

BOCA RATON HOMEOWNERS' ASSOCIATION, INC.

RESOLUTION AND GUIDELINES REGARDING REGULATION OF FENCING AND GATES AMENDED AND RESTATED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GALVESTON §

WHEREAS, THE BOCA RATON HOMEOWNERS' ASSOCIATION, INC. (the "Association"), is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations, and any amendments thereto, for the various sections of the Boca Raton subdivision (the "Community") (collectively referred to as the "Declarations");

WHEREAS, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors (the Board), to regulate the use, maintenance, repair, replacement, modification, and appearance of the Community and to implement written Architectural Control Guidelines (the "(Guidelines)"); and,

WHEREAS, Article III Use Restrictions, Section 4(d) (Amended) Fences, of the Declarations authorizes the Board to issue Guidelines regarding fences and gates;

WHEREAS, the Board has determined that in connection with maintaining the property values, aesthetics, and architectural harmony of the community, and to provide clear and definitive guidance regarding fences, it is appropriate for the Association to adopt Guidelines regarding the replacement, repair, and maintenance of fences and gates within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the following Amended Guidelines are adopted by the Board of Directors.

GUIDELINES

1. GENERAL

a. Except as otherwise noted, the responsibility for the replacement, repair, and general maintenance of all fences bordering a lot, including perimeter fences along Daytona Court, San Augustine Lane, Destin Lane, Pensacola Lane, and Sarasota Drive, are the responsibility of the Lot Owners.

b. The replacement, repair, and maintenance of interior fences between lots that define Property lines should be a shared responsibility of each Lot Owner, unless a fence line is surveyed by a Register Public Land Surveyor (RPLS) and clearly determined to be solely on the property of one owner.

c. The Association maintains the landscaping, sprinkler system, light(s), stucco wall, columns, and Boca Raton Estates sign at the Sun Meadow Blvd entrance to the Community facing FM 528 as such maintenance benefits the appearance and property values of the Community as a whole.

2. GOOD SIDE OUT

a. **All Perimeter fences, defined as those fences facing outward toward FM 528 or San Joaquin Parkway along Daytona Court, San Augustine Lane, and Destin Lane shall face good side out, defined as no interior rails showing outward, as noted below. Fences front or side outward facing toward a street or adjacent driveway on any lot, shall also face good side out. Lots on Sarasota Drive that are not corner lots that border the Sarasota Drive detention pond, and lots on Pensacola Lane that border the detention pond with Boca Raton Section 2, are encouraged to construct their rear perimeter fence lines good side out.**

b. Current perimeter fences not good side out are grandfathered until replaced 50% or more, the property is sold, or other events occur as listed below.

c. Perimeter fences replaced 50% or more on streets identified in 2(a) for any reason after the effective date of this Resolution shall face good side out. Conversion of current perimeter fences to good side out is encouraged. Reasons to replace a perimeter fence are as follows:

(1) Destruction due to weather events, fire, insect damage, etc. where the fence must be replaced or is condemned by the City of Friendswood.

(2) Prior to the sale of the home where the perimeter fence is eight (8) years old or older and in a state of disrepair.

(3) Adjoining fences of lots on both sides of a lot are replaced good side out.

3. Fence Construction and Composition.

All new and replacement fences and fence gates must be approved by the Architectural Control Committee (ACC) and comply with City Codes, City permit requirements, and this Resolution.

a. Materials.

(1) All new or replacement fences within the Community shall be made of materials enumerated in Article III, Section 4(d) (Amended) Fences of

the Declarations, as approved by the ACC. Wood fences shall be made of cedar wood. Pickets must be a standard nominal width of six (6) inches. Fence rails and rot boards must be made of treated wood suitable for ground contact.

(2) Fences of interior lots on breezeways or front facing shall be made of materials enumerated in Article III, Section 4(d) (Amended) of the Declarations, as approved by the ACC.

b. Height.

(1) **Perimeter Fences.**

(a) The height of the perimeter fence border, including rot board, between the subdivision and commercial property along FM 528 and San Joaquin Parkway is seven (7) feet six (6) inches, as of the effective date of this Resolution. The height of new or replacement fences may be up to twelve inches higher, as approved by the ACC.

(b) The height of perimeter fences with rot boards that border detention ponds between adjacent subdivisions shall be six (6) feet six (6) inches. Variances to this height may be granted by the Board of Directors.

(2) **Interior Fences.** The height of all other fences and gates with rot boards of interior lots shall be six (6) feet six (6) inches. The height of any hedgerows or shrubs serving the same purpose of an interior fence shall be six (6) feet six (6) inches.

(3) **Breezeway Fences.** Breezeway fencing must be at least four (4) feet tall, but not more than six (6) and one half (1/2) feet tall. Pickets may not be more than four (4) inches apart. Breezeway fencing on lots with swimming pools must comply with City of Friendswood requirements for height and gate access. Rot boards are not required unless the breezeway fence makes contact with the ground. ACC requests are required for the replacement of breezeway fences and gates.

c. Construction.

(1) **Perimeter Fences On Lots Fronting Daytona Court.** New, replacement, or repaired perimeter fences must have one (1) four by four (4X4) treated wood post on each side of the concrete columns. There must be a minimum of one (1) four by four (4X4) post at the one third (1/3) (two posts) or one fourth (1/4) points (three posts) between concrete columns, depending on the span between concrete columns, but not more than seven (7) feet between the anchor posts beside the concrete columns to prevent sagging. There shall be three (3) rails of treated wood between posts with cedar wood pickets attached. Each

post shall be set three (3) feet into a minimum six (6) inch diameter post hole in the ground. The holes shall be filled, top to bottom, with 3,000 PSI concrete. Bottom rot boards shall be of sufficient width and thickness to maintain a level height of seven (7) feet six (6) inches. Rot boards must be no more than two (2) inches above grade.

(2) **All Other Perimeter Fences.** New, replacement, or repaired perimeter fences bordering detention ponds shall be constructed with one four by four (4X4) post a maximum of every seven (7) feet, with three (3) rails between posts, with rot boards and cedar pickets. Each post shall be set three (3) feet into a minimum six (6) inch diameter post hole in the ground. The holes shall be filled, top to bottom, with 3,000 PSI concrete. The maximum height shall be seven (7) feet six (6) inches. Fences on each lot must join at the same height. Rot boards must be no more than two (2) inches above grade.

(3) **Interior Lot Fences.** New, replacement, or repaired fences on interior lots shall be constructed with one (1) four by four (4X4) post a maximum of every seven (7) feet, with at least two (2) rails between posts, with rot boards and cedar pickets. Each post shall be set at least one (1) foot six (6) inches to two (2) feet into a minimum six (6) inch diameter post hole in the ground. The holes shall be filled, top to bottom, with 3,000 PSI concrete. The maximum height shall be six (6) feet six (6) inches. Fences on each lot must join at the same height. Utility easements should be marked prior to construction of fences. Rot boards must be no more than two (2) inches above grade.

4. Maintenance.

Except where noted above, Lot owners are responsible for the maintenance, repair, and replacement of fences bordering their property. Owners must keep trees and landscaping inside their fences trimmed so that trees and landscaping do not damage fences. The Association will from time to time inspect Community fencing to identify fences needing repair or replacement, and notice Lot owners.

5. Compliance

Failure to follow the standards set forth in this Resolution may subject the owner to a punitive assessment under the Schedule of Residential Fines for violation of Article III, Section 4(d) and Section 14 of the Declarations.

These Amended Guidelines are effective upon recordation in the Public Records of Galveston County, and supersede any related guidelines which may have previously been in effect. Except as affected by the Texas Property Code and/or by these Guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Duly approved and adopted at a meeting held by the Board of Directors of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., this 11th day of March, 2024.

Effective Date: 12 March, 2024.

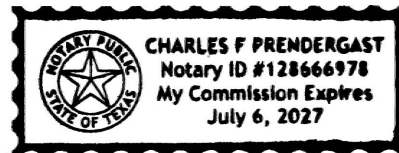
Signed:

Curt Roberts
President, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

THIS INSTRUMENT was **acknowledged** before me on this the 11th day of March 2024, by Curt Roberts, President of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.

Charles F Prendergast
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



FILED AND RECORDED

Instrument Number: 2024011016

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I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

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DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*