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INSTRUMENT TO RECORD DEDICATORY INSTRUMENTS
AND POLICIES

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This instrument is being recorded by the Old Braeswood Property Owners Association, a Texas non-profit corporation (the "Association"), pursuant to Section 202.006 of the Texas Property Code.

Section 202.006 of the Texas Property Code required a Property Owners' Association to record each dedicatory instrument and policies in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded; and

In addition to the dedicatory instruments currently of record, the Association is subject to the following additional dedicatory instruments and policies which have not been previously recorded, to-wit:

1. Certificate of Amendment of Old Braeswood Property Owners Association (2005)
2. Articles of Amendment to the Articles of Incorporation of Old Braeswood Civic Club (2005)
3. Certificate of Incorporation of Braeswood Civic Club (1980)
4. Articles of Incorporation of Braeswood Civic Club (1980)
5. Revise and Amended Bylaws of the Association
6. Records Retention Policy
7. Records Production Policy
8. Payment Plan Policy
9. Architectural Review Fee Policy
10. Height Limitation Policy
11. Transfer Fee Policy
12. Resale Certificate Fee Policy

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Pursuant to Section 202.006 of the Texas Property Code, the Association does hereby record such additional dedicatory instruments and policies, a copy of each of which is attached hereto. The dedicatory instruments attached hereto are subject to amendment pursuant to the amendatory procedures applicable thereto.

EXECUTED as of the 29th day of December, 2011.

OLD BRAESWOOD PROPERTY OWNERS ASSOCIATION

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By *[Signature]*
John Eldridge, President

This document is being recorded as a
COURTESY ONLY by Butler & Halley, P.C.,
without review and without liability,
expressed or implied.

STATE OF TEXAS

COUNTY OF HARRIS

**STATEMENT OF POLICY OF
OLD BRAESWOOD PROPERTY OWNERS ASSOCIATION
REGARDING HEIGHT LIMITATIONS**

Pursuant to the Resolution adopted at a meeting of the Executive Committee of the Old Braeswood Property Owners Association, held on the 24th day of July 2007, a quorum being present, the following policy regarding maximum height limitations is adopted:

WHEREAS the various sections subject to the jurisdiction of Old Braeswood Property Owners Association (the Association") are subject to various restrictions, the purpose of which is the creation and carrying out of a uniform plan for the improvement and sale of property within the subdivisions comprising Old Braeswood, the Executive Committee of the Association has determined to adopt the following policy concerning the maximum height of improvements in Braeswood Section 1, Braeswood Extension and Braeswood Addition subdivisions, in Harris County, Texas.

Height Restriction for All Sections

The following restriction, with respect to height of new homes and additions, shall be consistently enforced in the manner prescribed below:

Dimensional Restrictions:

Height:

- a. Height shall be determined from the **Lot Grade**.
- b. A House exceeding 35 feet in height from **Lot Grade** to top of ridge is prohibited.
- c. A detached garage, exceeding 25 feet in height is prohibited.
- d. An Accessory Structure or other structure exceeding 15 feet in height is prohibited, other than a House or detached garage.
- e. A chimney may exceed the height of the House by not more than 3 feet.

Number of Stories: A House may not exceed two full stories and an additional half-story contained within the structure's roof line provided that:

- a. The floor area of the half story may not exceed sixty (60) percent of the floor area of the second story; and
- b. The roof must be a pitched roof which springs from the second floor top plate and run as an unbroken plane to the ridge line or lines (this provision is specifically meant to preclude mansard roofs as a means to circumvent the intent of this restriction).

Definitions:

"Lot Grade" :

- a. For lots outside of the identified 100 year floodplain on the **FEMA Flood Insurance Rate Map (FIRM)**, 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.
- b. For only those lots within the identified 100 year floodplain on the **FEMA Flood Insurance Rate Map (FIRM)**, the elevation of the 100-year base flood elevation as established on the FIRM current at the time of construction.

For most lots, one would have approximately 34 feet from finished floor to ridge, since one is measuring from a point outside the structure; however, for lots in the floodplain the height from finish floor would be similar, since one is required to raise the finish floor above the flood plain by one foot. The intent of this application of the rules is to give both conditions the same height restrictions to work within, without penalizing properties in either situation.