deemed it necessary and desirable to adopt and establish **REGULATIONS, STANDARDS AND INTERPRETATIONS AS TO SETBACKS AND HEIGHT**, which shall supplement the Setback and Height Restrictions set forth in the Original Restrictions and Amended Restrictions.

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority set forth in the Texas Property Code and the Amended Restrictions, the Board of Directors hereby adopt the following policy which establishes **REGULATIONS, STANDARDS AND INTERPRETATIONS AS TO SETBACKS AND HEIGHT**, which shall supplement the existing Setback Restrictions set forth in the Original Restrictions and Amended Restrictions, effective for all purposes upon the filing of record of this policy in the Real Property Records of Harris County, Texas as a “dedicatory instrument” pursuant to the requirements of Section 202.006 of the Texas Property Code;

FURTHER RESOLVED, that formal notice is hereby given to all existing present Owners of lots within the Subdivision and all prospective and/or future Owners of lots within the subdivision of the following **REGULATIONS, STANDARDS AND INTERPRETATIONS ESTABLISHING SETBACKS AND HEIGHT** which shall supplement the existing Setback Restrictions set forth in the Original Restrictions and the Amended Restrictions.

**REGULATIONS, STANDARDS AND INTERPRETATIONS ESTABLISHING
SETBACKS AND HEIGHT**

As to Setbacks:

1. The Setback Restrictions set forth in the Original Restrictions and the Amended Restrictions are hereby ratified and confirmed as being in full force and effect.
2. The permitted protrusions into the Setback Restrictions set forth in the Amended Restrictions are hereby ratified and confirmed as being in full force and effect, except to the extent clarified by these Regulations and Standards.
3. For “structures”, as defined in the Amended Restrictions *other than* a house, garage, or outbuilding, the following setbacks shall be applicable:

- (a) HVAC equipment, including air-conditioning compressors: not closer than three feet (3') from an interior or rear lot line;
- (b) Pool Equipment: not closer than three feet (3') from an interior or rear lot line;
- (c) Standby Electric Generators: not closer than three feet (3') from an interior or rear lot line;
- (d) Swimming Pools: not closer than three feet (3') from the water edge from an interior, side, or rear property line;
- (e) Bay windows: not exceeding two feet (2') into side set-backs only, and not to exceed eight feet (8') in width; and
- (f) Sidewalks: sidewalks along (parallel to the public street and located within the street right-of-way may be five feet (5') wide so as to conform to City of Houston standards for new sidewalks.

As to any other "structure" or item other than a house, garage, or outbuilding not listed above, or, in the event of an ambiguity in the Original Restrictions or the Amended Restrictions as to such structure or item, the Board may, as part of its discretionary authority, provide an interpretation as to such structure or item and grant a written approval, denial, or variance to same.

As to Height:

1. The Height Restrictions set forth in the Amended Restrictions are hereby ratified and confirmed as being in full force and effect, except to the extent clarified by these Regulations and Standards.
2. The "finished surface" of the ground shall be interpreted as the lowest elevation of the adjacent natural ground between the structure and a line 5 feet from the structure, as such finished surface exists prior to the construction of the structure.

The Board may, as part of its discretionary authority, provide additional interpretations as to the benchmarks, methodology, and calculations used or applicable when measuring such height, and grant a written approval, denial, or variance to same.

By: Jay D. Fields
(Signature)

JAY D. FIELDS
(Name Printed)

Its: PRESIDENT

STATE OF TEXAS §
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COUNTY OF HARRIS §

This instrument was acknowledged before me on this 6th day of September 2018, by Jay D. Fields, President of **OEHA, INC.**, a Texas corporation, on behalf of said corporation.

Henriette Ziska Crosser
Notary Public - State of Texas

RECORD AND RETURN TO:
Frank, Elmore, Lievens,
Chesney & Turet, L.L.P.
Attn: Richard C. Lievens
9225 Katy Freeway Suite 250
Houston, Texas 77024



FILED FOR RECORD

8:00:00 AM

Friday, September 14, 2018

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

Friday, September 14, 2018



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS