

Point Aquarius Property Owners Association
Architectural Control Committee

REQUEST FOR ARCHITECTURAL CONTROL COMMITTEE APPROVAL

Applicant Name: _____

Res. Phone: _____

Address: _____

Bus. Phone: _____

Fax. Phone: _____

City/State: _____

Email: _____

Description of Work: _____

Contractor contact information: _____

Section: _____ Block: _____ Lot: _____

Construction Site Address: _____

I hereby certify that the performance of the work requested would not impair any easement or the Common Elements, and I understand I am bound by the Deed Restrictions, Rules & Regulations, Bylaws, and the RULES AND REGULATIONS AND PROCEDURES FOR CONSTRUCTION SITES which is attached to this document.

I hereby agree: I will provide the Committee with a copy of all Construction Agreements, and to indemnify and hold harmless the Point Aquarius Property Owners Association (the "POA") or its Architectural Control Committee (the "ACC") and its individual directors and members from any action, loss, damage, or obligation (including the cost of defense or settlements, with Attorney fees) with respect to any matter performed or to be performed as a result of approval of this request.

I hereby acknowledge the ACC and its authorized Agents will have access to my property to inspect the work at all times during and upon completion of the work.

The approval of this request is contingent upon the work being in strict compliance with all applicable local, state and federal law, and all codes, standards, and other requirements of manufacturers.

Construction plans approved by the ACC will be based on the quality of materials, harmony of external design with existing structures, and as to location with respect to finish grade elevation and drainage of the property.

Approval is contingent upon the work commencing within 6 months and being completed within 1 year of the date approved.

Approval for any construction requiring a concrete foundation is contingent upon obtaining a form survey by a licensed surveyor of the foundation prior to pouring. The survey must be received by the association prior to pouring the foundation. Plans must have a professional engineer's stamp.

ACC has thirty (30) days from date documents are received at POA office to approve or reject plans.

You will be notified when plans are accepted or rejected.

Signature: _____ Date: _____
(Owner/Contractor)

Received at POA Office Date: _____ Received by: _____ Project #: _____

Deposit Check # _____ Amount: _____ Date: _____

ACC's Disposition:

Date Rec'd: _____ ACC Member _____ Approval Date: _____ Rejected Date: _____
Ron Graves

Date Rec'd: _____ ACC Member _____ Approval Date: _____ Rejected Date: _____
Larry Vaslet

Date Rec'd: _____ ACC Member _____ Approval Date: _____ Rejected Date: _____
Kenny Venghaus

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Architectural Control Committee

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APPLICATION GUIDE FOR CONSTRUCTION

Owner/Contractor shall confirm by initialing the following applicable procedures.

- _____ Acknowledge the proposed construction complies with the Deed Restrictions for the respective Section of Point Aquarius.
 - _____ 1 complete set of Plans and Plat and sent in via email PDF* form. Marks, notes, or changes by Owner/Contractor to the original prints will be in blue or black ink; no pencil changes will be accepted.
 - _____ Property survey by a licensed surveyor showing legal description of the property, easements, set back lines, building lines and with complete dimensions (if concrete foundation required).
 - _____ Scale Plot Plan with proposed improvements located by dimensions of building lines, set back lines, easements, driveway, walkways, and any planned boat house. Fence material and proposed height shall be furnished.
 - _____ Floor plan with all dimensioning complete, to include room layout, door swings, window locations, porches, breezeway, patio, balcony, garage, etc. Plan to show square foot area by: Living Area, Garage, Covered Porch, Patio, Balcony (when appropriate) and total square footage.
 - _____ Elevation front, rear, and side showing materials of construction, windows, vents, roof lines with roof slope indicated.
 - _____ Foundation plan shall indicate materials, strengths, beams, reinforcing steel, post slopes, and slab elevation to local grade. Plans are to have Professional Engineer's stamp.
 - _____ Storage building, when allowed by Deed Restrictions, shall look similar and blend with house/garage including roof materials. A poured concrete slab foundation will be required for all storage buildings. Prefab buildings will not be allowed, building must be constructed on site.
 - _____ Fences shall be constructed of wood, vinyl, metal, or masonry. Wire mesh decorative and vinyl fences will be allowed depending upon material strength and finished look. Chain link fencing is not allowed. Fences may be constructed in utility easements at owner's risk.
 - _____ Patio covers must match existing roof materials.
- Driveways or driveway additions must be solid poured reinforced concrete. Driveway Detail rules must be followed. The project must be inspected by ACC prior to concrete pour.
- Pool construction requires Point Aquarius MUD district approval and receipt.

Construction Site Address: _____

Project #: _____

Owner/Contractor Signature: _____

Date: _____

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CONSTRUCTION SITE COMPLIANCE AGREEMENT

The following Owner/Contractor has been made fully aware and agrees to ALL the conditions set out by the Association, in accordance with the "RULES AND REGULATIONS AND PROCEDURES FOR CONSTRUCTION SITES", accepting full responsibility of any fines levied for non-compliance of the following requirements:

Owner/Contractor shall confirm by initialing the following applicable procedures.

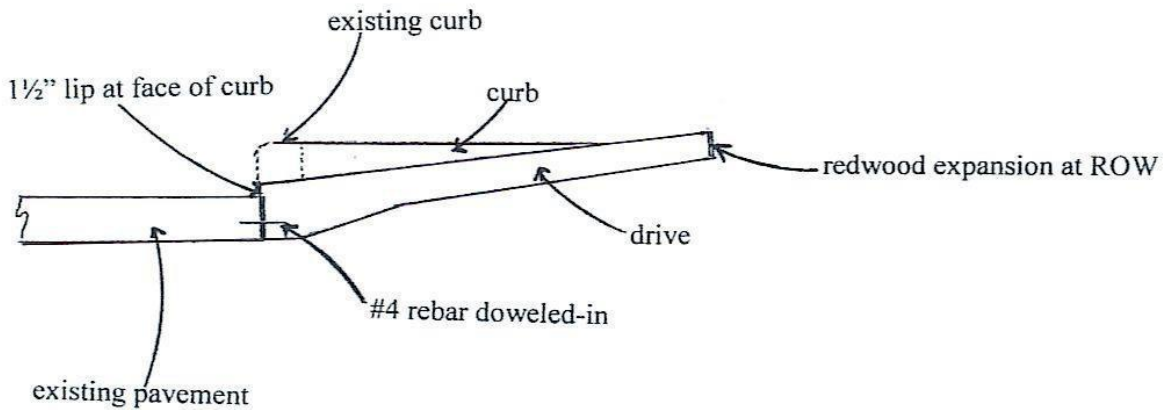
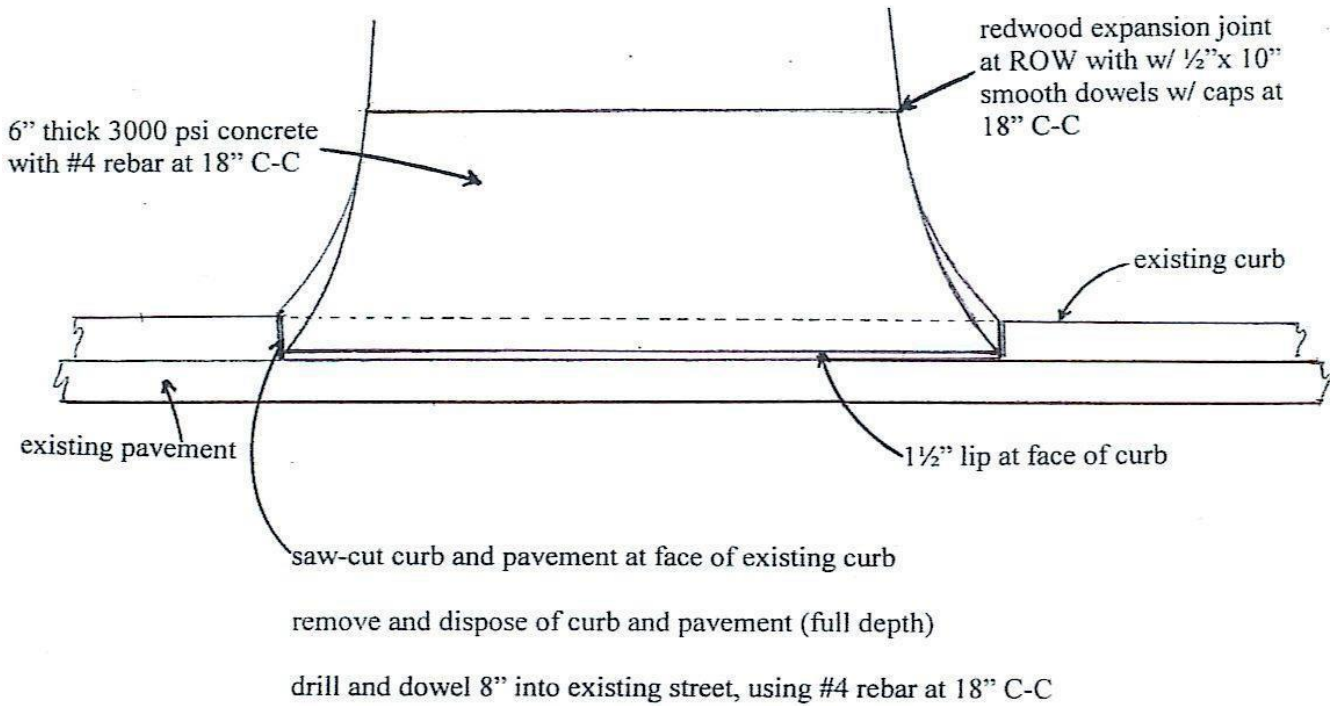
- _____ 1. No on-site burning.
- _____ 2. Portable waste facility must be on site at start of foundation.
- _____ 3a. Site must be kept clean and orderly, free from any construction debris.
- _____ 3b. Dumpster must be on site at start of construction after foundation is poured.
- _____ 4a. Streets and nearby adjacent lots must be kept free from dirt and debris.
- _____ 4b. Construction fence installed after foundation is poured and maintained during construction.
- _____ 5. No damage to streets, curbs, gutters, signs, commons areas, or private property.
- _____ 6a. Weekday working hours (7:00 am to 8:00 pm).
- _____ 6b. Weekends & holidays working hours (9:00 am to 6:00 pm).
- _____ 7. Form survey must be provided prior to the pouring of foundation.
- _____ 8. Cement trucks limited to 9 cubic yards per truck load.
- _____ 9. Curb must be saw cut for driveway. (See attached Driveway Detail).
- _____ 10. Commons property must not be used for access to construction sites.
- _____ 11. Streets shall not be used for storage of materials or equipment.
- _____ 12. Multi vehicle garages must have suitable width driveway.
- _____ 13. Montgomery County Development permit must be displayed as required and visible from the street.
- _____ 14. Construction must not commence prior to ACC approval of plans.

Construction Site Address: _____ **Project #:** _____

Owner/Contractor Signature: _____ **Date:** _____

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Driveway Detail



DRIVEWAY TO BE INSPECTED PRIOR TO CONCRETE POUR BY AN ACC MEMBER

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REQUEST FOR REFUND OF BUILDING DEPOSIT – OWNER/CONTRACTOR

Please read these instructions carefully.

1. The form is for information to be provided by the Owner/Contractor.
2. ALL requested information must be provided, and ALL questions must be answered.
3. It is the Owner/Contractor's responsibility to complete this request for refund form and forward it to the Association's Property Management Company, either by mail or by hand delivery at the following address:
Point Aquarius Property Owners Association
13189 Point Aquarius Blvd,
Willis TX 77318
4. Refund of Construction Deposit, less any fines, will be mailed within thirty (30) days upon receipt of refund request.

Construction Site Address: _____

Section _____ **Block** _____ **Lot** _____ **Project #:** _____

Owner Name: _____ **Contractor Name:** _____

Owner Phone: _____ **Contractor Phone:** _____

Date Received: _____

All of the following questions must be answered YES for this Request for Refund to be considered

1. Has all construction activity on the residence been completed? _____(YES or NO)
2. Has all construction trash and debris been removed from the property? _____(YES or NO)
3. Has the dumpster and/or trash container been removed from the property? _____(YES or NO)
4. Have the portable toilet facilities been removed from the property? _____(YES or NO)
5. Has site drainage been controlled at the property line? _____(YES or NO)
6. Has the final driveway been installed? _____(YES or NO)
7. Have all signs been removed from the property? _____(YES or NO)

Owner/Contractor Signature: _____

Date _____

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RESOLUTION OF THE BOARD OF DIRECTORS TO ADOPT THIRD AMENDED AND RESTATED RULES AND REGULATIONS AND PROCEDURES FOR CONSTRUCTION SITES

WHEREAS, pursuant to the authority contained in the Declarations of Covenants, Conditions and Restrictions for all sections of Point Aquarius, and further pursuant to the authority vested in the Point Aquarius Property Owners Association (the “Association”), contained in Article VII of the Amended and Restated Bylaws of the Association, which Bylaws are recorded under Montgomery County Clerk’s File No. 2002-051438; and as may be amended.

WHEREAS, in order to mitigate damage to roadways, curbs/gutters, and common areas, experience has shown the need to address certain potential practices and conditions related to a construction site; and

WHEREAS, there is a desire for efficient, equitable means of ensuring the proper maintenance of all property in the Point Aquarius subdivision (“Point Aquarius”) by (1) providing a method of enforcement that avoids expensive and dilatory court action except as a last resort, and (2) not penalizing the entire membership through a raise in assessments in order to cover the cost of abating an isolated violation caused by an individual property owner or contractor and/or to cover the added wear and tear on the roadways and common areas caused by construction activities;

NOW THEREFORE, The Board of Directors of the Point Aquarius Property Owners Association (the “Association”) resolves to adopt the following *Second* Amended and Restated Rules and Regulations and Procedures for Construction Sites (hereinafter the “Rules and Procedures”) which shall replace the previously recorded Rules and Procedures for Construction Sites recorded under Clerk’s File No. 2004-038548 in their entirety.

I. APPLICATION

These Rules and Procedures apply to any level of construction activity for new home construction to the extent that such activity is affected by their terms. Additionally, the Association reserves the right to apply these Rules and Procedures, including but not limited to the Construction Permit and Refundable Deposit provisions, to any construction activity that impacts roads and other common areas to the same or similar degree as new home construction. Such construction includes, but is not limited to, swimming pool construction, major remodeling projects, and logging activities.

II. CONSTRUCTION PERMIT

Submission of plans to, and approval by, the Architectural Control Committee (the “ACC”) is required for new home construction prior to the commencement of any construction activity. Upon approval by the ACC, a Construction permit will be issued and must be displayed and be visible from the street, at the construction site, at all times during the course of the construction. To Cover the cost of processing and issuing the permit, a non-refundable Permit Fee (Subject to change by board approval) must be paid by the property owner, contractor or builder, at the time the plans are submitted before the permit will be issued, as set out in the Association’s Schedule of Assessments, Fines, Deposits, and other Charges.

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The above Construction Fee amount may be adjusted from time to time; by the Board of Directors of the Association in its sole discretion based upon a reasonable study as to the effect said construction has on Point Aquarius common areas and the needs of the subdivision.

III. REFUNDABLE DEPOSIT

In addition to the above-described Permit Fee, at the time the plans are submitted a minimum Construction Deposit of \$1,500.00 shall be required of the property owner, contractor, or builder before any construction activity takes place. The Construction Deposit shall be used by the Association to pay for whatever measures the Association must take to remedy a violation of the Construction Site Requirements set forth in Section IV set out immediately below (including, but not limited to the repair of damaged streets, curbs/gutters, signs, or common areas and the clean-up of debris). The deposit may also be depleted for fines assessed by the Association according to the terms of Section V herein below. The Construction Deposit amount shall not serve as a maximum Point Aquarius is entitled for damages if any. Any amount not expended shall be refunded to the property owner, contractor, or builder upon completion of construction and final clean up.

The above Refundable Deposit amount may be adjusted from time to time by the Board of Directors of the Association in its sole discretion based on a reasonable study as to effect said construction has on Point Aquarius common areas and the needs of the subdivision.

IV. CONSTRUCTION SITE REQUIREMENTS

1. No burning will be allowed at the construction site.
2. A portable human waste facility shall be placed on the construction site commencing with work start-up and removed at final clean up.
3. The construction site must be kept clean and orderly throughout construction and construction debris is to be safely and adequately accumulated and disposed of through the use of proper containers. A 30-yard roll off dumpster must be on site at the start of construction after foundation is poured, and shall be removed as part of the final clean up. Association will not be responsible for any second party's unauthorized usage of dumping in your receptacle.
4. Streets and neighboring lots must be kept clean of dirt and debris. The placement of a fence around the construction site at the start will be required to eliminate any debris from getting off the site onto adjacent or nearby streets or lots.
5. All measures necessary to prevent damage to streets, curbs/gutters, signs and common areas shall be employed.

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6. Construction activity shall only be allowed Monday through Friday from 7:00 a.m. to 8:00 p.m. and on Saturday, Sunday and Association observed holidays from 9:00 a.m. to 6:00 p.m.
7. A form survey must be approved and stamped by a licensed surveyor and submitted to the Association Manager prior to pouring a foundation.
8. Cement trucks must conform to TXDOT road regulations.
9. Curbs must be saw cut for all driveways.
10. Common areas must not be used for access to construction sites.
11. Streets must not be used for storage of materials or equipment.
12. All multi-vehicle garages should have a driveway width suitable to accommodate automobiles parking side by side.
13. Builder Construction Permit must be posted in full view of the street.
14. Construction site compliance agreement must be signed and initialed at the time of the application process, acknowledging and agreeing to all conditions and requirements set forth by the association through the rules and regulations, and the procedures for construction sites.

V. ENFORCEMENT PROCEDURES

A. INSPECTION The Association will conduct periodic inspections of the construction site during the course of the construction. If it is determined that a violation of one or more of the construction requirements set forth in Section IV is being or has been violated, the Association shall advise the Manager to notify the property owner, contractor, or builder as set out in subsection "B" below.

B. NOTICE OF VIOLATION The Association shall provide written notice of any violation to the property owner, contractor or builder, in accordance with Chapter 209 of the Texas Property Code, unless the property owner, contractor or builder has had a similar notice in the preceding six (6) month period for the same violation that occurred on same or different property. Such notice shall also inform the property owner, contractor or builder of the date by which the property owner, contractor, or builder must bring the property into compliance with the construction site requirements and to remedy any damage resulting from the violation to eliminate violation deductions. The notice shall inform the property owner, contractor, or builder that a "violation deduction" in the amount of \$250 will be assessed against the deposit required by

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Section III, if the property is not brought into compliance by the date set out in the written notice. The notice shall inform the property owner, contractor or builder of the right to protest to the Board of Directors the finding of a violation and/or the notice of violation that he wishes to protest. The notices required by this subsection shall be delivered via certified mail, return receipt requested, and in any other method desired by the Association. Receipted hand delivery may be made on the person with apparent authority at the construction site; and such notice shall be binding on the property owner, contractor or builder. The owner will have thirty (30) days from the date the notice is received to request in writing, a hearing before the Board of Directors of the Association.

C. PROTEST HEARING Once the property owner, contractor, or builder has notified, in writing to the Association Manager, of his desire for a hearing, a hearing date will be set to address the Board of Directors.

VI RECOVERY OF DAMAGES

Nothing in these Rules and Procedures shall be construed to limit the Association to the recovery of fines and/or deposit described herein for violations of these rules, the bylaws, restrictive covenants, statutes, ordinances or common law relating to the construction activities or any other activities. Point Aquarius reserves the right to seek actual and consequential damages, including reasonable and necessary attorney's fees and costs for any infraction of the restrictive covenants, bylaws, statutes, ordinances, or common law causes of action, including the right to seek injunctive relief when necessary.

VIII. JUDICIAL REMEDY

Notwithstanding the adoption of the rules and procedures set forth herein, the Association reserves the right to enforce violations of any restriction, By-laws or rules and regulations in the appropriate court to the full extent allowed by the law.