

OAKWOOD GLEN ASSOCIATION, INC.
ARCHITECTURAL REVIEW AUTHORITY APPOINTMENT POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS Oakwood Glen Association, Inc., a Texas nonprofit corporation (hereinafter the “Association”), is the governing entity for Oakwood Glen, Sections One and Two, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas under Clerk’s File Nos. E226607, and F238938 (partially replatted under M117861), respectively, along with any amendments and replats thereto (hereinafter the “Subdivision”); and,

WHEREAS the Subdivision is subject to the Declaration of Covenants, Conditions and Restrictions of Oakwood Glen, and the Supplemental Declaration of Covenants, Conditions and Restrictions Oakwood Glen, Section Two, filed for record in the Real Property Records of Harris County, Texas, under Clerk’s File Nos. E624197 and F395956, respectively, along with any amendments and supplements thereto (together, hereinafter the “Declarations”); and,

WHEREAS the Declarations provide for an initial architectural control committee, appointed by the declarant, to serve as the Association’s architectural review authority, said committee to serve until replaced by a homeowner-elected committee no earlier than June 1, 1980; and,

WHEREAS the Declarations call for the Association’s Lot Owners to elect a replacement architectural review authority subsequent to June 1, 1980, and provide that if no such replacement architectural review authority is elected, the declarant’s initial architectural control committee shall continue to serve as the Association’s architectural review authority; and,

WHEREAS the Association’s Lot Owners did not elect an replacement architectural review authority; and,

WHEREAS Section 204.011(b)(2) of the Texas Property Code provides that a property owners’ association’s architectural review authority automatically vests in the property owners’ association when “a residence on the last available building site is completed and sold;” and,

WHEREAS the Association’s architectural review authority has therefore vested in the Association; and,

WHEREAS the Association’s board of directors has historically served as the Association’s architectural review authority (hereinafter the “ACC”); and,

WHEREAS in 2021, Chapter 209 of the Texas Property Code was amended, in part, by adding a Section 209.00505, which provides that a person may not be appointed or elected to serve

RP-2021-474066

on an architectural review authority if the person is a current board member, a current board member's spouse, or a person residing in a current board member's household; and,

WHEREAS there is a need to enact an architectural review authority appointment policy to implement a standard procedure for appointing members to the Association's ACC in light of the Texas Property Code's newly-enacted prohibition on directors (and their spouses, etc.) serving on the Association's ACC; and,

WHEREAS to the extent this policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this policy controls by virtue of such contrary provision being pre-empted by State law; and,

WHEREAS to the extent any existing governing document or dedicatory instrument does not conflict with this policy or the Texas Property Code, such governing document or dedicatory instrument remains in full force and effect; and,

WHEREAS this Dedicatory Instrument constitutes Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, in view of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision and the Association the following:

ACC APPOINTMENT POLICY

1. Any person or party serving on or as the ACC as of the date this Policy is recorded shall continue to serve in that capacity until the first open board of directors meeting subsequent to the recording of this Policy.

2. At the first open board of directors meeting subsequent to the recording of this Policy, the Association's board of directors shall appoint three (3) Lot Owners to the Association's ACC.

a. The following categories of persons cannot be appointed and/or elected to serve on the ACC:

- i. serving board members;
- ii. spouses of serving board members;
- iii. persons cohabitating with serving board members.

b. Each Lot Owner appointed to the ACC shall, prior to the first meeting of the ACC, execute a Non-Disclosure Agreement, the form of which must be approved by the board of directors, concerning ACC activities. Any Lot Owner appointed to the ACC who has not executed such a Non-Disclosure Agreement shall be unable to

participate in and/or attend any meeting of the ACC until such Lot Owner has signed the Non-Disclosure Agreement.

3. The Association's board of directors may remove any member of the ACC, with or without cause, by majority vote, at any open meeting of the board of directors. Further, any ACC member may resign from the ACC by providing written notice of said resignation to the Association's board of directors, and such resignation shall be effective immediately upon the board's receipt of such notice.

- a. In the event of the death, removal, or resignation of any member of the ACC, then at the first open board of directors meeting following the death, removal, or resignation of the ACC member, the Association's board of directors may appoint a replacement to serve the remainder of the former ACC member's term.

4. The ACC shall meet at least every thirty (30) days. At the first ACC meeting subsequent to the recording of this Policy, the ACC shall elect, from among its members, a Reporting Secretary.

- a. The Reporting Secretary must, at least three (3) days prior to each meeting of the board of directors, prepare and deliver to the board of directors a written report of all actions taken by the ACC subsequent to the last open meeting of the board of directors.

5. At the first open board of directors meeting subsequent to the recording of this Policy, the Association's board of directors shall appoint one (1) director to serve as the board's Designated Representative to the ACC (hereinafter the "DRACC").

- a. The DRACC shall be entitled to attend meetings of the ACC for the purposes of advising the ACC as to the Association's restrictive covenants, architectural control requirements, and general community aesthetic, but in no event shall the DRACC review, consider, vote on, and/or participate in the debate/discussion concerning, any application pending before the ACC.
- b. During each meeting of the board of directors, the DRACC shall deliver a report of the board of directors as to the ACC's activities, including (but not necessarily limited to) the activities detailed in the Reporting Secretary's written report.

[ACKNOWLEDGEMENT AND CERTIFICATION TO FOLLOW]

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RP-2021-474066

CERTIFICATION

“I, the undersigned, being a Director of the Oakwood Glen Association, hereby certify that the foregoing was adopted by at least a majority of the Oakwood Glen Association’s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present.”

By: Thomas M. Harris

Print name: Thomas M. Harris

Title: 8-17-2021

ACKNOWLEDGEMENT

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BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 17th day of August, 2021.



Gina Marie Keller
Notary Public, State of Texas

RP-2021-474066

RP-2021-474066
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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2021-474066