

**PARK VILLAGE ESTATES COMMUNITY ASSOCIATION  
REGULATION OF FENCE HEIGHT AND VARIANCE**

WHEREAS, Park Village Estates Community Association, (the “Association”), a Texas nonprofit corporation, is the governing entity for Park Village Estates, Sections 4, 5 & 6, a subdivision in Brazoria County, Texas, according to the maps or plats thereof recorded for Section 4 in Volume 22, Pages 159-160, for Section 5 in Volume 22, Pages 265-266, and for Section 6 in Volume 22, Pages 347-348, of the Map Records of Brazoria County, Texas, respectively, (the “Subdivision”); and

WHEREAS, Park Village Estates, Sections 4, 5 & 6 are subject to respective Declaration of Covenants, Conditions and Restrictions of Park Village Estates, recorded in the Real Property Records of Brazoria County, Texas, under Clerk’s File No. 01-053781, along with all amendments and supplements thereto, (collectively referred to as the “Declaration”); and

WHEREAS, having succeeded to the authority of the Association Architectural Control Committee, Article IV, Section 4.2(d) of the Declaration authorizes the Association to grant variances from restrictive covenants contained in Article III; and

WHEREAS, Article IV, Section 4.3 of the Declaration authorizes the board through its Architectural Control authority to promulgate construction standards; and

WHEREAS, Article III, Section 3.13, of the Declaration, provides that no side or rear fence, wall or hedge shall be more than six (6) feet in height; and

WHEREAS, undulating ground on lots has created a problem with uneven or sloping fence lines when fences are required to be the same height in all locations; and

WHEREAS, in order to provide for uniformity, efficiency, and convenience to the owners in obtaining approval for fences in which the height may vary to account for the varying elevations upon lots and to ease the administrative burden of individual variance approvals by the Association, the Association desires to approve a Variance from Article III, Section 3.13 of the Declaration; and

WHEREAS, this Dedicatory Instrument consist of Restrictive Covenants as 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; and

NOW THEREFORE, pursuant to the foregoing, and as evidenced by the Certification hereto, the Association hereby adopts, establishes and imposes on the Subdivision, and adopts and approves a Variance from the Declaration for all Lots that do not have a boundary along McLean Road, as follows:

No hedge in excess of three (3) feet in height, wall or fence shall be erected or maintained nearer to the front Lot line than the front walls of the dwelling existing on such Lot. No side or rear fence, wall or hedge shall be more than six feet six inches (6’6”) in height. All fences and walls shall be of cedar construction or better. Wood fences shall not be painted or stained. No chain link fence type construction will be permitted on any Lot. Hedges may be placed along the

side Lot lines from the front walls of the dwelling unit to the front Lot line provided they do not exceed three (3) feet in height.

All Owners wishing to install new wood fencing, or wishing to replace existing fencing having specifications, materials or a location different than the existing fencing, must still apply for and obtain the written approval of the Association's Architectural Control Committee before installing such fencing. The height of the fence shall not exceed six feet six inches (6'6") total.

This variance shall be retroactive to all fencing that has already been changed to six feet six inches (6'6") in height.

The Association hereby grants to the Lots in the Subdivision, subject to the requirement that any installation of a fence be approved in writing by the Association, and excepting those lots that have a rear or other boundary located along McLean Road, a variance from the six foot (6') height limitation contained in Article III, Section 3.13, to the extent necessary to effect the foregoing.

**CERTIFICATION**

"I, the undersigned, being a Director of Park Village Estates Community Association, hereby certify that the foregoing Regulation and Variance was approved by the vote of at least a majority of the Association Board of Directors, acting as the Association and as the Architectural Control Committee, at a duly noticed open meeting of the Board of Directors, at which a quorum of the Board was present."

By: D. L. Johnson

Print Name: Deborah L Johnson

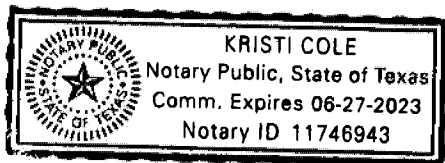
Title: President

**ACKNOWLEDGEMENT**

STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared Deborah L Johnson, a Director of Park Village Estates Community Association, the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated, and that the statements therein are true and correct.

Given under my hand and seal of office this 6<sup>th</sup> day of January, 2019-2020



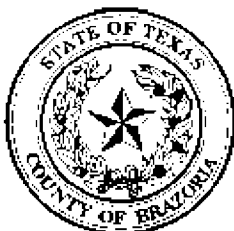
Kristi Cole  
Notary Public, State of Texas

## FILED and RECORDED

Instrument Number: 2020001079

Filing and Recording Date: 01/08/2020 08:48:56 AM Pages: 3 Recording Fee: \$30.00

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.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

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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.

***DO NOT DESTROY - Warning, this document is part of the Official Public Record.***

cclerk-tammy