

SOUTHWYCK COMMUNITY ASSOCIATION, INC. (Master Association)
RESOLUTION REGARDING PERIMETER FENCING

WHEREAS, Article 1396-2.02(15) of the Texas Non-Profit Corporation Act authorizes non-profit corporations to have and exercise all powers necessary or appropriate to effect any or all of the purposes for which the corporation is organized; and

WHEREAS, Article VI, Section 1 of the Declaration of Covenants, Conditions and Restrictions for Southwyck (all sections), states, in pertinent part as follows:

The purposes of the Master Association are to provide maintenance and control of all General Common Areas of the property which include, without limitations, the perimeter fences around major streets, main esplanades and to provide for the maintenance, preservation and architectural control of the residential Lots concurrently with the Village Association and exclusively in regard to the General Common Areas. In the event of a conflict between the Village Association and the Master Association as to whether an amenity in the properties is a General Common Area, the decision of the Master shall prevail. General Common Areas include, without limitation, amenities that are intended to serve more than one subdivision....

NOW THEREFORE, BE IT RESOLVED THAT: the following policy regarding perimeter fencing by the Master Association is hereby adopted:

Policy Regarding Perimeter Fencing

Individual lot owners whose property adjoins a perimeter fence (as defined in that certain Resolution Regarding Maintenance of Common Areas recorded under Brazoria County Clerk's File No. 2010010142, incorporated herein by reference and as may be amended from time to time), must ensure that the perimeter fence is not exposed to damage by adjacent plantings or other land use by the resident, as the lot owner will be held responsible for any and all damage to the perimeter fence occurring on or caused by their property.

Plants that attach themselves to the perimeter fence are prohibited. Bushes and trees must be trimmed to prevent contact with the perimeter fence. Flower boxes, planters, composting boxes, raised beds or structures of any kind must not be placed in contact with the perimeter fence.

Costs to repair any damage caused to perimeter fencing by the lot owner or resident will be the sole responsibility of the lot owner and not the Master Association. Trees, shrubbery, beds and other items on the residential side of the fence must be maintained by the lot owner or resident in a manner that will protect the perimeter fence from potential damage.

All lot owners whose properties adjoin a perimeter fence must first execute an access easement for maintenance so that the Master Association may access their lot for repair and maintenance of the perimeter fence. Said access easement is to be recorded in the Brazoria County real property records.

Adopted this _____ day of _____, 2018, by at least a majority of the Board of Directors of the Master Association.

SOUTHWYCK COMMUNITY
ASSOCIATION, INC.

Secretary

Print Name: _____