

DOC #2020143639

**PROPERTY OWNERS' GUIDE FOR PROPERTY IMPROVEMENT PROJECTS
of the
RED OAK RANCH PROPERTY OWNERS' ASSOCIATION (RORPOA)**

WHEREAS, the following documents, collectively (the “**Declarations**” or “**DCCR**”), establish and empower the RORPOA Architectural Control Committee (the “**ACC**”).

- **FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RED OAK RANCH, SECTION ONE**, recorded under Clerk’s File No. 9735086 on June 11, 1997, of the Real Property Records of Montgomery County, Texas
- **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RED OAK RANCH, SECTION TWO**, recorded under Clerk’s File No. 9735088 on June 11, 1997, of the Real Property Records of Montgomery County, Texas.

WHEREAS, the Declarations require that application be made to the ACC for certain property modifications and grants the ACC the authority to approve or withhold approval of such applications. The Property Owners’ Guide for Property Improvement Projects (the “**Guide**”) sets forth the ACC’s current requirements for applications. It also clarifies, defines and standardizes the ACC’s position to ensure the goals of the Declarations are met.

NOW, THEREFORE, the Board of Directors of the Red Oak Ranch Property Owners’ Association has approved, in Open Meeting on **November 12, 2020**, to amend the Property Owners’ Guide for Property Improvement Projects (the “**Guide**”) in its entirety. Upon recording, this document will replace and supersede all prior versions of the Guide.

ARTICLE I: ARCHITECTURAL CONTROL

The ACC is charged with the duty of ensuring that all property improvement projects are attractive and that they do not adversely affect the Property Owners of neighboring lots within RORPOA.

In general, any substantial improvement to a property requires ACC approval. Examples include houses, house additions/ modifications, outbuildings, decks, patio and patio enclosures, driveways, culverts, fences, gates, columns, pergolas, gazebos, ponds, berms, ditches, lot grading, pools, and tennis courts and installation of solar panels. In addition, demolition or destruction of existing improvements by voluntary action requires prior notification to the ACC (see DCCR Section 4.01 below).

Initiating a project without proper approval is subject to cease-and-desist notification, fines and possible removal.

Work that does not require ACC approval includes the following: clearing vegetation, marking property, digging a well for secondary water, and maintenance of existing buildings/ structures. Repainting or resurfacing the exterior of any existing building/ structure is generally considered maintenance unless there is a change in the color(s) from original or subsequent ACC approved color(s); a noticeable change in color(s) requires an ACC application/ approval and is not considered maintenance. Roof replacement does not require ACC approval as long as the new roof is consistent with the previous materials and of similar color.

- Refer to:
- Appendix A:** Application Process
 - Appendix B:** Application Contents
 - Appendix C:** Project Application Form

ARTICLE II: THE DECLARATIONS

The ACC considers each improvement application within the context of the Declarations. Final responsibility that improvements are in compliance with the Declarations, including assurance that easements, building lines, or property lines which could affect the property are not encroached upon, is the responsibility of the Property Owner. The Property Owner is also responsible for ensuring that improvements are compliant with county and state laws, ordinances, and regulations not promulgated by RORPOA.

The following sections are verbatim excerpts of the Declarations under the purview of the ACC. Clarification statements by the ACC, in italics, follow some Sections. If there is a conflict, the Texas Property Code (the "TPC"), the Articles of Incorporation and Declarations, respectively, take precedence.

DCCR Section 2.04 Utility Easements

...No building shall be located over, under, upon or across any portion of any utility easement. Further, no fence, building or other structure or improvements may be placed on any utility or drainage easement along or adjacent to any road or street. The Owner of each Lot shall have the right to construct, keep and maintain concrete drives, and similar improvements across any utility easement and shall be entitled to cross such easements at all times for purposes of gaining access to and from such Lots, provided, however, any concrete drive, or similar improvement placed upon such Utility Easement by the Owner shall be constructed, maintained and used at Owner's risk and, as such, the Owner of each Lot subject to said Utility Easements shall be responsible for (i) any and all repairs to the concrete drives, and similar improvements which cross or are located upon such Utility Easements and (ii) repairing any damage to said improvements caused by the Utility District or any public utility in the course of installing, operating, maintaining, repairing, or removing its facilities located within the Utility Easement.

Clarification: See DCCR 3.05 (Driveways), DCCR 3.09 (Walls, Fences)

DCCR Section 2.05 Use of Easements by Owners

The easements shown on the Plat adjacent to any road or street may be used by all the Owners, their families, guests and invitees for the purpose of pedestrian walking or jogging and for riding horses or non-motorized vehicles or similar activities. No fence or other structures shall be constructed or maintained on any part of said easements. No motorized vehicle of any type, including without limitation, any motorcycle, go-cart, tractor or automobile, ATV or other motorized vehicle, shall be permitted on said easement, except equipment necessary for the construction, maintenance and repair of said easements shall be permitted. The portion of each Lot adjacent to any street or road upon which an easement is located shall be mowed and maintained by the Association.

Clarification: Refer to the RORPOA Recreational Easement Guidance Document for further details. The recorded plat for the ROR subdivision specifies a 60-foot right-of-way (ROW) for our roads (i.e., from the center of the road, 30 feet to each side). The plat also specifies a 16-foot utility easement along both sides of the roads. As a result, there should be no structures for 46 feet (30-foot ROW plus 16-foot easement) from the center of the road. However, since the fences and associated stone columns built by the developer were set 40 feet from the center of the road, 40 feet (versus 46 feet) has been deemed the acceptable minimum distance from the center of the road for placement of a fence or other structure. As an alternate means of measurement, 10 feet inside the property line will also satisfy this minimum 40-foot requirement.

DCCR Section 3.01 Single Family Residential Construction

No building shall be erected, altered, placed or permitted to remain on any Lot or Composite Building Site other than one dwelling unit per each Lot to be used for residential purposes except that one guest/servants house may be built provided said guest/servants house must contain a minimum of 500 square feet and be built after or while the main dwelling is being built and be approved in writing by the ACC. Detached garages, workshops, and barns may be constructed on the Lot prior to the main dwelling being built, so long as they are of good construction, kept in good repair, and are not used for residential purposes provided, however, the construction of the main dwelling must begin within two (2) years of

completion of any non-residential buildings. All dwellings, detached garages, workshops, and barns must be approved in writing by the ACC prior to being erected, altered or placed on the Lot. The term "dwelling" does not include single or double wide mobile or manufactured homes, or any old or used houses to be moved on the Lot and said manufactured and used homes are not permitted within the subdivision. All dwellings must have at least 2,200 square feet (Section One) or 3,000 square feet (Section Two) of living area, excluding porches, and be built with new construction materials. Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within twelve (12) months from the commencement date. New pre-fabricated or pre-built homes from another location may be moved onto the Property with the approval of the ACC. A camper or recreation vehicle may be used for living quarters on the property only during the period of construction of the permanent dwelling, and then, for a period not to exceed one (1) year. As used herein, the term "residential purposes" shall be construed to prohibit mobile homes, trailers, or manufactured homes being placed on said Lots, or the use of said Lots for duplex houses, condominiums, townhouses, garage apartments, or apartment houses; and no Lot shall be used for business, educational, religious or professional purposes of any kind whatsoever, nor for any commercial or manufacturing purposes. Provided, however an Owner may maintain a home office provided there are no signs or more than three customers or clients per day visiting the Lot.

Clarification: *Only one dwelling unit is permitted on a Lot or Composite Building Site (a "CBS") at one time. Should a main dwelling already exist on a property, until it is demolished, another dwelling cannot be constructed. The initial home placed on a lot cannot be contemplated as a future guest house.*

A guest house is a structure to be used for temporary living or occupancy by guests, not a residence or rental. Although requiring a minimum of 500 sf, it is not intended to equal or exceed the minimum size of a primary dwelling. A guest house may not be constructed before a main dwelling exists and it cannot replace the main dwelling as a primary residence.

During the sale of any property, a potential buyer (or their representative) does not have standing to speak directly with the POA or ACC; conversations prior to ownership are not binding. Any inquiries to the POA or ACC must be made by the Owner, (presumed seller). If the seller and the Association reach an agreement concerning ACC matters affecting the sale, the agreement shall be documented in writing at the expense of the seller. The buyer and seller shall sign off on the agreement prior to the sale.

DCCR Section 3.02 Composite Building Site

Any Owner of one or more adjoining Lots (or portions thereof) may, with the prior written approval of the ACC, consolidate such Lots or portions into one building site, with the privilege of placing or constructing improvements on such resulting site, in which case the side set-back lines shall be measured from the resulting side property lines rather than from the center adjacent Lot lines as indicated on the Plat. Any such composite building site must have a frontage at the building setback line of not less than the minimum frontage of all Lots in the same block.

DCCR Section 3.03 Location of Improvements upon the Lot

No building of any kind shall be located on any Lot or Composite Building Site nearer to any side or rear property line, or nearer to any public road and no nearer to the natural creek waterway as may be indicated on the Plat; provided, however, as to any tract, the ACC may waive or alter any such setback line if the ACC, in the exercise of the ACC's sole discretion, deems such waiver or alteration is necessary to permit effective utilization of a tract. Any such waiver or alteration must be in writing and recorded in the Real Property Records of Montgomery County, Texas.

All dwellings placed on a Lot must be equipped with septic tank or other sewage disposal system meeting all applicable laws, rules, standards and specifications, and all such dwellings must be served with water and electricity. The main residential structure on any Lot shall face the front of the Lot, unless, a deviation is approved in writing by the ACC.

Clarification: All outbuildings including barns, sheds, and storage buildings must be placed behind the front line (and preferably behind the back line as defined as the furthest point of the home foundation from the frontage road) of the house and must be consistent with harmony of external design and color with existing and proposed structures (Section 4.01).

DCCR Section 3.04 Residential Foundation Requirements

All building foundations shall consist of concrete slabs, unless the ACC approves a different type of foundation when circumstances such as topography of the Lot make it impractical to use a concrete slab for all or any portion of the foundation of the building improvements constructed on the Lot. Minimum finished slab elevation for all structures shall be above the 100 year flood plain elevation, or such other level as may be established by the Commissioner's Court of Montgomery County, Texas, and other applicable governmental authorities.

DCCR Section 3.05 Driveways

All driveways in the Subdivision shall be constructed of concrete, asphalt, gravel, iron ore or crushed rock. Further, at least the first twenty-five, (25') feet of any driveway or entrance to each Lot from the pavement of the street shall be paved with concrete or asphalt.

All driveway culverts will be constructed with a concrete headwall on each end of the culvert. The construction of driveways and the concrete headwalls (both as to design and materials) is specifically made subject to ARTICLE IV and the control of the ACC.

Clarification: Both temporary (6 months or less) and permanent property access involving culvert, headwall, and/or driveway modifications will require ACC approval before construction. Refer to comments under Section 3.16.

The roadways and adjacent easements through ROR are owned by Montgomery County. Any property access crossing the easement, and requiring culvert(s), whether temporary or permanent, is under their jurisdiction. They will inspect the site and size the culvert to ensure proper drainage. The county is also responsible for overseeing the installation of the culvert. Precinct 2 officials can be reached at (936) 539-7816. For more information regarding easements and property lines, see the RORPOA Guidance Document for Recreational Easements.

Due to a long-term oversight regarding the existence of a July 11, 1997 Amended and Restated DCCR, some Section One driveways were constructed without concrete headwalls. In 2020, the issue was resolved by granting variances for those driveways. However, any modifications to those "grandfathered" driveways shall necessitate an ACC application and compliance with the amended DCCR.

DCCR Section 3.06 Use of Temporary Structures

No structure of a temporary character, whether trailer, basement, tent, shack, garage, barn or other outbuilding shall be maintained or used on any Lot at any time as a residence, either temporarily or permanently.

DCCR Section 3.07 Water Supply

All Lot Owners will be required to use the central water system as their primary source of water. However, a private water well may be used for secondary water as long as said well meets state and county requirements.

DCCR Section 3.08 Sanitary Sewers

No outside, open or pit type toilets will be permitted in this Subdivision. All dwellings constructed in the Subdivision, prior to occupancy, must have a sewage disposal system installed to comply with the requirements of the appropriate governing agency.

Clarification: Some homes built in ROR may have septic designs that no longer meet Montgomery County standards. Any changes to square footage of those homes will require a county development

permit; septic redesign and permit; along with installation and inspection approved by the County.

DCCR Section 3.09 Walls and Fences.

Walls and fences, if any, must be approved prior to construction by the ACC and shall be not closer to front street property lines than the easement boundary line and no closer than the lot boundary line to side street lines. Unless otherwise permitted herein, the erection of any wall, fence, or other improvements on any easement is prohibited. All fences and walls which face any street will be constructed of ornamental iron, wood, synthetic simulated wood or masonry. All other fences may be constructed of wire, provided, however, no electric or temporary fences shall be allowed.

Clarification: *All roadside fences must be ranch three-rail, white vinyl fences. Lot main entrance gates must be ornamental, black iron gates. Secondary entrance gates can be white vinyl gates. Chain link fence, visible from the street or any other Property Owners' vantage point, is prohibited. Also, a wire fence may be attached to the inside of a white vinyl fence along the front of the property to contain pets or keep out hogs so long as it is below the top rail of the white fence.*

The ACC reserves the right to limit the materials, height and location of fences and walls. No electrified fences used for security purposes and designed to prevent human intrusion will be approved by the ACC.

As an equestrian community, the ACC will consider electric fences (or hotwire) in some cases. Considerations such as topography, lot configuration, visibility, safety, aesthetic or environmental considerations may apply. In all cases, the installation will follow the manufacturer's instructions and be properly grounded. The equipment installed will be UL Certified for safety and deliver a pulsed shock. The Property Owner will sign a declaration, provided by the ACC, confirming that the installation meets the required criteria. Standard warning signs will be posted on the boundary fences. An ACC application and request for a variance must be submitted for approval prior to such installation provided all the following criteria are met.

- **Animal Containment Energized Hotwire:**
 - *One or more pulse-energized wires/ tapes, specifically designed for large animal containment, secured to the inside of an existing fence, pre-approved by the ACC.*
 - *An energized hotwire installed on the road side fence (i.e. 3-rail, white vinyl) of the property will not be visible from outside the property*
- **Animal Containment Electric Fence:**
 - *A free-standing fence, specifically designed for large animal containment, consisting of one or more pulse-energized wires/ tapes supported by plastic or other insulated posts such that only the electrically-charged wires/tapes affect the containment.*
 - *The fence will not be used as a boundary fence on any side of the property*
 - *Will only be installed within existing ACC-approved boundary fences and deliver a pulsed-shock.*
 - *Will not will not detract from the aesthetic harmony of the neighborhood*
- **Temporary Animal Containment Electric Fence"**
 - *Will be permitted for a maximum period of three (3) months, in order to provide adequate animal containment during emergencies, construction projects, pasture management, etc.*
 - *Does not require approval by the ACC*
 - *If the temporary electric fence remains in place for longer than 3 months, an Improvement Project Application must be submitted and approved by the ACC.*

DCCR Section 3.12 Junked Motor Vehicles Prohibited

No Lot shall be used as a depository for abandoned or junked motor vehicles. An abandoned or junked motor vehicle is one without a current, valid state vehicle inspection sticker or license plate. No junk of any kind or character, or dilapidated structure or building of any kind or character, shall be kept on any Lot. No accessories, parts or objects used with cars, boats, buses, trucks, trailers, house trailers or the like, shall be kept on any Lot other than in a garage or other structure approved by the ACC.

DCCR Section 3.13 Signs

No signs, advertisement, billboard or advertising structure of any kind may be erected or maintained on any Lot without the consent in writing of the ACC, except one (1) sign not more than forty-eight inches (48") square, advertising an Owner's Lot for sale or rent....any member of such Committee* shall have the right to remove any such sign, advertisement or billboard or structure which is placed on any Lot in violation of these restrictions, and in doing so, shall not be liable, and are hereby expressly relieved from, any liability for trespass or other tort in connection therewith, or arising from such removal.

Clarification: **In this case, "any member of such Committee" refers to the RORPOA Managing Agent or ACC Members.*

Except for a temporary sign to sell or rent a house/ lot, the display of a sign requires ACC approval. The ACC has approved the permanent display of the property address/ identification sign and the standard small home security service sign.

The ACC will only consider the temporary display of any other sign and requires that the sign, including its location and display/ mounting method, be aesthetically pleasing. As a guideline, all signs must be commercially manufactured (i.e. no homemade signs) and no sign can be more than 18" x 24" in size.

Section 259.002 of the Texas Election Code allows certain signs at specific intervals during elections. Section 202.012 of the Texas Property Code allows certain flags to be continually displayed. In both cases, appropriate installation and display is enforced by the ACC.

DCCR Section 3.16 Drainage

Natural established drainage patterns of streets, Lots or roadway ditches will not be impaired by any person or persons. Driveway culverts will be of sufficient size to afford proper drainage of ditches without backing water up into a ditch or diverting flow. The breaking of curbs, if any, for drive installations will be accomplished in a good and workmanlike manner and such break will be re-cemented without hindrance to drainage and such work is subject to the inspection and approval of the ACC.

Clarification: *All drainage work (except maintenance of existing flow patterns), is subject to inspection and approval of the ACC. Refer to comments under DCCR Section 3.05. All culverts, temporary or permanent, are under the jurisdiction of Montgomery County Precinct 2 officials. The Precinct 2 office will inspect the site, size the culvert to ensure proper drainage, and oversee the installation of the culvert.*

*According to the **Texas Water Code**, "the installation of any improvement must not divert or impound the natural flow of surface waters (i.e. or permit a diversion of impounding to continue) in a manner that damages the property of another by the overflow of water diverted or impounded."*

DCCR Section 4.01 Basic Control (of the ACC)

- a) No building or other improvements of any character shall be erected or placed, or the erection or placing thereof commenced, or substantial changes made in the design or exterior appearance thereof (including, without limitation, the color of any painting, staining or siding which must be in harmony with the Subdivision), or any addition or exterior alteration made thereto after original construction, or demolition or destruction by voluntary action made thereto after original construction, on any Lot in the Subdivision until the obtaining of the necessary approval (as hereinafter provided) from the Committee of the construction plans and specifications for the construction or alteration of such improvements or demolition or destruction of existing improvements by voluntary action. Approval shall be granted or withheld based on matters of compliance with the provisions of this instrument, quality and color of materials, drainage, harmony of external design and color with existing and proposed structures and location with respect to topography and finished grade elevation.
- b) Each application made to the Committee shall be accompanied by two sets of plans and specifications for all proposed construction (initial or alterations) to be done on such Lot, including the drainage plan for the Lot, plot plans showing the location and elevation of the improvements on the Lot and dimensions of all

proposed walkways, driveways, and all other matters relevant to architectural approval. The address of the Committee shall be the address of the principal office of the Association.

DCCR Section 4.02 Architectural Control Committee

- a) The authority to grant or withhold architectural control approval as referred to above is ...vested in the Architectural Control Committee. ...
- b) The Board of Directors of the Association shall appoint a committee of three (3) members to be known as the Red Oak Ranch Architectural Control Committee ... Each member of the Committee must be an Owner of property in Red Oak Ranch Subdivision.

Clarification: Refer to the ACC Protocols governing document for additional details.

DCCR Section 4.03 Effect of Inaction

Approval or disapproval as to architectural control matters as set forth in the preceding provisions of this Declaration shall be in writing. In the event that... the Committee fails to approve or disapprove in writing any plans and specifications and plot plans received by it in compliance with the preceding provisions within thirty (30) days following such submission, such plans and specifications and plot plan shall be deemed approved and the construction of any such building and other improvements may be commenced and proceeded with in compliance with all such plans and specifications and plot plan and all of the other terms and provisions hereof.

DCCR Section 4.04 Effect of Approval

The granting of the aforesaid approval (whether in writing or by lapse of time) shall constitute only an expression of opinion by the Committee that the terms and provisions hereof shall be complied with if the building and/or other improvements are erected in accordance with said plans and specifications and plot plan; and such approval shall not constitute any nature of waiver or estoppel either as to the persons expressing such approval or any other person in the event that such building and/or improvements are not constructed in accordance with such plans and specifications and plot plan, but, nevertheless, fail to comply with the provisions hereof. Further, no person exercising any prerogative of approval or disapproval shall incur any liability by reason of the good faith exercise thereof.

DCCR Section 4.05 Minimum Construction Standards

The Committee may from time to time promulgate an outline of minimum acceptable construction standards; provided, however, that such outline will serve as a minimum guideline only and the Committee shall not be bound thereby.

Clarification: All houses built in the subdivision were approved with garages. Consequently, houses submitted for ACC approval without a garage, either attached or detached, will not be approved.

Outbuildings and improvements must be 'in harmony with the subdivision' and consistent with external design and color to other structures. All outbuildings including barns, sheds, and storage buildings must be placed behind the front line (and preferably behind the back line as defined as the furthest point of the home foundation from the frontage road) of the house.

Outbuildings must not be commercial-looking in nature. The ACC will make the final determination to ensure the building appearance is acceptable. Additional guidelines: i) pole buildings are not allowed; ii) the building must have eaves/ roof overhangs (minimum 12 inches) on all sides; iii) the building must have windows; iv) unless circumstances warrant otherwise, the exterior color must harmonize with the home's exterior color – in no case should the colors clash; v) for buildings not on a concrete slab, all walls must come in contact with the ground (skirting should be used if necessary).

DCCR Section 4.06 Variance

The Committee may authorize variances from compliance with any of the provisions of this Declaration or minimum acceptable construction standards or regulations and requirements as promulgated from time to time by the Committee, when circumstances such as topography, natural obstructions, Lot configuration, Lot size, hardship, aesthetic or environmental considerations may require a variance. The Committee

reserves the right to grant variances as to building set-back lines, minimum square footage of the residence and other items. Such variances must be evidenced in writing and shall become effective when signed by at least a majority of the members of the Committee. If any such variances are granted, no violation of the provisions of this Declaration shall be deemed to have occurred with respect to the matter for which the variance is granted; provided, however, that the granting of a variance shall not operate to waive any of the provisions of this Declaration for any purpose except as to the particular Lot and particular provisions hereof covered by the variance, nor shall the granting of any variance affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting the Lot concerned and the Plat.

Clarification: *Any request for a variance to building setback lines must be accompanied by a letter of concurrence from any potentially affected property owner(s) (per ROR ACC Protocol).*

APPENDIX A: APPLICATION PROCESS

A.1 Project Initiation

Applications and accompanying documents should be submitted with the understanding that the ACC has 30 days to review and approve or reject the application. The 30-day period does not begin until the Property Owner has submitted a complete ACC package, including applicable fees.

A separate package is required for each project. Mail or e-mail the ACC package (i.e. project application form and all other required items specified in Appendix B) to the RORPOA Managing Agent (which can be found at www.redoakranch.org). The Managing Agent will review the package for accuracy and completion prior to submitting it to the ACC.

Following review by the ACC, written notification will be mailed or e-mailed to the Property Owner by the Managing Agent.

Unless otherwise requested by the Property Owner and approved by the ACC, all approved projects must be initiated within 90 days of ACC approval. Failure to initiate the project within the specified time nullifies the approved application (i.e. Property Owner must submit a new project application to the ACC).

Once a project is initiated, it must be completed within 12 months. Failure to comply may be subject to fines.

A.2 Fees

Submit a check or money order to the Managing Agent payable to: RORPOA. The funds will be kept in escrow until the project is complete and successfully inspected. The ACC will authorize release of the funds and reimbursement shall be issued by the Managing Agent.

- a) A one-time process fee of \$70.00 due with the initial project application per lot (normally construction of the initial house). This is not refundable.
- b) A \$750.00 refundable deposit fee due with each project application for a construction related project (e.g. house, house addition/ modification, outbuilding, pool, etc.) If a Property Owner has more than one construction related project in progress at the same time, one deposit is adequate.

A.3 Project Completion and Inspection

All projects, upon completion, require an ACC inspection. The Property Owner is responsible for contacting the Managing Agent when the inspection can be performed.

The ACC inspection is intended to ensure:

- a) The approved project is completed;
- b) Any conditions stipulated by the ACC have been satisfied; and
- c) The lot/ project site has been maintained/ cleaned-up.

APPENDIX B: APPLICATION CONTENTS

Items to be included in the ACC package vary depending on the project. The required items, by project, are identified in the following sections. Label each item provided with your name and ROR address. A separate ACC package is required for each project.

Note: The **Texas Water Code** states, in part, “the installation of any improvement must not divert or impound the natural flow of surface waters (i.e. or permit a diversion of impounding to continue) in a manner that damages the property of another by the overflow of water diverted or impounded.” The ACC does not make engineering judgments to ensure that projects do not violate the Texas Water Code. The ACC operates with the understanding that Property Owners are bound to and must therefore ensure compliance with the Code.

B.1 House & House Addition/ Modification Projects

- a. Completed Project Application Form (see Appendix C)
- b. Plans and specifications. Each application made to the ACC shall be accompanied by one set of plans and meet all requirements of DCCR Section 4.01b.
- c. Provide design of all structures/ buildings, and identify all external building materials and color selections (color samples are required; samples for non-standard materials also required).
- d. Plat plan (must be professionally prepared by a surveyor for house projects). Legible, to-scale, meeting the requirements of DCCR Section 4.01a, including driveways, culverts, bridges, fences, gates, and ponds, along with building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- e. Details of culverts/ driveways in accordance with DCCR Section 3.05, 3.16, and the Texas Water Code.
 - o Driveway surface to be used.
 - o Culvert descriptions and/or drawings of the size and construction of all drain tiles or culverts in any drainage ditch with location and elevation marked on a plat plan.
- f. A copy of a Letter of Intent or Construction Loan Approval from a bank, or other proof that funds are authorized and available to complete the entire project as submitted. Provide complete names, addresses, and phone numbers of all parties involved in the financing. Specific personal financial data, such as account numbers, purchase price, funds on deposit, do not need to be provided. The ACC does not want to invade your privacy, but must ensure that the project’s construction will not stall due to lack of funds.
- g. A copy of an approved Montgomery County Septic Permit and Development Permit (if applicable). Please note any enclosed structure, no matter size or foundation type, will require a Development Permit.
- h. Legible, to-scale final house plans (foundation and floor plan only), elevation drawings (front, back and sides), and specifications meeting the requirements of DCCR Section 3.01 (square footage); Section 3.04 (foundations). Garages must comply with DCCR Section 4.01.
- i. Drainage Plan for the Lot showing the location and elevation of the improvements (DCCR Section 4.01 b).
- j. Variance request (as applicable) as per DCCR Section 4.06.

B.2 Fence, Gate & Columns Projects

- a. Completed Project Application Form (see Appendix C)
- b. Plat plan. Legible, to-scale, meeting the requirements of DCCR Section 4.01a, including driveways, culverts, bridges, fences, gates, and ponds, along with building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- c. Front, side and top view drawing of the fence, gate and columns: Show style, materials and colors plus dimensions with a description including a drawing of the plans and specifications. Must comply with DCCR Section 4.01. and be consistent with “harmony of external design and color with existing and proposed structures”
- d. As applicable, the location of the gate access box must be shown (per DCCR Section 2.05, the box cannot be located in the easement adjacent to the road).
- e. Variance request (as applicable) as per DCCR Section 4.06.

B.3 Pond, Berm, Ditch, Dam, Levee, Spillway & Lot Grading Projects

- a. Completed Project Application Form (see Appendix C)
- b. Plans and specifications. Each application made to the ACC shall be accompanied by one set of plans and meet all requirements of DCCR Section 4.01b. To circumvent erosion of the roadside easements, the edge/ perimeter of a pond will be located a minimum of 30 feet from the roadside fence (i.e. 40 feet from the front/roadside property line).
- c. Plat plan. Legible, to-scale, meeting the requirements of DCCR Section 4.01a, including driveways, culverts, bridges, fences, gates, and ponds, along with building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- d. Drainage plan for the Lot showing the location and elevation of the improvements (DCCR Section 4.01 b).
- e. Building materials: List any to be used for dams, berms, drains, and spillways.
- f. Provide size and construction of all drain tiles or culverts in any drainage ditch.
- g. Variance request (as applicable) as per DCCR Section 4.06.

B.4 Other Projects (not previously addressed)

- a. Completed Project Application Form (see Appendix C)
- b. Plat plan. Legible, to-scale, meeting the requirements of DCCR Section 4.01a, including driveways, culverts, bridges, fences, gates, and ponds, along with building setback lines. These can be found marked on a professionally prepared survey of your property and on the Red Oak Ranch Plat filed with the Montgomery County.
- c. Floor and roof plans, elevation drawings (front, rear, & sides) and specifications: Legible and to-scale.
- d. Foundation plan: that clearly states or shows the type of foundation for each building.
- e. Design of all structures/ buildings, and identify all external building materials and color selections (color samples are required; samples for non-standard materials also required).
- f. A copy of an approved Montgomery County Development Permit (if applicable). Please note any enclosed structure, no matter size or foundation type, will require a Development Permit.
- g. Variance request (as applicable) as per DCCR Section 4.06.

APPENDIX C: PROJECT APPLICATION FORM

Attachment: Red Oak Ranch (ROR) Improvement Project Application Form

As part of the ACC package, all improvement projects require this form to be completed and submitted to the ROR Managing Agent along with all other required items as specified in the Property Owners Guide. Submit a separate ACC package for each project.

.....
Street address in ROR where improvement project is planned: _____

Project:

- | | | |
|--|---|--|
| <input type="checkbox"/> House | <input type="checkbox"/> Driveway/culvert | <input type="checkbox"/> Deck |
| <input type="checkbox"/> House addition/modification | <input type="checkbox"/> Fence/gate/columns | <input type="checkbox"/> Pond/berm/ditch/lot grading |
| <input type="checkbox"/> Pool | <input type="checkbox"/> Outbuilding | |
| <input type="checkbox"/> Other (Specify): _____ | | |

Date project estimated to begin (if house, date slab to be poured): _____

Date project estimated to be completed (i.e. completed as to exterior finish and appearance): _____

See accompanying plans/specifications/elevations/drawings

.....
Property Owner Information:

Name(s): _____

Mailing address (if different than ROR address): _____

Home phone: _____ Work phone: _____

Cell: _____ E-mail: _____

All work will be performed by property owner

.....
If improvement project work being performed by a contractor, complete the following contractor information:

Business name: _____

Mailing address: _____

Point-of-contact Name: _____

Work Phone: _____ Cell: _____

Even though a contractor is performing the work, I understand that I, as the property owner, maintain responsibility for the improvement project and associated ACC approval process, as well as adherence to the ROR deed restrictions.

Signature, Property Owner

Date

May 2011 Revision
(Supersedes all previous Project Application Forms)

CERTIFICATION

I, the undersigned, as President of the Association, do hereby certify that at a Regular Meeting of the Board of Directors of the Association, duly called and held on the **12th day of November, 2020**, the foregoing "**Property Owners' Guide for Property Improvement Projects of the Red Oak Ranch Property Owners' Association**" was approved by not less than a majority of the Board.

IN WITNESS WHEREOF, I have hereunto subscribed my name on the date shown below.

RED OAK RANCH PROPERTY OWNERS' ASSOCIATION

Date: 11/16/2020

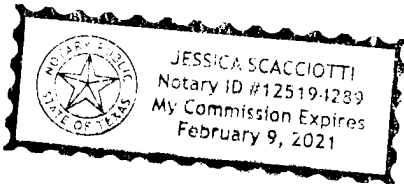
By: *Chris Michel*

Printed Name: Chris Michel
President of RORPOA

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned notary public, on this 16 day of November, 2020 personally appeared Chris Michel, President of Red Oak Ranch Property Owners' Association known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purpose and in the capacity therein expressed.

Jessica Scacciotti
Notary Public - State of Texas



AFTER RECORDING PLEASE RETURN TO:

IMC Property Management
2002 Timberloch Place, #150-A
The Woodlands, TX 77380

FILED FOR RECORD
12/09/2020 04:55PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number sequence on the date and time stamped herein by me and was duly RECORDED in the Official Public Records of Montgomery County, Texas.

12/09/2020



County Clerk
Montgomery County, Texas