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# **APACHE SHORES PROPERTY OWNERS ASSOCIATION**

**14919 General Williamson Drive**

**Austin, TX 78734**

## **BUILDING PERMIT PROCEDURE, CAPITAL IMPROVEMENTS FEES AND CONSTRUCTION DEPOSIT, POLICY**

**This policy in part replaces Apache Shores document ADDITIONS TO THE BUILDING PACKET  
ADOPTED 3/26/2006**

**WHEREAS**, under the Bylaws for Apache Shores Property Owners Association, Inc., recorded August 14, 2009 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 Article IV 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 a policy for **building procedures** in Apache Shores; 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 and procedures by which Apache Shores Property Owners Association, Inc. Building Permits are issued, the validity periods of Building Permits, required Capital Improvement Fees, and the purpose for and refund of Construction Deposits.

### **FOR THIS POLICY:**

Deed Restrictions for all sections of Apache Shores state, "All building plans are subject to approval of APACHE SHORES".

Apache Shores Property Owners Association (ASPOA) has established a standardized building packet identifying various construction categories requiring building permits. All construction specified by the Construction Categories and Permit Fees must have approved building permits issued by Apache Shores prior to any construction work commencing.

### **The permit procedure:**

- Property owners determine their project, complete a building permit application packet and submit the completed building packet, as defined by the Architectural Review Committee, to the Apache Shores Property Owners Association office.
- ASPOA building information and required forms are available on line at the ASPOA website.
- Incomplete applications will not be accepted for review by the Architectural Review Committee (ARC).
- The ARC will review all submitted applications; to ensure compliance with Deed Restrictions, applications requirements, and building policies. The ARC has delegated the engineering design and specification review for compliance to current building codes to a designated third party. ARC decisions will be communicated in writing to the property owner through the ASPOA office.
- If denied, the owner may make the necessary changes and resubmit to the ARC for approval.
- Decisions of the Architectural Review Committee may be appealed, in writing, to the Board of Directors (BoD). All final decisions regarding appeals are made by the BoD. The decisions of the BoD will be communicated with the property owners in writing through the ASPOA office.
- Building permits will only be issued to members in good standing with Apache Shores Property Owners Association;
  - All annual Maintenance Fees are current
  - All approved annual Assessments are current
  - No outstanding property violations

### **Construction Permit expiration:**

In accordance with the ASPOA Deed Restrictions all building permits are issued with a (6) month expiration date.

- All permits expire at the end of that six (6) months unless a request for extension has been received, approved, and an extension permit issued by Apache Shores Property Owners Association.
- All requests for permits extensions should be in writing and received within thirty (30) days of the expiration date of the permit.
- All major construction projects must be at least 50% complete before an owner may apply for an extension to the issued building permit. New Home Construction permits must have had at least in process inspections through Frame Inspections and Electrical/Mechanical to qualify for extension. All owners who meet the requirements for a permit extension will be granted one time extension at no charge. The extension time period will be an additional six (6) months unless determined by the ARC that the

time period to complete should be shorter based on work to be completed. In some cases the property owner may be required to submit a time table for completion if it appears progress is taking more time than considered necessary to complete a project within a reasonable time.

- Projects that are determined to not be at a 50% completion point and all additional permit extension beyond the 1<sup>st</sup> extension will be required to pay a fee of \$100.00.

If Construction has not begun or permits have expired:

- All permits become null and void if construction has not commenced within sixty (60) days from the date the permit is issued. All building permit fees and Capital Improvements fees are non-refundable.
- For major building projects that is constructing new or added living space and a property owner allows the building permit to expire for less than 30 days an additional fee, regardless of percent complete, of \$100.00 is required; 30 to 60 days an additional \$200.00; over 60 days an additional \$300.00

#### **Capital Improvement Fee:**

All major construction projects as defined in the ASPOA Definition of Construction Categories and Permit Fees are required to pay a Capital Improvements fee as defined by the Construction Categories and Permit Fees.

- Full payment is required with the permit application.
- This fee will become part of the general road maintenance fund and maybe used on any road within Apache Shores.

#### **Construction Refundable Deposit and conditions to receive a refund:**

The purpose of the construction deposit is to insure that property owners are complying with the issued permit requirements to complete all required inspections / acceptance and receiving a Certificate of Occupancy (CoO) or Completion of Certificate (CoC) for the project from ASPOA for the permit issued.

- A Construction deposits is required on all projects except Minimal Repair free permit projects as defined by Construction Categories and Permit Fees
- A construction deposit is due after the ARC has approved the project, but prior to issuing the building permit by the ASPOA office
- All inspections requirements must be completed and approved prior to issuing a CoO or a CoC

- Deposit refunds are returned to the applicant only after all required inspections are complete and a CoO or CoC is issued by ASPOA

Conditions when all or part of a deposit will not be refunded.

- If a property owner fails to receive a CoO from ASPOA prior to occupancy then ASPOA may reduce the amount of refund up to 50% for the property owners non-compliance to obtain a final inspection approval and issued a CoO from ASPOA
- Construction deposits will not be refunded when a project has been determined by ASPOA to be abandoned

An abandoned project is determined when;

- A building permit has expired for more than 60 days
- There is no visible or continued evidence of work taking place at the project
- A registered letter has been sent from the association to the property owner of record identifying the project as abandoned and there is no written response within 15 days from the property owner including an action plan to complete the project and put in place new permits

**A Certificate of Occupancy is required before occupancy of a property. A CoO** is a document issued by ASPOA following completion of all required inspections and acceptance by Travis County, WCID #17, City of Austin (as required), and the ASPOA designated inspector indicating the project final condition is suitable for occupancy.

Approved at the Regular Board Meeting on 09/23/2015 and recorded in the minutes of that meeting.

[Signature]  
ASPOA President, Thomas G Lappin

[Signature]  
ASPOA Secretary, Sullins Stuart

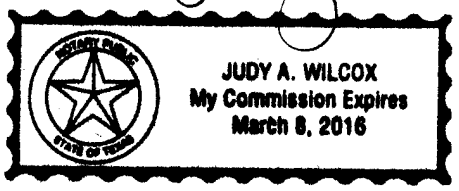
SUBSCRIBED AND SWORN TO BEFORE ME by said, Thomas G. Lappin,  
President, Sullins Stuart, AND Secretary,

\_\_\_\_\_ of Apache Shores Property Owners

Association, Inc., a Texas non-profit corporation, on behalf of such non-profit corporation, on this 23rd day of September 2015.

Judy Wilcox

NOTARY PUBLIC FOR THE STATE OF TEXAS



After Recording, please return to:  
Apache Shores  
c/o Pioneer-ATTN: Judy Wilcox  
611 S Congress; Suite 510  
Austin, TX 78704

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Oct 19, 2015 09:54 AM 2015166887  
VALLEJOA: \$42.00

Dana DeBeauvoir, County Clerk  
Travis County TEXAS