



DOC #2016111006

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**FALLS OF WILDWOOD
ARCHITECTURAL CONTROL
COMMITTEE PACKET**

Updated 12/2016

ARCHITECTURAL CONTROL GUIDELINES AND REGULATIONS

OF

FALLS OF WILDWOOD COMMUNITY ASSOCIATION INC.

WHEREAS, the property affected by these Architectural Control Guidelines and Regulations is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas, as follows:

- Clerk's File No. 2000-077105; and

WHEREAS, pursuant to the authority vested in Falls of Wildwood Community Association Inc. (the "Association") in the Declaration and as required by the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") has determined that, in order to provide clear and definitive guidance for maintaining the aesthetics and architectural harmony of the community, it is appropriate to adopt guidelines toward that end. Therefore, the Board hereby promulgates the following Architectural Control Guidelines and Regulations.

NOW, THEREFORE, BE IT RESOLVED that the following conditions and requirements are hereby established for Association Architectural Control Guidelines and Regulations:

GUIDELINES AND REGULATIONS

The following are guidelines adopted by the Board to specify their standards, requirements and thought process used in evaluating various exterior improvements. These guidelines may be amended from time-to-time as circumstances, conditions or opinions of the Board dictate. The Board has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent being to maintain overall integrity within areas of higher visual impact.

It should be noted that the Architectural Control Committee ("ACC") approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

The following guidelines shall be applicable to all properties under the jurisdiction of the Association. These guidelines shall also encumber any future property which may be brought within the jurisdiction of the Association. These guidelines supercede and take the place of any previous architectural control guidelines for the Association.

cease and desist of construction until a new application, plans and specifications are submitted by the Home Owner(s) and approved by the Committee.

- Each Application made to the Committee must be accompanied by a COMPLETE set of the following documents along with any required Deposits or Fees dictated in the Construction Regulations and Specifications Document:

Sign Application for Review by ACC.

One (1) Set of Plans and Specifications for **ALL** proposed construction. The following is a list of the minimum required for your plans to be considered by the ACC for approval:

- 1. **Site Plans** showing the location and dimensions of the proposed improvement
- 2. **Elevation Drawings** of **ALL** exterior sides of the structure.
- 3. A complete set of **Floor Plans**
- 4. An original complete set of **Foundation Plans** stamped by an engineer registered and licensed by the state of Texas. These plans should include the following:
 - a. Reference to Lot number
 - b. Cross Section of **All** Beams
 - c. Pile locations and dimensions (if required)
- 5. A complete set of **Framing Plans** including at a minimum the following:
 - a. Wall Sections Showing Details of Construction
 - b. Ceiling and floor joist size, directions, and spacing
 - c. Building Section(s) showing structural details and materials required to clarify construction.
- 6. A complete set of **Electrical Plans**
- 7. A complete set of **Landscape and Sprinkler System Plans**
- 8. A complete set of **Color Samples of Exterior**
 - a. Exterior Paint Colors, Brick Sample and Roofing Material Sample
- 9. A complete set of **Swimming Pool Plans including** as a minimum (if applicable):
 - a. Site Plan show location and dimensions of pool related to other improvements
 - b. Plumbing Plan
 - c. Excavation Disposal Plan
- 10. A complete **Builder Qualification Package** including as a minimum:
 - a. Builder Name, Address and Telephone Numbers
 - b. Proof of Liability Insurance

NOTE: APPLICATIONS, PLANS, OR SPECIFICATIONS WITH ANY MISSING DATA LISTED ABOVE OR AS LISTED OR REQUIRED UNDER THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE FALLS OF WILDWOOD WILL BE CONSIDERED INCOMPLETE WITHOUT NOTICE TO THE HOME OWNER(S) AND INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR APPROVAL. ANY FAILURE OF THE ARCHITECTURAL CONTROL COMMITTEE TO ACT ON INCOMPLETE APPLICATIONS, PLANS, OR SPECIFICATIONS SHALL NOT CONSTITUTE APPROVAL. ANY FAILURE OF THE ARCHITECTURAL CONTROL COMMITTEE TO ACT ON ANY APPLICATIONS, PLANS, OR SPECIFICATIONS INCONSISTENT WITH OR IN VIOLATION OF THE DECLARATION OF COVENANTS, CONDITONS, AND RESTRICTIONS OF THE FALLS OF WILDWOOD SHALL NOT CONSTITUTE APPROVAL.

The sixty (60) day review period allowed to the ACC does not commence until a completed application and all required documents defined herein are received.

By submitting this application for improvement, Home Owner(s) grants full access to the Falls of Wildwood Board of Directors or any representative of the Falls of Wildwood Directors full access to the site of the improvement project for the sole purposes of ensuring that the improvement project is executed under the submitted Plans and Specifications as well as within the rules and regulations defined in the Declaration of Covenants, Conditions and Restrictions of The Falls of Wildwood and the Construction Regulations and Specification.

In addition to the requirements of the Deed Restrictions and Architectural Control Committee, the County requires a building permit for all residential buildings constructed in the County of Montgomery.

Home Owner(s) are fully responsible for coordination with any and all utility companies. The Falls of Wildwood HOA Board and the Architectural Control Committee are not associated with any utility companies and do not coordinate or participate in any communications between the Home Owner(s) and the utility companies.

I HAVE READ AND FULLY UNDERSTAND THIS DOCUMENT AND AGREE TO ABIDE BY ALL SPECIFICATIONS ABOVE

Executed this _____ day of _____, _____.

Home Owner(s):

Print Name: _____ **Signature:** _____

Print Name: _____ **Signature:** _____

Falls of Wildwood

Liability Acknowledgement Statement

_____, has been selected by _____, lot/home owner in the Falls of Wildwood to Complete a construction project. We accept full responsibility and liability for damage to any and all community infrastructure (**included but not limited to roads, sprinkler systems, water mains, signs, and other community property**) that is directly or indirectly related to our construction project, regardless if the damage is caused by us or our hired sub-contractors. We will assume FULL responsibility/liability and will repair damage as assessed by the appropriate Montgomery County entity and /or the Falls of Wildwood HOA. We understand That we have the option of having a pre-construction assessment completed to determine conditions prior to beginning construction. We agree that failure to complete the assessment does not waive our liability in any manner. We also agree that failure to pay for any and all Damage may result in legal action against us and that upon favorable judgment; any and all legal fees paid by the Falls of Wildwood HOA will be reimbursed by us.

This document must be executed and returned to the Falls of Wildwood prior to the start of any construction.

Signed: _____

Signed: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PLEASE DO NOT WRITE BELOW THIS LINE:

This Application and the Plans and Specifications Submitted with have been:

- Approved**
- Denied**
- Conditionally Approved based on:**

By:

Print Name: _____ **Signature:** _____

Title: _____ **Date:** _____

THE FALLS OF WILDWOOD COMMUNITY ASSOCIATION, INC.

**REQUEST FOR REFUND
OF
ACC DEPOSIT BY PROPERTY OWNER**

Please complete this request for refund form and forward it either by mail or email to:

Natalie Grunden
38118 Cascade Ct.
Magnolia, TX 77354
Phone: 979-450-1781
n_grunden@comcast.com

<u>Information to Be Supplied by Property Owner</u>	
Lot Description:	Section _____ Block _____ Lot _____
Name of Property Owner:	_____
Contact Information:	_____
	Address

	City _____ Zip _____

	Telephone and Email

1.	Has all construction activity on the residence been completed? YES or NO
2.	Has ALL construction trash and debris been removed from the property? YES or NO
Request Submitted by:	_____ on _____, _____
	Property Owner Date
Request Approved by:	_____ on _____, _____
	Architectural Control Committee Date

Refund of the Building Deposit will be mailed within thirty (30) days from the date this request is approved by the Architectural Control Committee.

Amount of Original Deposit \$ _____

Amount of Approved Refund \$ _____

Check # _____ Date: _____

THE FALLS OF WILDWOOD COMMUNITY ASSOCIATION, INC.

CONSTRUCTION REGULATIONS, SPECIFICATIONS AND OTHER GUIDELINES

A. ARCHITECTURAL CONTROL COMMITTEE APPROVAL

Prior Architectural Control Committee (ACC) approval in writing is required for:

- the construction of a new residence
- additions to an existing residence
- and/or proposed improvements or other alterations to the exterior of the property.

Prior to submitting plans for new construction, proposed alterations, additions, improvements and/or remodeling, the Home Owner is to secure a copy of these Construction Regulations, Specifications and other Guidelines, and a copy of the Deed Restrictions for The Falls of Wildwood. The designer, builder and Home Owner must review this information and sign the Construction Application verifying that they have read these documents and agree to execute the project within the regulations and specifications defined therein.

The construction application review time is sixty (60) days from the date of the submission of a complete application with complete plans, and complete specifications. **APPLICATIONS, PLANS, AND SPECIFICATIONS WITH ANY MISSING DATA AS LISTED IN THE APPLICATION OR AS LISTED OR REQUIRED UNDER THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE FALLS OF WILDWOOD WILL BE CONSIDERED INCOMPLETE WITHOUT NOTICE TO THE HOME OWNER. INCOMPLETE APPLICATIONS, PLANS AND SPECIFICATIONS WILL NOT BE CONSIDERED FOR APPROVAL. ANY FAILURE OF THE ARCHITECTURAL CONTROL COMMITTEE TO ACT ON INCOMPLETE APPLICATIONS, PLANS, OR SPECIFICATIONS SHALL NOT CONSTITUTE APPROVAL. ANY FAILURE OF THE ARCHITECTURAL CONTROL COMMITTEE TO ACT ON ANY APPLICATIONS, PLANS, OR SPECIFICATIONS INCONSISTENT WITH OR IN VIOLATION OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OR THESE GUIDELINES SHALL NOT CONSTITUTE APPROVAL. ANY COMMENCEMENT OF MOBILIZATION, SITE CLEARING OR CONSTRUCTION PRIOR TO ANY WRITTEN APPROVAL FROM THE ACC WILL RESULT IN A DAILY FINE OF \$100.00.**

B. DEFINITION OF APPLICATION DEPOSITS AND FEES

Accompanying the submittal of the Construction Application, the Home Owner must include payment for the following deposits and fees.

In this section any item noted as a deposit is fully or partially refundable based on the discretion of the HOA Board of Directors. Any item noted as a FEE is non-refundable.

New Construction

1. Improvement Deposit - (\$2,150.00) SEPARATE CHECK REFUNDABLE

For new construction a two thousand one hundred and fifty dollar (\$2,150.00) deposit is required to ensure that proper execution and clean up of the work site and repairs to damages incurred to HOA and other stakeholder assets are repaired throughout the execution of the entire project.

In the event that repairs for damages or clean up services are required by the HOA as a direct result of the Home Owner's contractor(s) or person(s) executing work on the improvement project, the HOA will institute a process to immediately address the issue. A member of the ACC will contact the Home Owner via telephone and or written notification immediately upon discovery. In this notification, the Home Owner will be provided with a detailed description of the issue, the required corrective action and a reasonable time frame required to perform the corrective action prior to the HOA performing the corrective action and deducting the cost from their Improvement Deposit.

In the event that the cumulative value of all HOA required clean up and damage repairs are expended prior to the completion of the improvement project, the HOA will require an additional deposit from the Home Owner of one thousand two hundred and fifty dollars (\$1,250.00) be submitted to insure any possible future clean up or damage repairs that may be required for the remaining duration of the improvement project. Should the Home Owner refuse to provide this additional deposit, a Certificate of Non-compliance will be filed with the county until such deposit is provided.

2. Processing Fee – (\$250.00) NON-REFUNDABLE

A processing fee of two hundred and fifty dollars (\$250.00) is required for all new residential construction.

3. Architectural Plan Review Fee – (\$100.00) NON-REFUNDABLE

A fee will be charged to review all documents required under the Check List for Application for Approval by ACC.

Minor Repairs and Modifications

1. Improvement Deposit – (\$450.00) SEPARATE CHECK REFUNDABLE

For minor repairs and/or modifications to existing residences a four hundred fifty dollar (\$450.00) deposit is required to ensure that proper clean up of the work site and repairs to damage incurred to HOA and other stakeholder assets are repaired throughout the execution of the entire project.

In the event that repairs for damages or cleanup services are required by the HOA as a direct result of the Home Owner's contractor(s) or person(s) executing work on the improvement project, the HOA will institute a process to immediately address the issue. A member of the ACC will contact the Home Owner via telephone and/or written notification immediately upon discovery. In this notification, the Home Owner will be provided with a detailed description of the issue, the required corrective action and reasonable time frame to perform the corrective action prior to the HOA performing the corrective action and deducting the cost from their Improvement Deposit.

In the event that the cumulative value of all HOA required clean up and damage repairs are expended prior to the completion of the improvement project, the HOA will require an additional deposit from the Home Owner of two hundred dollars (\$200) be submitted to insure any possible future clean up or damage repairs that may be required for the remaining duration of the improvement project. Should the Home Owner refuse to provide this additional deposit, a Certificate of Non-compliance will be filed with the county until such deposit is provided.

2. **Processing Fee – (\$50.00) SEPARATE CHECK NON-REFUNDABLE**

A processing fee of fifty dollars (\$50.00) is required for all minor repairs and/or modifications to existing residences.

C. **CONSTRUCTION RULES AND GUIDELINES**

Violation of Construction Regulations and Specifications

Violation of this document or the Declaration of Covenants, Conditions and Restrictions of The Falls of Wildwood may result in a one hundred dollar (\$100.00) per day and/or per incident fine assessed by the Board of Directors of the HOA. Typical violations that may result in this fee being assessed are as follows:

- Excessive dirt in the street
- No protective construction fencing and erosion control/silt fencing
- Accessing or using adjacent or other lots without acquiring written authorization from the Home Owner
- Failure to complete construction within the three hundred and sixty-five (365) day allowed construction duration.

Any additional time and expenses required by the ACC or HOA Board of Directors for addressing the builder guidelines after the initial review and for addressing violations during construction will be deducted from the Improvement Deposit. **A twenty-five dollar (\$25) fee will be assessed for every written notification of a violation.** This amount is in addition to any other fees or expenses incurred as a result of the violation.

Clearing and Tree Removal for New Construction

No brush cutting and/or tree removal work may be performed on any lot until the following conditions are met:

1. Home Owner has shown the location of the lot boundary lines and easement lines.
2. Home Owner has shown the location of the proposed residence, garage (if detached), Porte Cochere (if applicable) and drive by or other improvement means of “string lines” or other approved means on the property.
3. Home Owner has marked the trees to be removed.
4. Home Owner has written approval to proceed with improvement project from the ACC.

No trees shall be cut or removed except to provide room for construction of improvements or to remove dead, diseased or unsightly trees.

It is the ACC's position that Home Owners who violate this restrictive covenant should be held accountable for the damage they cause to the Subdivision. Therefore, the ACC hereby gives notice that it intends to demand payment of damages from Home Owners who violate the foregoing Construction Rules and Guidelines. The construction deposit entitled "Improvement Deposit" as described herein will be used to cover such damages as described in this section. The value of the monetary obligation that will be assessed for such damage to trees not planned for removal will be set by the ACC with approval by the HOA Board of Directors.

Following an inspection of this activity by a representative of the ACC and a determination by such representative of whether the residence and improvements, including access of garage and porte cochere are in harmony with the existing structures, the ACC will advise the Home Owner if construction can commence. The Home Owner shall be held accountable for all damage to trees not scheduled for removal during the tree removal work. Tree protection shall be maintained during tree removal and construction as directed by the ACC.

Foundations

All foundations must be designed by a licensed Professional Engineering Licensed in the State of Texas. The Engineer's license must be current with the Texas Board of Professional Engineers.

Codes and Standards

All improvement projects must comply with the current codes and standards defined in the Southern Standard Building Code, International Residential Code, the National Electrical Code and any specific codes defined by Montgomery County, or the State of Texas.

Site Clearing and Maintenance

All building sites shall be kept clean and materials stored in an orderly manner.

The storage or placement of any construction materials on adjacent lots is strictly prohibited unless adjacent lot is owned by the person performing the improvements or a letter is submitted to ACC from adjacent lot owner allowing construction access and storage to the person performing the improvements.

During site clearing and construction, access to each lot shall be limited to the proposed location of the driveway. Only timber is allowed for this purpose and must be removed between periods when access to the lot by construction equipment is not required. The streets must be kept free of excess dirt and construction debris.

Garbage Containment

Construction debris containers must be provided for the retention of all construction materials including CONTRACTOR REFRESHMENT OR FOOD CONTAINERS. ALL construction debris MUST be contained in such containers.

Garbage containers, at a minimum, must be on site prior to striping of foundation forming materials.

Port-A-Cans

Port-A-Can facilities must be available at all job sites prior to the start of site clearing. These facilities must be maintained at all times in a clean and sanitary condition during the site clearing and construction

of the improvements. Failure to comply with this requirement will constitute cause for the ACC and HOA to file a Certificate of Non-compliance due to un-sanitary conditions.

Job Site Access

The permitted working times are from 8:00 AM to dusk. Jobsite must be clean and materials stored in an orderly manner before leaving each day. Please ensure that your builder is aware of these requirements.

All vehicles are to observe a twenty (20) mile per hour maximum speed limit.

Concrete Washout

Concrete trucks are to wash the residual from their trucks onto the lot where the concrete is installed. It is the Home Owner's responsibility to ensure that all concrete washout materials are removed prior to completion of construction.

Alcohol and Drug Use

The Falls of Wildwood Community Architectural Control Committee have a zero tolerance for the consumption or use of Alcohol or illegal drugs by workers on an improvement project approved by the ACC. If any worker is observed to be in violation of this Alcohol and Drug Use policy, local law enforcement will be called.

Proof of Insurance

The Home Owner will be required, upon request, to provide the ACC with proof of liability insurance on the Building Contractor prior to the start of site clearing or improvement construction. The Falls of Wildwood Community Association is not responsible for accidents or injury of any nature in which contractor personnel are involved. The Falls of Wildwood Community Association holds the Home Owner and General Building Contractor responsible for any and all damage incurred to The Falls of Wildwood Community Association assets by Home Owner and General Building Contractor, subcontractors, suppliers or any other entity under the management or control of the Home Owner and or General Building Contractor.

Signage

One (1) sign is allowed on construction site or improved lot no larger than three (3) square feet in size.

One (1) General Contractor sign is allowed at the construction site while the improvements are under construction. Prior to installation of the sign, the Contractor must get approval from the ACC for the size, appearance and installation of the sign.

At such time that the home is offered or listed by real estate company or other "For Sale", the Contractor sign must be removed from the premises prior to installation of "For Sale" or real estate company signage.

No signs are to be posted to trees. All signs are to be double posts or as otherwise directed by the ACC.

Immediately after Home Owner takes possession of property, Contractor and Realtor's signage must be removed.

No subcontractor sign is allowed advertising work done at the location. This includes but is not limited to the following: landscaping, pool builders, roofers, deck builders, etc.

By the authority of the Declaration of Covenants, Conditions and Restrictions of The Falls of Wildwood, the Architectural Control Committee has the right to remove any and all un-authorized signs.

Construction Fencing Policy

Protective fencing is required on the side and back property lines as well as around trees to be saved during construction on every lot.

Silt fencing must be installed on road frontage at the curb, sides and back where slope is toward the road in front, toward the lake and or bulk head in back, and toward neighboring lots on sides. An allowance is made for site access in the future location of the drive way. This access is to be no more than fifteen (15) feet in width. Protective fencing is not required on sides that require silt fencing.

These protective fences must be in place upon completion of site clearing and prior to the start of foundation work.

Declaration of Covenants, Conditions and Restrictions of The Falls of Wildwood

It is the Home Owner's responsibility to ensure that the improvements made to the property comply with all Covenants, Conditions and Restrictions of The Falls of Wildwood, these Construction Regulations and Specifications and any amendments thereto. Any failure of the Home Owner's or General Landscaping Contractor to comply with all the Covenants, Conditions and Restrictions of The Falls of Wildwood, these Landscaping Regulations and Specifications and any amendments thereto may result in the filing of a Certificate of Non-compliance in the Real Property Records of Montgomery County and all deposits paid by the Home Owner to the Home Owners Association related to the improvement at issue may be forfeited.

Variances

Each application is considered on its own merit and the ACC may grant a variance from these guidelines or the Declaration with respect to building set back lines and all construction related restrictions, if, in the sole discretion of the ACC, the circumstances warrant. Variances will be granted in writing only, and when given, will become part of these guidelines only to the extent of the particular lot(s) involved. Because a variance may have been granted in a particular instance does not mean that a variance for improvements of a similar nature will be approved, or that the request for a variance does not need to be submitted for approval to the ACC.

Vacant Lots

All lots must be kept mowed, and free of debris as required by the deed restrictions and covenants.

Signed this 9 day of December, 2016.

FALLS OF WILDWOOD COMMUNITY ASSOCIATION INC.

STATE OF TEXAS
County of Montgomery

By: Wanda Champ

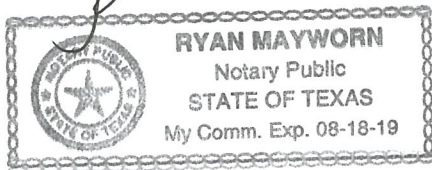
WANDA CHAMP, President

This instrument was
Acknowledged before me
on December 9, 2016 by
Wanda Champ

ARCHITECTURAL CONTROL COMMITTEE

FOR FALLS OF WILDWOOD COMMUNITY ASSOCIATION
INC.

Ryan Mayworn
Notary



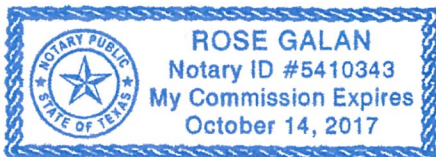
By: Norman Grunden

Name: Norman Grunden

Title: Secretary/ACC

STATE OF TEXAS
COUNTY OF MONTGOMERY

This instrument was acknowledged before me
on December 9, 2016 by Norman Grunden.



Rose Galan

Ret: Wanda Champ
38103 Cascade Ct.
Magnolia, TX 77354

FILED FOR RECORD
12/12/2016 11:22AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number
sequence on the date and time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

12/12/2016



County Clerk
Montgomery County, Texas