

IDYLWOOD CIVIC CLUB

PERIMETER FENCE POLICY

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, the Board of Directors of Idylwood Civic Club (the “Association”), a Texas non-profit corporation, does by this writing consent to the following actions and adopt the following resolution:

WHEREAS, all property in the Idylwood residential subdivision of Harris County, Texas (the “Subdivision”), is subject to the First Amended and Restated Restrictions of Idlywood Addition, filed of record at File No. RP-2017-341800 in the Real Property Records of Harris County, Texas (the “Restrictions”); and

WHEREAS, the Association, acting through its elected Board of Directors, is the designated representative of the Owners of property in the Subdivision and, among other things, entitled to enforce the Restrictions; and

WHEREAS, the Bylaws of the Association empower the Association, acting through its elected Board of Directors, to provide methods and means of combined effort in the enforcement of mutually protective restrictions governing the use of property within the confines of the Subdivision; and

WHEREAS, the Association is a “property owners’ association” subject to the provisions of Chapter 202 of the Texas Property Code and, in particular, the recently-amended Section 202.023 which prohibits a property owners’ association from adopting or enforcing a restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence, but which permits a property owners’ association to regulate the type of fencing that a property owner may install;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the authority granted in Section 202.023 of the Texas Property Code, the Association does hereby adopt this Perimeter Fence Policy (“Policy”), which shall run with the land and be binding on all Owners and Lots within the Subdivision. These guidelines replace any previously recorded or implemented guidelines that address the subjects contained herein.

PERIMETER FENCE GUIDELINES

1. Perimeter fences shall not create a visual barrier between the house and the street.
2. All Perimeter Fences must comply with this Policy. For purposes of this Policy, a “Perimeter Fence” shall mean any fence erected or maintained in front of the front building setback line on a Lot as specified in Section 3.1 of the Restrictions.

3. Only one Perimeter Fence may be installed on any Lot. Fence pickets cannot exceed ¾” square and must be placed at a minimum 3” spacing. The Perimeter Fence must be Six feet (6’) in height. No materials, including but not limited to the following, may be installed between the pickets: mesh, chicken wire, or chain link (cyclone).

4. No more than one pedestrian gate and no more than one driveway gate may be installed in the Perimeter Fence.

5. The Perimeter Fence may not interfere with or hinder access to any easement or right-of-way on a Lot. Any Perimeter Fence must be installed behind any easements or rights-of-way on a Lot.

6. If a Perimeter Fence is installed, then a mailbox designed for the application shall be permanently and neatly attached to the pedestrian gate or to the Perimeter Fence immediately adjacent to the pedestrian gate.

7. Except as specifically stated herein, all other provisions and prohibitions of the Deed Restrictions remain in full force and effect.

8. If any part of this Policy is found by a court of competent jurisdiction to be invalid, the remainder of this Policy shall remain in full force and effect.

9. In the event of the repeal of the perimeter fence requirement in Section 202.023(b) of the Texas Property Code, this Perimeter Fence Policy will be null and void immediately upon repeal of such provision and without any further action by the Association. In such case, the Association reserves the right to enforce any and all prohibitions in the Restrictions on perimeter fencing.

The Board of Directors of the Association has established this Perimeter Fence Policy in accordance with the authority granted to them by the Restrictions, Bylaws, and Chapter 202.023 of the Texas Property Code. The Policy is established to assure a uniform, fair, and reasonable interpretation of the Restrictions and applicable Texas law.

This Policy may be amended by the Association Board of Directors or as otherwise provided by the Restrictions, Bylaws, or applicable law.

The above Policy was enacted by affirmative vote of the Board of Directors at a properly noticed meeting held on October 18, 2022.

Signature

Secretary, Idylwood Civic Club

THE STATE OF TEXAS

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COUNTY OF HARRIS

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SUBSCRIBED and SWORN before me this _____ day of _____, 2022,
by _____, Secretary and duly authorized agent of Idylwood Civic Club.

Notary public in and for the State of Texas