

RIVERPOINT VILLAGE COMMUNITY ASSOCIATION, INC.
WOOD FENCE REGULATIONS AND UNIVERSAL VARIANCE

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Riverpoint Village Community Association, Inc. (the “Association”), a Texas nonprofit corporation, is the governing entity for Riverpoint Village Subdivision, an addition in Harris County, Texas, according to the map or plat thereof recorded in the Map Records of Harris County, Texas, under Clerk’s Film Code No. 649071, and Clerk’s File No. 20120463047, along with any amendments and replats thereto, (the “Subdivision”); and

WHEREAS, the Subdivision is subject to the Declaration of Covenants, Conditions and Restrictions for Riverpoint Village, recorded in the Real Property Records of Harris County, Texas, under Clerk’s File No. 20140006330, along with all amendments and supplements thereto, (the “Declaration”); and

WHEREAS, Texas Property Code Section 204.010(a)(6), authorizes the Association, through its Board of Directors to regulate the use, maintenance, repair, replacement, modification, and appearance of the Subdivision; and

WHEREAS, Article II, Section 8 of the Declaration authorizes the Architectural Review Committees (the “ARC”) to grant variances from certain restrictions in the Declaration when unique circumstances dictate, in accordance with duly adopted rules and regulations; and

WHEREAS, Article VII, Section 8(a), of the Declaration, requires fencing constructed on each Lot in the Subdivision, not to exceed six feet (6’) in height, in accordance with guidelines adopted by the New Construction Committee (the “NCC”, being a part of the ARC); and

WHEREAS, due to the benefit of rot boards to the life of wood fencing, and the prevalence thereof, and the historical rainfall and wet environmental conditions in the area, the Association desires to permit rot boards to be installed along the base of wood fencing in the Subdivision, without limiting the overall height of the wood fence on Lots in the Subdivision; and

WHEREAS, in order to provide for uniformity, efficiency, and convenience to the owners in obtaining approval for rot boards in the Subdivision as a result of environmental considerations, and to ease the administrative burden of individual variance approvals on the ARC, the ARC desires to approve a Universal Variance from Article VII, Section 8(a) of the Declaration; and

WHEREAS, in agreement with the aforementioned desire of the ARC, the Association Board of Directors desires to duly adopt regulations consistent with the granting of the Universal Variance; and

WHEREAS, the NCC desires to adopt guidelines relating to the fencing constructed on each Lot in the Subdivision, consistent with the foregoing; and

RP-2022-101257

WHEREAS, this Dedicatory Instrument consist of Restrictive Covenants as defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, pursuant to the foregoing, and as evidenced by the Certifications hereto, the Association hereby adopts, establishes and imposes on the Subdivision, and adopts and approves a Universal Variance from the Declaration, as follows:

Wood fences.

- (a) Fence pickets shall be cedar. No painting, staining or varnishing of wooden fences is allowed, however, restoration of fences may include power washing or the installation of a new fence, and may include application of a sealant, but only if the sealant is a clear non-gloss sealant.
- (b) The height of a new or replacement fence shall be 6 feet.
- (c) Notwithstanding the foregoing, a horizontal “rot board” may be installed at the bottom of the fence if:
 - (i) the height of the rot board shall not exceed 12 inches,
 - (ii) the overall height of the resulting fence structure shall not exceed 7 feet, (consisting of 6-foot tall pickets and a 12-inch rot board),
 - (iii) the rot board is installed below, abutting and flush with the pickets,
 - (iv) the top of the resulting fence is level with the top of all adjoining fences. If there is an overall height difference between the new fence and an adjoining fence, the gap shall be “stair stepped” by shortening the pickets between the two fences with the stair stepping not to exceed one inch per picket and the final picket of the new fence shall be level with the adjoining fence.
 - (v) The fence will be installed picket-side out where visible from any street or common area.
 - (vi) The pickets shall be 6 inches in width, with dog ears on the top of the pickets.

All Owners wishing to install new wood fencing, or wishing to replace existing fencing having specifications, materials or a location different than the existing fencing, must still apply for and obtain the written approval of the Association’s Architectural Review Committees (“ARC”) before installing such fencing.

To the extent the above regulations and guidelines could be construed as a violation of the Declaration, the ARC hereby grants to all Lots in the Subdivision, a variance from the six foot height limitation contained in Article VII, Section 8(a), to the extent necessary to effect the foregoing.

RP-2022-101257

foot height limitation contained in Article VII, Section 8(a), to the extent necessary to effect the foregoing.

CERTIFICATION BY BOARD OF DIRECTORS

"I, the undersigned, being a Director of Riverpoint Village Community Association, Inc., hereby certify that the foregoing Wood Fence Regulations and Universal Variance was approved by the vote of a majority of the Board of Directors, at a properly noticed open meeting of the Board, at which a quorum of the Board was present."

By: Stephen Patton

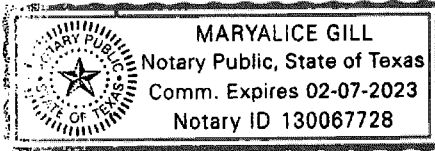
Print Name: STEPHEN PATTON Title: PRESIDENT

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated, and that the statements therein are true and correct.

Given under my hand and seal of office this 21st day of February, 2022.



Maryalice Gill
Notary Public, State of Texas

CERTIFICATION BY ARC/NCC

"I, the undersigned, being a member of the Riverpoint Village Community Association, Inc., Architectural Review Committees and New Construction Committee hereby certify that the foregoing Wood Fence Regulations and Universal Variance was adopted by the said Committees on the date of execution hereof.

By: [Signature], ARC/NCC Member

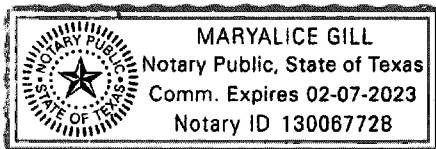
Print Name: Quentin Williams

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated, and that the statements therein are true and correct.

Given under my hand and seal of office this 21st day of February, 2022.



Maryalice Gill³

RP-2022-101257


RP-2022-101257
Pages 4
02/24/2022 03:23 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

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.




COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2022-101257