

CYPRESS LAKE GARDENS PROPERTY OWNERS ASSOCIATION

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NEW CONSTRUCTION ROAD USE RULES AND REGULATIONS

The New Construction Road Use Rules and Regulations are designed to help the Cypress Lake Gardens Property Owners Association (CLGPOA) administer and enforce the deed restrictions of our association, as well as help maintain 29 miles of private roads. CLGPOA's road maintenance needs are significant; property owners who use the roads will help meet those needs. This is the case with private road use fees for new construction, as well as other charges that may be considered in the future. Ensuring that such fees are paid and that the other rules and regulations noted below are met will allow us to improve our roads and our community for generations to come.

1. PROTECTIVE COVENANTS

Please read the Protective Covenants in the subdivision deed restrictions recorded in Vol. 150 Page 254, Vol. 160 Page 159, Vol. 172 Page 513, Vol. 199 Page 345 and posted on our website at www.clgpoa.org. The covenants describe the legal rights and obligations of property ownership within the CLGPOA and the limits within which owners are privileged to use their property.

If a Variance is needed for any requirement set by the Protective Covenants, it must be obtained from the CLGPOA Board of Directors prior to submittal of a New Construction Road Use Permit Application. The Road Use Committee (RUC) is not authorized to grant variances from the Protective Covenants.

2. NEW CONSTRUCTION ROAD USE BOND AND FEE

NOTE: No application for a New Construction Road Use Permit will be considered if the property owner of the lot or lots in question is delinquent on any maintenance fees owed to the CLGPOA.

All new primary residence construction whether On-Site or Off-Site Manufactured Home must be submitted with approved variances, if any, to the Road Usage Committee (RUC) with a completed New Construction Road Use Permit Application, a \$1,000 Builder's Bond (Cash or Check), which is refundable when the RUC has determined compliance with all requirements and the New Construction \$1.00 per square foot Road Use Fee, which is nonrefundable. (For the amount of the Bond and Private Road Use Fee for construction other than that of the initial residence on a lot, see paragraph 5.)

Prior to consideration by the RUC, both the refundable Builder's Bond and the nonrefundable Road Use Fee must be paid to the CLGPOA. The purpose of the Builder's Bond is to indemnify the CLGPOA in the event a builder fails to comply with construction rules or recorded deed restrictions or causes damage to association owned property. If forfeiture of this bond is insufficient to cover the association's cost in enforcing deed restrictions or construction rules or in repairing damage to association owned property, the builder is not relieved from liability by having made such forfeiture of the cash deposit. (Disputes over refunds will be referred to the CLGPOA Board of Directors for resolution.)

No construction material deliveries will be allowed without an approved application and permit on file.

A Builder's Bond and Road Use Fee Waiver will be issued to property owners using their own passenger vehicle to transport materials for their own personal home projects once the application is approved and the permit is issued.

3. FAILURE TO APPLY

Failure to apply for a New Construction Road Use Permit before any new construction begins will result in a \$5,000 fine and a temporary restraining order to stop all construction immediately. Failure to pay the fine, apply for a permit and adhere to the CLGPOA New Construction Road Use Rules and Regulations will result in an immediate loss of all private road easement privileges and or rights. Continued usage of the CLGPOA private roads without a New Construction permit will result in criminal trespass charges on all parties involved. Once the fines have been paid, and a New Construction Road Use Permit is approved and issued, construction may resume.

4. COMPLETENESS OF PLANS

Construction plans submitted with the New Construction Road Use Permit Application — and with approved setback variances, if applicable — shall include a detailed plot and septic plans. These plans, collectively, shall be sufficiently complete to guide construction of a new residence and all associated items initially to be built, such as culverts, bar ditches, headwalls, garages, outbuildings, driveways, etc., and to show their position on the lot and their compliance with lot-line setback requirements.

a. CULVERTS AND BAR DITCHES

Unless specifically waived by the RUC, each driveway will incorporate beneath it a culvert positioned in the bar ditch in a manner to most efficiently carry all water that may flow within that ditch. The culvert diameter and location must be approved by the RUC, and the top of the culvert must be below the bottom of any adjacent roadway. Bar ditches



are not to be filled in, either for temporary or permanent access to lots, without first installing a proper culvert beneath the fill. Bar ditch flow must not be impeded by any obstruction, whether that obstruction is fill (of any type), construction material or equipment or debris. The bar ditch shall be opened or improved as necessary by the builder to ensure drainage of all water likely to be introduced into the bar ditch area during a heavy rain.

b. HEADWALLS

Headwalls shall be constructed at the ends of each culvert to control the water flow entering and leaving and to prevent undermining the washout of the soil about the culvert.

c. ROAD SURFACE APPLICATIONS

Property owners, contractors and others must receive written CLGPOA board approval before applying surface material such as concrete, asphalt or chip seal paving on CLGPOA roads. Application of road base material for road repairs may be done as needed, ideally in coordination with members of the road committee.

5. ROAD USE FOR CONSTRUCTION OF ADDITIONS

The new construction of an addition to an existing residence (or a major renovation thereof) or the construction of an outbuilding, in-ground pool or other associated items requires, prior to start of construction or installation activity, the submission of plans, a New Construction Road Use Permit Application, a nonrefundable Private Road Use Fee, and a Builder's Bond of \$500 (Cash or Check), refundable on proper completion of the construction.

6. ROAD USE COMMITTEE REVIEW OF PLANS

Within 30 days after the application and plans have been received by the RUC, approval will be given, and a New Construction Road Use Permit will be issued if the construction plans indicate compliance with all requirements. The permit will be left for the applicant to pick up at the CLGPOA office or mailed to the applicant. If plans are not in compliance, the RUC will return a disapproved New Construction Road Use Permit Application, indicating the cause for disapproval and any suggestions for corrective action.

7. NEW CONSTRUCTION ROAD USE PERMIT

A New Construction Road Use Permit must be issued by the RUC, and a copy must be posted on the job site before any construction begins and until construction is completed. **Exterior Construction is permitted between sunrise and sunset and Interior construction is permitted from 7:00am. to 10:00 pm.** For a new residence only, install and maintain a builder sign with contact information, maximum size 4' by 4', maximum height 6' as required.

8. FIRST INSPECTION

New residence construction will require an inspection by the RUC when the foundation forms are in place and the portable toilet and dumpster are on site, but before additional work is done on the foundation. This is to ensure initial compliance with applicable deed requirements and setbacks. **At least 48 hours prior to need for inspection, contact the RUC member assigned to you.** Failure to pass this inspection or to obtain approval of foundation forms may be considered sufficient cause to deny passage to the job site of concrete trucks or other material suppliers or subcontractors.

9. CONSTRUCTION OVERSIGHT

Following successful passage of the first inspection, oversight of construction activity until completion will be performed by the assigned RUC member. This RUC member will coordinate with the builder and/or owner to resolve questions concerning possible violations of subdivision restrictions.

10. QUALITY OF WORK

It is to the distinct advantage of each property owner and to the association that all construction work be carried out in a knowledgeable and workmanlike manner resulting in neat, attractive, and safe structures and associated items. To this end, each worker performing construction or related work (e.g., electrical, plumbing, air conditioning) for which a professional or trade license is required by the State of Texas, Comal County, and/or the City of Spring Branch, shall be so licensed or shall be directly supervised by such a licensed person.

11. NEW CONSTRUCTION TIME LIMIT

The exterior of the house must be completed within 6 months of the issuance of the New Construction Road Use Permit and must follow all deed restrictions. If not, the builder's bond will be forfeited, and another equal bond will be required to be in place before construction is allowed to continue. Waiver of the deadline for extenuating circumstances such as prolonged rain events, material shortages, etc. may be given but must be requested to the CLGPOA Board at least one month before the deadline, with supporting and compelling reasons for noncompliance.

12. FINAL INSPECTION

Final inspection shall be requested by the builder or owner, and satisfactorily passed, before consideration will be given to the return of the refundable builder's bond. To warrant full return of the bond, the construction project must receive a final inspection by the RUC and must have been completed according to plans and restrictions, and the surrounding lot made presentable. Completion shall include the removal of all waste and debris, the proper disposition of all vegetation cleared from the lot, and the repair of construction-related damage to streets, culverts, bar ditches, drainage ways, headwalls and any other public or private properties. The RUC will notify the CLGPOA office when it considers the project to be complete.

13. USE OF FIRE

Before construction begins or before the use of fire for any purpose, water service to the lot, including a water meter and at least one spigot shall be installed. Large fires are not allowed, and no fires are permitted after dark. All fires must be contained and controlled. Before starting a fire, obtain permission from the Comal County Fire Marshal (830-643-3748) and notify the CLGPOA office (830-885-4292). DO NOT burn petroleum-based products such as asphalt shingles, tarpaper, tires, plastics, etc. All fires must be extinguished and covered with dirt before crews leave the job site. IF FIRE CONTROL SERVICE IS NEEDED. CALL 911, PROVIDE YOUR STREET ADDRESS AND REQUEST HELP FROM THE SPRING BRANCH VOLUNTEER FIRE DEPARTMENT.

14. UTILITY SERVICE

To obtain utility services and the preconditions to be met for tapping and extending utility systems, contact Pedernales Electric Cooperative, Canyon Lake Water Services, GVTC, and/or the appropriate cable TV or internet company. Utilities from an adjacent home must not be used without written consent of the homeowner.

15. CONSTRUCTION SITE SANITATION

Prior to the start of construction of a new residence, a portable toilet, and a dumpster of no less than 20 cubic yards (optional for off-site manufactured homes) must be on site. All trash is to be contained in the dumpster, and the building site must be kept clean at all times. Instruct all workers to deposit all lunch bags, paper, cups, bottles, etc., in the dumpster. This and all other debris should be prevented from littering the job site and surrounding neighborhood.

16. AVOIDING ENCROACHMENT

During construction, the builder shall be responsible for confining all construction-related activity to the lot involved. Damage to roads, shoulder, culverts and bar ditches shall be avoided. Cement truck operators, cement subcontractors and masons shall not dispose of their excess material or tailings within the street easement or on lots other than the one under construction. Trespassing on any other lot, in the absence of owner permission, is prohibited and could result in legal action.

17. MAILBOX AND ENCLOSING STRUCTURE

Mailboxes shall comply with United States Postal Laws and Regulations. The base of the box shall be installed about 38 inches above street elevation. The front face of the enclosing structure shall be set back from the street edge a maximum of 10 inches" to ensure protection of pavement edge and street base. Deviations from this setback limit may be desired in special circumstances, but they will require approval by the CLGPOA Board of Directors.

