

APACHE SHORES PROPERTY OWNERS ASSOCIATION
14919 General Williamson Drive Austin, Texas 78734
Office: (512) 266-2719 Fax: (512) 266-3910
Website: www.apacheshorespoa.com

Resolution of the Board of Apache Shores Property Owners Association, Inc

Fence and Retaining Walls Policy

WHEREAS, under the Bylaws for Apache Shores Property Owners Association, Inc., recorded April 21, 2003, under Document No. TRV 20030, of the Official Public Records of Travis County, Texas; Apache Shores Property Owners Association, Inc., a Texas non-profit corporation (the "Association") is charged with adopting rules and regulations for the health and safety of the homeowners (as per Section 10 of the By-Laws) within Apache Shores Property Owners Association; and

WHEREAS, the Board believes that it is in the best interest of the Association and the Owners to establish criteria regarding fences and retaining walls on all Lots; and

WHEREAS, the Declaration authorizes the Board to enforce the rules and regulations for the benefit of the Owners and the Property;

NOW THEREFORE, the Board resolves the following:

The Purpose of this document is to establish the policy, by which Apache Shores Property Owners Association, Inc. (ASPOA) will accept, review and approve plans and specifications to be in compliance with deed restrictions and health and safety matters; for all new fences, decorative and retaining walls to be constructed within the boundaries of the Apache Shores Subdivision.

FOR THIS POLICY:

Fence -- Means any wall, fence, shrubbery border, or perimeter boundary.

Decorative wall -- defined as fences that are privacy, safety or cosmetic fences that are constructed of masonry, rock, or brick.

Retaining Wall – defined as a structure that holds back soil or rock from a building structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.



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GENERAL:

A. A building permit is required for any fence construction.

B. No fence of any type (except shrubbery fences) shall be placed on any lot which has an excessive height (more than 6 foot from the ground at the posts, or overall height if no posts present), or that will unreasonably obscure the view from a dwelling located, or reasonably likely to be located upon an abutting lot. (For this purpose, "abutting lot" includes a lot separated only by a street, or from an adjacent lot.)

C. Fences and supporting structure shall be constructed of new or approved materials, durable and attractive using Quality products and Installation/Workmanship Standards and shall be maintained in a continuing serviceable condition.

D. Unless “verifiably shared” by adjoining property owners, the fence shall be constructed entirely on your property. It shall be fully understood and agreed that any construction over dedicated utility easements may have to be removed at the owners expense should such easements be required by any authorized utility company.

E. Improved Properties/Residence – Fences shall be constructed of Class 1, 2 or 3 Type materials as specified below. Other materials may be acceptable with prior approval of ASPOA.

a. Height of the fence in front of the furthest most forward part of any residence identified at the most outer corners shall be four (4) feet, or less in height above grade (measured at the posts to ground or overall height if no posts present). These fences must be of an open design, Class 1 or Class 3 Type.

b. Height of the fence behind the front corner of the residence shall be a maximum height of (6) feet above grade (measured at the posts to ground, or overall height if no posts present). These fences may be of solid (privacy) or of open design only, Class 2 or Class 3 type.

c. Height restrictions on shrubbery fences will not apply if kept pruned to a neat appearance.

d. Materials allowed to construct a fence include:

- Class 1 Fence: Chain link, wrought iron, stone, concrete block (covered by stucco), brick or shrubbery. Shrubby fences must be planted behind the set back line, inside the lot line, by one half the specified plant width of the shrubbery (at full growth) to limit encroachment of shrub onto a neighboring lot or right of way. For example: A hedge row that is listed to grow six feet in diameter will need to be planted inside the lot line or set back by three feet.
- Class 2 Fence: Treated/preserved wood, cedar, redwood, or Douglas fir.
- Class 3 Fence: PVC fence that is identified by catalog or specified for fence application.

Note:

- 1.) A combination of Class 1, 2 and 3 Type materials in a reasonable manner will be permitted. No sheet metals, sheet fiberglass, barbed wire, stretched wire, will be allowed.
- 2.) Wire panels not specified as fence material may be used if framed in a Class 1, or 2 material having a top rail, bottom rail and post.

F. Unimproved Properties – Fences on unimproved property shall be restricted to Open Design only. Fences on unimproved property that co-joins an improved property owned by the same owner shall follow the same rules as the improved property.

G. Masonry supporting structures (posts) shall be constructed of rock, brick or stucco and shall be a minimum of 14" by 14" and shall be at least as high as the approved fence height, but will not exceed the approved fence height by more than six (6) inches.

H. Masonry supporting structures shall be placed on steel reinforced concrete footings. Such footing shall be placed into virgin soil or solid bearing and shall be at least two inches (2") larger on all sides of the masonry structure and a minimum of eight (8) inches in depth.

I. No fence shall be constructed in locations that obstruct traffic, street signs or create a visual hazard for pedestrian or vehicle traffic.

J. Quality Products and Installation/Workmanship Standards are defined as new materials that are durable for the fence designed and when installed the support structure and the finished product have straight lines and are aesthetically pleasing in condition.

K. Retaining Walls – All retaining walls will be of stone or concrete, or other material approved by a ASPOA recognized engineer. Any retaining wall over 4 feet high measured at any point on the wall must be designed/engineered by a recognized engineering firm. All permit requests for retaining walls will be submitted with a site plan that shows locations of retaining wall(s), engineered drawings and drainage/grading plan.

INSPECTION REQUIREMENTS:

All construction or work for which a permit is required shall be subject to inspection by the ASPOA, or their designated representatives. A survey of the lot may be required by the ASPOA to verify the conformity of the building or structure to approved plans and specifications should there be any doubt or disagreement.

No waiver or variance shall be granted if it would provide the applicant with any special privileges not enjoyed by the other property owners.

FEE'S, SUBMITTALS, & REVIEWS:

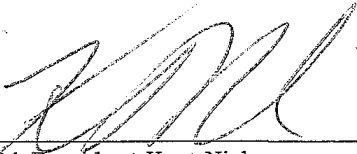
- Application Fee – ASPOA administration fee as contained in the approved procedures for construction permitting by ASPOA plus any and all fees charged by the ASPOA approved, State of Texas licensed building review and inspection firm.
- Incomplete submittals will not be accepted.
- Review of submitted plans shall be completed by the ASPOA or its assigned State of Texas licensed building inspector within a reasonable time frame. Nonconforming construction shall be required to stop immediately and construction may commence only after a correct and complete plan submittal has been approved by the ASPOA. Fines and fees for noncompliance shall be applicable according to approved construction permitting policies.

ENFORCEMENT BY THE ASSOCIATION IS AS FOLLOWS:

- Failure to submit construction plans for review, approval and a permit being issued prior to the start of construction will result in the following action to be taken by ASPOA.
 1. **Construction site will be REQUIRED TO STOP construction immediately.**
 2. An application fee for an ASPOA permit for construction and any deed restriction fine(s) will be due and must be paid according to the approved ASPOA construction permitting procedure before plans will be submitted for review.
 3. Any and all construction, which is in noncompliance with this policy, deed restrictions, health and safety matter or the adopted current building code, must be corrected as a condition of any permit approval.
 4. Additional fines and fees maybe applicable according to deed violation policies.
 5. Submitted plans and specifications shall be reviewed in the order they were submitted. No special consideration shall be given.

This policy, should it conflict with Federal, State, or Local law will subvert to those laws. Any conflict with other ASPOA policies must be brought to the Boards attention, before continuing on with your project.

This Resolution was adopted by the Board of Directors of the Association on March 11, 2009.


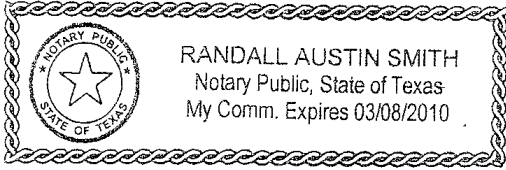


ASPOA President Kurt Nielsen



ASPOA Secretary Pam Lougee

Subscribed and sworn to before me by said Kurt Nielsen and Pam Lougee
Directors of Apache Shores Homeowners Association, a Texas non-profit corporation, on behalf of
such non-profit corporation on this 14th day of August 2009.


Notary Public Signature

State of Texas
County of Travis

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



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DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

After recording, please return to:
ASPOA
14919 General Williamson
Austin, TX 78734