

AUDUBON PLACE HOMEOWNERS ASSOCIATION, INC.
RAIN BARREL POLICY

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

WHEREAS, the property encumbered by this Rain Barrel Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions for Audubon Place, Section One, recorded under Brazoria County Clerk’s File No. 98047501, as same has been or may be amended from time to time (“Declaration”), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Audubon Place Homeowners Association, Inc. (the “Association”); and

WHEREAS, any reference made herein to approval by the Architectural Review Committee (“ARC”), means prior written approval by the ARC.

NOW THEREFORE, pursuant to the authority granted in Section 202.007(d) of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Rain Barrel Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

An application must be submitted for review by the ARC, and formal written approval from the ARC shall be required before installation may begin.

I. RAIN BARRELS

A. Prohibited Rainwater Harvesting Systems/Rain Barrels

Rainwater harvesting systems or rain barrels (collectively referred to herein as “Rain Barrels”) are prohibited in the following circumstances:

1. Rain Barrels that are located on property owned by the Association;
2. Rain Barrels that are located on property that is owned in common by the members of the Association;
3. Rain Barrels that are located between the front of the owner’s home and an adjoining or adjacent street;
4. Rain Barrels that are of a color not consistent with the color scheme of the home; and
5. Rain Barrels that display language or content other than the manufacturer’s typical display.

B. Rain Barrels Located in Area Visible from a Street, Lot, or Common Area:

Rain Barrels that are located on the side of a house or at any other location that is visible from a street, another lot, or a common area must comply with the following:

1. Rain Barrels must have adequate screening, as determined by the ARC;
2. Only commercial and professional grade Rain Barrels are permitted;
3. All Rain Barrels must be fully enclosed and have a proper screen or filter to prevent mosquito breeding and harboring; and
4. Rain Barrels may not create unsanitary conditions or be of nuisance to any neighboring properties.

II. ARC APPROVAL

Applicant's submission of plans must include a completed application for ARC review and a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to the house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific concern to the Association and the ARC.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the subdivision.

This Rain Barrel Policy does not apply to property that is owned or maintained by the Association.

CERTIFICATION

I hereby certify that, as President of the Audubon Place Homeowners Association, Inc., the foregoing Rain Barrel Policy was approved on the 23 day of October, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 23 day of October, 2012.

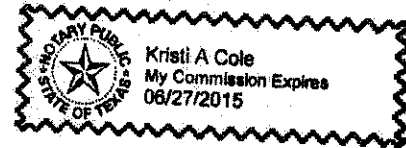
Micheline Marcoux
Print Name: Micheline Marcoux
Title: President

STATE OF TEXAS §
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BEFORE ME, on this day personally appeared Micheline Marcoux, the President of the Audubon Place Homeowners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 23 day of October, 2012.

Kristi A Cole
Notary Public – State of Texas



After Recording Please Return To:
Stephanie L. Quade
Roberts Markel Weinberg P.C.
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

FILED and RECORDED

Instrument Number: 2012048958

Filing and Recording Date: 10/26/2012 10:48:40 AM Pages: 4 Recording Fee: \$24.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



Joyce Hudman

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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cclerk-jkeels