

MILLS BRANCH VILLAGE COMMUNITY ASSOCIATION, INC.
SWIMMING POOL ENCLOSURE POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Mills Branch Village Community Association, Inc., a Texas nonprofit corporation (the "Association"), is the governing entity for Mills Branch Village, Sections 1, 2, 3, 4, 5, and 6, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas, under Clerk's Film Code Nos. 328001, 338096, 346147, 349130, 353009, and 354029, respectively, along with any amendments and replats thereto, and any additional property brought within the jurisdiction of the Association in the future (the "Subdivision"); and

WHEREAS, this Swimming Pool Enclosure Policy is applicable to the Subdivision and Association; and

WHEREAS, all terms used herein that are defined in Chapter 202 of the Texas Property Code shall have the meaning as defined in the statute; and

WHEREAS Section 202.022 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of pool enclosures; 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 Section 202.022 of the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; 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 policies, rules, and regulations:

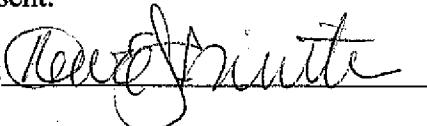
RP-2021-526238

Pursuant to Section 202.022 of the Texas Property Code, a property owner may install and maintain a swimming pool enclosure on their property to the extent it satisfies the criteria in paragraph one below and complies with the regulations set forth in paragraphs two through six below.

1. "Swimming Pool Enclosure" shall mean a fence that:
 - a. surrounds a water feature, including a swimming pool or spa;
 - b. consists of transparent mesh or clear panels set in metal frames;
 - c. is not more than six feet in height; and
 - d. is designed to not be climbable.
2. All Swimming Pool Enclosures must conform to applicable state and local safety requirements.
3. No Owner may install a Swimming Pool Enclosure prior to submitting a written application to, and receiving written approval from, the ACC.
4. All Swimming Pool Enclosures in the Subdivision must completely surround the relevant water feature.
5. All Swimming Pool Enclosures must consist of black transparent mesh set in black metal frames, or clear panels set in black metal frames. However, alternative materials and styles of Swimming Pool Enclosures may be considered by the ACC on a case by case basis if in harmony with surrounding structures and compatible with the architectural design and appearance of the subdivision
6. All Swimming Pool Enclosures, and all Swimming Pool Enclosure components, must be maintained in a state of good repair. Any Swimming Pool Enclosure, and/or any component of any Swimming Pool Enclosure, that deteriorates, becomes rusted, becomes discolored, and/or becomes unsafe, must be immediately replaced and/or repaired.

CERTIFICATION

"I, the undersigned, being a Director of the Mills Branch Village Community Association, Inc., hereby certify that the foregoing was adopted by at least a majority of the Mills Branch Village Community Association, Inc.'s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present."

By: 

Print name: DAVID J. MINITER

Title: PRESIDENT

ACKNOWLEDGEMENT

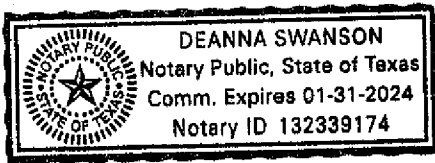
STATE OF TEXAS

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COUNTY OF HARRIS

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 8th day of September 2021.



Deanna Swanson
Notary Public, State of Texas

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Pages 4
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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

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

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