

151  
Notice



RESTRICT 2008090656

16 PGS

**SECRETARY'S CERTIFICATE OF ADOPTION OF  
ARCHITECTURAL REVIEW COMMITTEE GUIDELINES  
BY THE BOARD OF DIRECTORS**

20080050837  
02/01/2008 RP2 \$72.00

**OF  
MILLS POINTE HOMEOWNERS ASSOCIATION, INC.**

I, Patricia Lockett, certify that I am the duly qualified and acting Secretary of Mills Pointe Homeowners Association, Inc., a duly organized and existing non-profit Texas corporation.

1/ll

I further certify that the foregoing Architectural Review Committee Guidelines were duly adopted by the Board of Directors and the Architectural Review Committee of Mills Pointe Homeowners Association, Inc. at a meeting that was legally held on the 18<sup>th</sup> day of October, 2007 and entered in the Minutes of the Meeting which are contained in the Minute Book of the Corporation.

Dated: 1-21-08

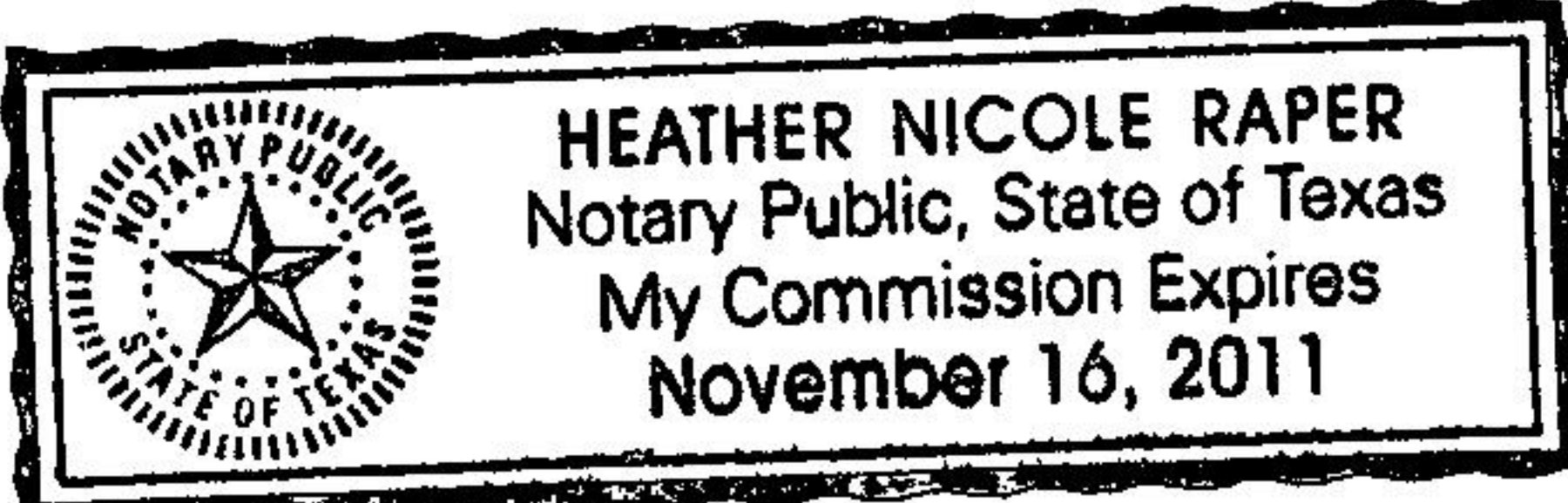
*Patricia Lockett*  
Patricia Lockett, Secretary

AS PER ORIGINAL

STATE OF TEXAS     §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 21 day of January, 2008, by Patricia Lockett, Secretary of Mills Pointe Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

102



*Heather Raper*  
NOTARY PUBLIC in and for the  
STATE OF TEXAS  
Name: Heather Raper  
My Commission Expires: NOV. 16 2011

**AFTER RECORDING  
RETURN TO:**

Messock & Walton  
17171 Park Row, Suite 250  
Houston, Texas 77084

✓

FILED FOR RECORD  
8:00 AM

FEB - 1 2008

*Beverly B. Huffman*  
County Clerk, Harris County, Texas

M

**Mills Pointe Homeowners Association, Inc.**

**Architectural Review Committee Guidelines**

(Effective November 1, 2007)

292-62-550 22 053-79-0767

ARTICLE I. AUTHORITY AND CRITERIA.

This outline of minimum acceptable construction standards is promulgated pursuant to the authority of the Declaration of Covenants, Conditions and Restrictions for Mills Pointe, Article II, Section 3.

1. Architectural Control Committee. The ARC ("Architectural Review Committee") shall evaluate all proposed Modifications submitted for ARC approval on the individual merits of the particular application. Judgments and decisions of the ARC shall be based on the following criteria applied in accordance with the aesthetics, environment or architectural appearance or standards generally prevailing in Mills Pointe as of the date of submission of an application.

(a) Design Integrity. The proposed Modification must be sound and appropriate to its surroundings as to harmony of external design and location in relation to property lines, building lines, easements, grades surrounding structures, walks, paths, and topography, and as to compatibility with standards of appearance, use, conduct, maintenance and quality generally prevailing in Mills Pointe.

(b) Design Compatibility. The proposed Modification should be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, use of materials, color and construction details.

(c) Location and Impact on Neighbors. The proposed Modification shall relate favorably to the landscape, the existing structures and other improvements on adjoining Lots and within the immediate neighborhood, and must be compatible with the visual and privacy rights of neighbors and the integration of such Modification into surrounding structures and topography. The primary concerns are access, view, privacy rights, sunlight, ventilation and drainage. Large structures shall not be approved if same unreasonably obstruct views, sunlight or ventilation; and raised structures intended to be occupied by individuals, including without limitation, spas and raised playhouses, shall not be approved if same unreasonably intrude upon the privacy rights of neighbors.

(d) Scale. The size (in three dimensions) of the proposed Modification shall relate well to adjacent structures and its surroundings. Site dimensions of the Lot must be adequate to accommodate all of the proposed Modifications in terms of the relationship of the Modifications to the Lot size and existing structures and improvements thereon. Disproportionately large structures in

terms of Lot coverage, height, width, visual impact and relationship to surrounding Lots, structures and improvements shall not be approved.

(e) Color. The ARC shall not seek to impose purely personal preferences or taste with regard to color, but shall seek avoidance of the use of loud or garish colors, or inherently conflicting colors. Color may also be considered as to their effect to soften or to intensify visual impact of any given Modification.

(f) Materials and Finishes. Exterior materials and finishes shall be compatible with surrounding structures and improvements. If the Modification is to be incorporated into or added to an existing improvement, the ARC shall require such addition be fully integrated. For example, bricking used on the original residence should be reflected in an addition, and shingles placed on a patio cover should be of the same type, quality, color and grade as the shingles on the parent residence.

(g) Workmanship. The quality of work regarding any Modification shall be equal to or better than that of the existing structures in the neighborhood.

(h) Timing. Projects which remain uncompleted for long periods of time are visually objectionable, and can be a nuisance and a safety hazard for neighbors and the community. All applications must include a reasonably accurate estimation of the time necessary to complete the project. **WORK ON ALL MODIFICATIONS MUST BE COMMENCED WITHIN SIXTY (60) DAYS AFTER APPROVAL IS OBTAINED AND COMPLETED WITHIN SIX (6) MONTHS AFTER WORK IS COMMENCED UNLESS OTHERWISE EXPRESSLY APPROVED BY THE ARC.** If construction does not commence within sixty (60) days, the approval expires and the plans and specification must be resubmitted for approval.

(i) Location. The location of a proposed Modification must be compatible with, and integrate favorably with, surrounding structures, topography and improvements and comply with all required building lines and setbacks.

(j) Compliance With Governing Documents and Governmental Laws. The proposed Modification must not contravene applicable provisions of this Declaration, the Bylaws, or Architectural Guidelines, or governmental laws, ordinances and regulations.

2. Basis for Disapproval by ACC. The ARC may disapprove any request for approval submitted pursuant to these guidelines for any of the following reasons:

22

(a) failure to comply with any applicable Architectural Review Committee as set forth herein; or

(b) lack of sufficient information, plans or specifications as reasonably determined by the ARC to enable the ARC to fairly and fully evaluate the aesthetic, environmental or architectural impact of a proposed Modification or the uses thereof, or failure to include any information, plans or specifications required by this Declaration or the Architectural Guidelines, or as may be requested by the ARC.

In the event of disapproval, the ARC shall so notify the applicant in writing; and if disapproval is based on lack of sufficient information, plans or specifications, then the ARC shall also notify applicant of the additional information, plans or specifications required.

(c) Neither the Association nor the ARC assume any responsibility for the safety of any construction by virtue of design or workmanship. Neither the Association nor the ARC, nor any member, subcommittee, employee or agent of either, shall be liable to any Owner, Member or any other person for any actions or failure to act as a member of the ARC, or in connection with any approval, conditional approval or disapproval of any request for approval or request for variance, including without limitation, mistakes in judgment, negligence, malfeasance, or nonfeasance.

3. Application Process. Applications should include the completed application form explaining the proposed modification, a detailed site plan and/or survey received reflecting relative distances and dimensions.

(a) All applications must be in writing and include a mailing address and the phone number. All applications should be mailed to the managing agent contracted by Mills Pointe Homeowners Association. The ARC will not respond to verbal requests.

(b) The ARC reserves the right to charge an application fee on a case by case basis, depending on the complexity of the requested improvement. Any costs or expenses which the ARC incurs in processing the application will be paid by the applicant.

(c) Any proposed modifications are subject to inspection by the ARC.

4. ARC Approval Process. In the event the ARC fails to approve such plans and specifications within sixty (60) days after the receipt of the initial application or

additional information requested, whichever is later, they shall be deemed to be approved, if such proposed modification is in compliance with the Declaration and these guidelines as recorded. The ARC at its sole discretion and to the extent wherein expressly prohibited by this Declaration is hereby permitted to approve in writing deviations in the general use restrictions in instances where, in its judgment, such deviations will result in a more common beneficial use and enhance the overall development plan for Mills Pointe.

a) In the event the ARC fails to approve a written request for a deviation in the general use restrictions within thirty (30) days after receipt thereof, such request shall be deemed to be disapproved. The approval of a deviation in the general use restrictions by the ARC does not obligate the ARC to approve a similar deviation at a later time.

b) The ARC shall have the authority hereunder to require any Owner or Owner's agents or contractors to cease and desist in constructing or altering any improvements on any Property, where such actions have not first been reviewed and approved, or constitute a violation of this Declaration, the ARC Guidelines or any other documents promulgated by the ARC. The violating owner shall remove such violating improvements or site work at its sole expense and without delay, returning same to its original condition or bringing the Property into compliance with this Declaration.

c) Upon any violation or attempt to violate any of the Covenants, the Association or any other lot owner may prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any Covenant and either to prevent him or them from doing so or to recover damages or other dues for such violations. Failure by any owner to enforce any covenant or restriction will in no event be deemed a waiver of the right to do so thereafter.

## ARTICLE II. GUIDELINES.

### 1. Out Buildings/Accessory Buildings

a) No out buildings and/or accessory building (including, but not limited to sheds, greenhouses, gazebos, play houses, shade trellis) shall be constructed or placed within Mills Pointe without the prior written approval of the ARC. The materials, finishes, color and style of all such structures must compliment the existing residence; ie: structure must be shingled and painted to match.