

**POINT AQUARIUS PROPERTY OWNERS ASSOCIATION  
SECOND AMENDED AND RESTATED STREET PARKING POLICY**

THE STATE OF TEXAS           §  
  §  
COUNTY OF MONTGOMERY   §

WHEREAS, the property affected by this instrument is subject to certain dedications, covenants and restrictions set out in instruments recorded in the Official Public Records of Montgomery County, Texas, as follows:

*Section One – Clerk’s File No. 267859; Section One (Amendment) – Clerk’s File No. 273735; Section One (Amendment) – Clerk’s File No. 289514; Section One (Amendment) – Clerk’s File No. 289517; Section One (Amendment) – Clerk’s File No. 363418; Section Two – Clerk’s File No. 267860; Section Two (Amendment) – Clerk’s File No. 363419; Section Three – Clerk’s File No. 274519; Section Three (Amendment) – Clerk’s File No. 363420; Replat of Section Five (Amendment and Restatement) – Clerk’s File No. 9147286; Section Six – Clerk’s File No. 291427; Section Six (Amendment) – Clerk’s File No. 363423; Section Seven – Clerk’s File No. 8931385; Section Seven (First Amendment) – Clerk’s File No. 8947594; Section Seven (Second Amendment) – Clerk’s File No. 9019239; Section Seven (Amendment) – Clerk’s File No. 2018029062; Section Eight – Clerk’s File No. 9021168; Section Nine – Clerk’s File No. 9021170; Partial Replat of Section One – Clerk’s File No. 9125463; Partial Replat of Reserve of Section One (First Amendment) – Clerk’s File No. 9131033; Section Ten (Amended and Restated) – Clerk’s File No. 9149702; and Summerchase Section One (Corrected Declaration) – Clerk’s File No. 2006-047887 (collectively, the “Declaration”);*

WHEREAS, pursuant to the authority in the Board of Directors (the “Board”) of Point Aquarius Property Owners Association (the “Association”) and as required by the Texas Property Code, the Board is permitted to promulgate certain policies related to Street Parking (as hereinafter defined) within the Point Aquarius Subdivision (the “Subdivision”);

WHEREAS, Tex. Prop. Code § 204.010 permits the Association, acting through the Board, to exercise all powers necessary and proper for the governance and operation of the Association;

WHEREAS, the Board adopted and recorded that certain Amended and Restated Street Parking Policy on April 23, 2024 (“Parking Policy”), regarding Street Parking within the Subdivision, as recorded under Clerk’s File No. 2024039124 in the Official Public Records of Montgomery County, Texas; and

WHEREAS, the Board desires to amend and restate the current Parking Policy.

NOW THEREFORE, BE IT RESOLVED: that the Board hereby amends and restates the Parking Policy and adopts this Point Aquarius Property Owners Association Second Amended and Restated Street Parking Policy (“Second Amended and Restated Street Parking Policy”), as follows:

## **STREET PARKING POLICY**

1. **Street Parking.** The term "**Street Parking**" shall be defined as any parking in any private street right-of-way within the Subdivision.

2. **Violation.** The Term "**Violation**" shall be defined as a violation of the parking rules and regulations by any Association Member ("**Member**"), and/or any guests, invitees and/or family members of such Member, as outlined in the Declaration, applying to the various sections within the Association, as applicable and as follows:

a. Within Sections Seven, Eight, and Nine, no motor vehicle or non-motorized vehicle (including without limitation, boats, trucks and recreation vehicles), trailers, campers, motorcycles, off-road motor bikes, bicycles, golf carts, go-carts, machinery or equipment of any kind may be parked or stored for longer than ten (10) hours or on a semi-permanent or daily basis on any part of a road, street, easement, right-of-way, or Common Area;

b. Within Sections One, Two, Three, Six and Ten, those areas of street right-of-way between pavement and property lines shall be maintained from encumbrances by personal or private property at all times, and no Street Parking will be allowed; and

c. Within Section Five, no motor vehicle or non-motorized vehicle (including without limitation, boats, trucks and recreation vehicles), trailers, campers, motorcycles, off-road motor bikes, bicycles, golf carts, go-carts, machinery or equipment of any kind may be parked or stored for longer than forty-eight (48) hours or on a semi-permanent or daily basis on any part of a road, street, easement, right-of-way, or Common Area.

3. **Penalty.** In the event of any Violation, the Board, in its sole action and discretion, shall impose the following penalties (each a "**Penalty**" and together, the "**Penalties**"):

a. **Discretionary First Notice.** In the event of a Violation by a Member and/or any guests, invitees and/or family members thereof, the Board may send a demand letter to the Member if the Member's address is known.

b. **Towing Notice.** In the event the violation continues, the Board shall place a sticker notice on the vehicle noting that: (i) the vehicle is parked in violation of the Second Amended and Restated Street Parking Policy; (ii) vehicles in violation of the Second Amended and Restated Street Parking Policy are subject to being towed; and (iii) the Association's contact information.

c. **Subsequent Violation.** In the event the violation continues, the Board may, in its sole discretion, authorize a bonded and licensed towing company to tow and relocate the vehicle to a secure holding yard, in accordance with Chapter 2308 of the Texas Occupations Code. The vehicle owner shall be liable for any and all

damages, penalties, fines and costs associated with the relocation and release of the vehicle, and shall indemnify and hold harmless the Association, the Board, and/or any employees, agents, contractors and/or volunteers thereof from any such damages, penalties, fines and costs.

The imposition of the Penalties shall be at the sole discretion of the Board, and the Board shall not be required to enforce any Penalty.

Notice of each Penalty given to the household of a Member and/or any guests or invitees thereof is deemed to have been given directly to such Member. It is the Member's responsibility to communicate this Second Amended and Restated Street Parking Policy to such Member's household and/or any guests or invitees thereof.

4. Lien. Any attorneys' fees and/or costs incurred by the Association in relation to the enforcement of any Penalty shall be charged to the Member's account to the extent permitted by the Declaration, and shall be collected in the same method and manner as prescribed by the Declaration.

5. Temporary Exemption. The Association may grant temporary exemptions to this Policy to the extent permitted by the Declaration; provided, however, that in no event shall any exemption granted by the Board be for greater than two weeks. Any Member who is granted an exemption pursuant to this Section 5 is required to display evidence of an exemption notice authorized by the Board on the driver's side windshield of such Member's vehicle. Any Member displaying an unauthorized and/or expired exemption notice shall be fined One Hundred and No/100 Dollars (\$100.00) for each instance in which such unauthorized and/or expired exemption notice is displayed.

This instrument is effective upon recordation in the Public Records of Montgomery County, Texas, and supersedes any instrument regarding overnight parking and towing policies which may have previously been in effect, including but not limited to the Parking Policy. Except as affected by the Texas Property Code and/or by this instrument, all other provisions contained in the Declaration and/or any other dedicatory instruments of the Association shall remain in full force and effect.

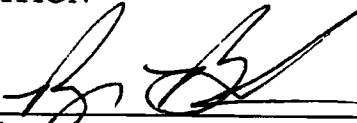
This is to certify that the foregoing Second Amended and Restated Parking Policy was adopted by the Board until such date as it may be modified, rescinded and/or revoked.

The Board hereby adopts, approves and authorizes this Second Amended and Restated Parking Policy.

*REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;  
SIGNATURE PAGE TO FOLLOW*

SIGNED this the 19<sup>th</sup> day of December, 2024.

**POINT AQUARIUS PROPERTY OWNERS  
ASSOCIATION**

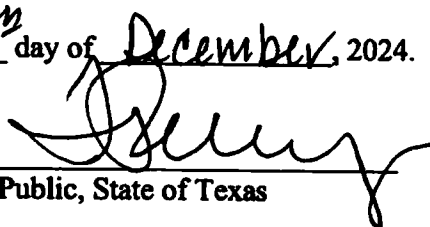
By:   
President

Print Name: Ryan Burke

STATE OF TEXAS           §  
  §  
COUNTY OF MONTGOMERY   §

BEFORE ME, the undersigned authority, on the day personally appeared the person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that he/she is the person who signed the foregoing document in his/her representative capacity, as the act and deed of the Point Aquarius Property Owners Association, and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 19<sup>th</sup> day of December, 2024.

  
Notary Public, State of Texas



**E-FILED FOR RECORD**

01/03/2025 08:10AM



*L. Brandon Steinmann*

County Clerk,  
Montgomery County, Texas

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

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

**01/03/2025**



*L. Brandon Steinmann*

County Clerk,  
Montgomery County, Texas