

**SECOND SUPPLEMENTAL
NOTICE OF DEDICATORY INSTRUMENTS
FOR
RIVERWALK PROPERTY OWNERS ASSOCIATION**

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

The undersigned, being the authorized representative of Riverwalk Property Owners Association, a property owners' association as defined in Section 202.001 of the Texas Property Code (the "Association"), hereby supplements the "Notice of Dedicatory Instruments for Riverwalk Property Owners Association" ("Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on February 20, 2015 under Clerk's File No. 2015015197, and the "First Supplemental Notice of Dedicatory Instruments for Riverwalk Property Owners Association" ("First Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on February 3, 2016 under Clerk's File No. 2016009104 which Notices were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

1. Additional Dedicatory Instrument(s). In addition to the Dedicatory Instruments identified in the Notice and the First Supplemental Notice, the following document is a Dedicatory Instrument governing the Association:

- **Architectural Control Committee Building Requirements**

This Second Supplemental Notice is being recorded in the Official Public Records of Real Property of Montgomery County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Second Supplemental Notice is true and correct and the document attached to this Second Supplemental Notice is the original or a true and correct copy of the original.

Executed on this 26th day of October, 2017.

RIVERWALK PROPERTY OWNERS ASSOCIATION

By: 
Eric B. Tonsul, authorized representative

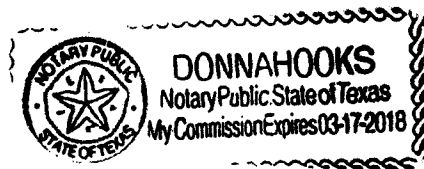
THE STATE OF TEXAS §
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BEFORE ME, the undersigned notary public, on this day personally appeared Eric B. Tonsul, authorized representative of Riverwalk Property Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 26th day of October, 2017, to certify which witness my hand and official seal.



Notary Public in and for the State of Texas



Return to:
Eric B. Tonsul
ROBERTS MARKEL WEINBERG BUTLER HAILEY, PC
2800 Post Oak Blvd., Suite 5777
Houston, Texas 77056



**Architectural Control Committee
BUILDING REQUIREMENTS**

Effective February 1, 2007; Revised April 17, 2013; September 23, 2014; August 2, 2017

SECTION I - PREFACE

The Riverwalk Architectural Control Committee (ACC) was established for the sole purpose to oversee and govern all new architecture, building construction, new additions and alterations to structures in Riverwalk. The ACC follows the same guidelines as set forth in the **Deed Restrictions (Section I-V)** to which each property owner is bound. The Deed Restrictions empower the ACC as the sole and final administrative body for approval on the neighborhood level. **Property Owners and Builders must also comply with all applicable State and County regulations.** All requirements relating to building are administered by the Riverwalk ACC.

The purpose of the ACC is to protect the values of the land in Riverwalk. The goal of the ACC is to encourage the construction of homes and structures of good architecture design, quality and proper size in accordance to the Deed Restrictions and Building Requirements. Approval or disapproval of construction based on matters of harmony of external design as compared to existing and proposed structures, location, topography or finished grade elevation will be decided by the ACC.

These policies contribute toward a very substantial appreciation for the investment value of properties as the community matures. This document may be revised by the ACC at a future date as deemed necessary by the ACC.

Adoption of Building Requirements

At a Special Meeting of the Board of Directors of Riverwalk Property Owners Association (POA) held on August 2, 2017, the Riverwalk ACC Building Requirements were adopted to insure proper adherence to the Deed Restrictions. The April 17, 2013 revision of the ACC Building Requirements was recorded in the Official Public Records of Montgomery County, Texas, as County Clerk File No. 2013064647. This latest revision of the ACC Building Requirements was made August 2, 2017 by the Riverwalk Architectural Control Committee and approved by the Riverwalk POA Board of Directors.

VIOLATION of REQUIREMENTS - PENALTY

Upon failure of the owner or builder to comply with any of the provisions stated within the Deed Restrictions or these Building Requirements, the ACC has the authority to assess penalty fines as outlined in the Riverwalk ACC Schedule of Fines (Exhibit "A") and/or STOP construction until the violation has been rectified. Notice of non-compliance will be conveyed to the owner and/or builder by a phone call, and/or email, and/or **RED TAG/STOP WORK ORDER** which will



be posted at the site. In such case, any expenditure incurred for professional consultation or services, including legal fees and court costs if required, can be assessed by a court to the owner or builder. **All assessed penalty fines are non-refundable.**

SECTION II - APPROVAL INFORMATION

1. Plans - Approval and Denial

- Signatures of at least two (2) members of the ACC are required for approval of a submission.
- When the ACC review is complete, the applicant will be notified by mail or email of specific approval or denial of a submission.

2. Approval

- One copy of the approved building plans will be returned to the applicant, and one copy will be kept in the permanent files of the Riverwalk POA. Your approved permit will be sent via mail.
- No exterior change or addition to the approved plans may be made without first submitting the proposed changes to the ACC approval.
- Riverwalk ACC expressly disclaims any liability for damages that may arise as a result of inaccuracies in the documentation submitted, including, but not limited to, inaccuracies in the surveys and/or discrepancies between surveys and recorded plats. Approval of the proposed plans is the understanding that the required "*Documentation*" submitted by the property owner and/or builder pursuant to the Riverwalk ACC Building Requirements is accurate.

3. Denial

- If the ACC denies plans and/or specifications, notice of denial, the reason, and an itemization of the elements will be sent via mail or email. Each element may be appealed to the ACC. The decision of the ACC, for matters within its authority, shall be final and conclusive. However, an appeal can be brought to the POA Board for further consideration.

4. Permit Issued

- Prior to the beginning of ANY CONSTRUCTION, you must have your letter of Approval and Building Permit from Riverwalk ACC.

5. Permit Validity

- **All Permits are valid for one (1) year.** Foundation installation (after approval of the form survey) must occur within three (3) months of the permit issuance date or the permit is pulled and is no longer valid. All work must be completed within one (1) year from the date of issuance.
- Abandonment of a project shall be deemed to occur if either (a) there is no construction activity within a consecutive ninety (90) day period, or (b) the project has not been completed within one (1) year. If the project is deemed abandoned, the ACC is



authorized to enter the property and remove the incomplete structure. Any costs incurred in remedying the abandonment will be billed to the property owner.

- Permits are **NON-TRANSFERABLE!**

SECTION III – BUILDING PERMIT

Building activities shall follow the guidelines below and in the “Site Preparation, Tree Removal and Landscaping Resolution”, as approved by the POA Board of Directors on September 23, 2014.

Property owners are responsible for ensuring that Permits have been obtained from the ACC prior to commencement of any Site Preparation or Building activities on their property. A fine will be imposed based on the schedule without a permit.

- a. Following the ACC 4-Step Permit Process (below), a permit may be obtained by completing a Permit application and submit to the current Riverwalk Management Company. <http://ciaservices.com/cia-community-request-1.php?id=64863>
- b. Application must include proposed sites of clearing as well as future positioning of any proposed structures on a plot plan.
- c. Applications shall be submitted for the following, but not limited to: Residence, Garage, Guest House, Fence, Deck, Storage, Pool, Pond, Pergola, and other forms of construction to the property.

SECTION IV – ACC 4-STEP PERMIT PROCESS

STEP 1 - Underbrush Permit (Baby Blue Tag) - Good for 1 year

This permit is the first step of the permitting process. It is issued for ***underbrush clearing ONLY***. Underbrush is defined as low lying brush, saplings, shrubs and low vines. This permit requires owner/builder have ditch erosion control measures in place and any damage to the ditch is repaired.

County installed culverts must be in place.

The owner/builder must maintain proper drainage once clearing or under brushing begins until permanent grass is back in place.

Brush or debris piles must be properly disposed of within thirty (30) days. Burning of trees and brush is prohibited and will result in an **IMMEDIATE STOP WORK ORDER AND FINE BASED ON SCHEDULE.**

STEP 2 - Site Preparation Permit (Yellow Tag) – NOTE: Steps 2 and 3 must be completed within 1 year concurrent year



This permit is the second step of the permitting process. Step 1 must be completed prior to Step 2. ***This permit is issued for site preparation/tree clearing ONLY.*** Site preparation/tree clearing can NOT commence until the following requirements have been met:

- This permit requires a county installed culvert. No work can be done until county installed culvert is installed. Montgomery County requires culverts across the roadside drainage ditch. The culvert size and grade for each lot is designated by the Montgomery County Engineers Office and will be installed by Montgomery County after the purchase of the culvert(s) by builder/owner.
- Erosion control measures (TCEQ website: <https://www.tceq.texas.gov/assets/public/permitting/waterquality/attachments/401certification/erosion.pdf>) are in place after culvert installation and prior to clearing being approved
- Mark trees to be KEPT with pink engineer/flagging ribbon
- ACC site visit to confirm/approve trees to be removed
- Approved building packet:
 1. *Fully completed copy of the ACC application*, signed by both the builder and the homeowner. Please complete the application form, sign and enclose checks for the application fee and deposits, if applicable, and return with plans PRIOR to any construction to: **C.I.A. Services Inc. 8811 FM 190 Bypass Rd. Ste. 200 Humble Texas 77338 - Attn: ACC.** Applications can be found online at <http://ciaservices.com/cia-community-request-1.php?id=64863>
 2. *Two (2) full-sized sets of Blue Prints* Professionally drawn to include all of the following:
 - Floor plan, Electrical plan and Foundation plan
 - Site plan / building plans must clearly identify soffit overhangs on all 4 elevations so ACC can clearly verify no building line encroachment. Foundation plan alone will not suffice.
 - Living space and total square footage
 - Submit elevation drawings that demonstrates each of the 4 sides of the exterior of the structure to be built, which must indicate exterior material used (51% brick or other approved masonry products)
 - Site/plot plan prepared by a professional engineer, architect, builder or surveyor, which clearly illustrates the following:
 - Position of residence on the lot
 - Location of garage, driveway, fences, sidewalks, pools, ponds, etc.
 - Building front, side and rear setback lines
 - Clearly PRINT your name, address and your LEGAL DESCRIPTION on your sets of plans
 3. *One (1) Lot Survey*



4. *Original Montgomery County Building Permit.* No exceptions. You can call 936-539-7836 for the forms and fee amount.
5. *Paint color samples* of house and trim
6. *Stone and/or masonry material samples* (color photos or brochures are acceptable)
7. *Roof material sample*/manufacturer's literature (color picture) or specifications
8. Two (2) sets of Landscaping Plans or sketches drawn to include the items as required in the "Site Preparation, Tree Removal and Landscaping Resolution"
9. **Plan Review Fee** - A check or money order from the PROPERTY OWNER in the amount of \$50 payable to Riverwalk POA. This is a **Non- Refundable** plan review fee (required for residences, garages, shops, and guest homes).
10. **BUILDER'S COMPLIANCE DEPOSIT** - A check or money order from the BUILDER for \$2,000.00 payable to Riverwalk POA. No checks will be accepted from the home owners. This is a BUILDER'S construction compliance deposit, which is fully refundable providing that the finished house is deemed to be in compliance with the restrictive covenants and the building plans that were approved. This deposit can be forfeited by the Builder to defer expenses in conjunction with infractions to the approved development plan and the CC&Rs solely at the discretion of the ACC.
ANY FORFEITURE IS FINAL!
11. **LANDSCAPE COMPLIANCE DEPOSIT** - A check or money order from the PROPERTY OWNER for \$1,500.00 payable to Riverwalk POA. This is a landscape construction compliance deposit, which is fully refundable providing that the finished work is deemed to be in compliance with the restrictive covenants and the landscape plans that were approved. This deposit can be forfeited by the Owner to defer expenses in conjunction with infractions to the approved plan and the CC&Rs solely at the discretion of the ACC.
ANY FORFEITURE IS FINAL!

Upon approval of a SITE PREPERATION PERMIT, SITE PREPERATION is defined as:

- **No clear cutting on any property will be allowed**
- **An approved tree removal plan - trees to be KEPT are marked and approved by ACC (during site visit)**
- **No live tree greater than ten (10) inches in diameter, as measured at the point two (2) feet above natural grade, may be removed with the exception of the following conditions:**
 - Is located up to twenty-five (25) feet from a house or other existing or proposed permanent structure
 - Can be demonstrated to pose a safety hazard to persons or property
 - Is considered an invasive and hazardous tree or plant
 - Has been determined to be damaged, diseased otherwise hazardous
- **Brush or debris piles must be properly disposed of within thirty (30) days. Burning of trees and brush is prohibited and will result in an IMMEDIATE STOP WORK ORDER AND FINE BASED ON SCHEDULE.**
- **Metal roll off dumpster - no surrounds of any kind are permitted**



- Porta can. Porta can and dumpster must be present prior to setting forms for the foundation. Furthermore, the porta can shall remain in serviceable condition until the septic is fully functional and toilets installed.
- A stabilized construction exit must be used for entering and existing the jobsite. Streets must be kept clean from dirt and debris generated from the jobsite.
- Water may only be obtained from the water meter on the lot where the permit was approved. **** Under no circumstances will an owner or builder use any water, sewer or electricity from any other property. NON-COMPLIANCE will result in an immediate STOP WORK ORDER AND FINE BASED ON SCHEDULE.**
- Temporary electric pole (**MUST BE ACTIVE/ENERGIZED PRIOR TO WORK**)
- Culvert(s) installed by Montgomery County (ditches kept free of debris)
- Property Address, Riverwalk ACC and County permits displayed (must be visible from street)
- Keep site clean and no trash.

STEP 3 - Forms Survey Approved & Building Permit (Green Tag)

This permit is the third step of the permitting process. It is issued after Step 1, Step 2 is completed.

1. Absolutely NO concrete pouring, construction or modification shall commence on a lot in Riverwalk until receipt of the Forms Survey Approval & Building Permit.
1. You must submit a form survey to the ACC c/o C.I.A. Services. The slab and all building overhangs (eves) must be located behind the front and side setback lines. You must wait for approval of your form survey prior to pouring your slab. If you fail to submit the form survey, adhere to ACC Building Requirements, and/or pour the slab prior to receiving a permit, there will be an IMMEDIATE STOP WORK ORDER AND/OR A FINE LEVIED ACCORDING TO THE RIVERWALK ACC FINE SCHEDULE.

STEP 4 – Commencement of Construction

1. The owner of record is ultimately responsible for compliance with the Riverwalk Covenants, Conditions and Restrictions and the ACC Building Requirements, which may be revised. The owner shall be responsible for his/her contractor, their sub-contractors and any and all employees thereof.
2. Each project must be completed within twelve (12) months from the date of Step 2 Site Preparation permit approval.
3. In accordance with the ACC Building Requirements, all driveways and walkways must be paved as submitted in your plot plan prior to occupancy of the residence.
4. NOISE CONTROL - Construction starting and ending times are as follows: Monday through Friday from 7:00am and ending no later than 7:00pm. Saturday and Sunday and holidays work cannot start until 9:00 am and must end no later than 7:00pm. There will be a warning



for the first offense and then a fine will be levied based on the ACC Fine Schedule.

Owners/Builders should ensure that workers' radios are kept at a reasonable level.

5. No Equipment or Materials may be placed, stored or housed on lots adjoining the building site or on other lots owned in the Riverwalk subdivision, nor may roads be made through other lots to obtain ingress or egress to or from the building site, nor may vehicles be parked on adjoining lots without specific written permission from the owners of those lots. Approval to build is NOT approval to trespass on your neighbor's property.

NOTE: Builder/Owner must maintain the integrity of culverts and the drainage at all phases of the building process.

SECTION V – BUILDING & LANDSCAPE COMPLETION PROCESS

When construction is complete and the builder is ready to apply for the Compliance Deposit Refund(s), please first check the following items:

1. You must have completed all construction (including driveways) to comply with Deed Restrictions and approved plans.
2. You must have installed Landscaping based on submitted Landscaping Plan and Landscaping Criteria as defined in the **SITE PREPARATION, TREE REMOVAL AND LANDSCAPING RESOLUTION**.
3. Your construction area must be cleaned and ready for inspection by the **ACC**.
4. There must be no brush piles or construction debris left on property or pushed into neighboring property.
5. There must be no concrete washout in ditches or other areas on the site.
6. Dirt areas in the front yard disturbed by construction must be at a minimum raked level.
7. Permanent utility (water, electric) hook-ups must be connected, the temporary power pole removed, and the septic system completed.
8. All other fees or fines must be paid, including your yearly "maintenance fee".

Complete the Compliance Deposit Refund Form, mail or deliver to the C.I.A. Services, Inc. office or the Riverwalk Security Office, Attn: C.I.A. Services, for processing.

After receipt of the application for refund, the ACC will inspect the site to ensure that all requirements are met. Files will be reviewed to ensure that no **"maintenance" fees, late charges, Constable assessment, or fines are owed. If this request has not been received within ninety (90) days of completion of construction, the builder/owner shall consider the deposit forfeited.**



"Exhibit A"
RIVERWALK ARCHITECTURAL CONTROL COMMITTEE
Schedule of Fines

Effective August 2, 2017

- \$500 per violation- Commencement of construction, including House, Guest House, and Garage, without an ACC permit. The fine is levied and a STOP WORK ORDER is placed on the property.
- \$250 per violation- Building a Fence, Deck, Storage, Pool, Pergola or Pond without an ACC Permit. The fine is levied and a STOP WORK ORDER is placed on the property.
- \$500 per day- Continuing construction after a Red Tag- STOP WORK ORDER has been placed on the job site.
- \$1,000 per tree- Tree clearing without a permit will be fined \$1000 per tree greater than ten (10) inches in diameter, as measured at the point two (2) feet above natural grade. This fine is applied to new building.
- \$1,500 per violation- Pouring slab prior to receiving approval of the form survey submitting to the ACC.
- \$500 per violation- Removal of any Red Tag- Stop Work Order or RED TAG/STOP WORK ORDER has been placed on the property.
- \$500 per violation- No Portable Potty – 10 days grace period to rectify the violation before the fine is levied. Removal of any Red Tag or RED TAG/STOP WORK ORDER is placed on the property.
- \$500 per violation- Burying/Burning brush, trash, building construction debris.
- \$250 per violation- Noise violation on a construction site, first offense given a verbal/written warning.
- \$500 per violation- Not adhering to the ACC Building Requirements.
- \$500 per violation No metal roll off dumpster on construction site - 10 days grace period to rectify the violation before this fine is levied and a STOP WORK ORDER is placed on the property.

Riverwalk

PROPERTY OWNERS ASSOCIATION

- \$500 per violation Site must be kept clean and free of debris and debris piles – 10 days grace period to rectify the violation before this fine is levied and a STOP WORK ORDER is placed on the property.
- \$500 per violation- No displayed permits - 5 days grace period to rectify the violation before this fine is levied.
- \$500 per violation- Equipment or Materials stored or housed on lots adjoining the building site or on other lots owned in the Riverwalk subdivision, or on roads will be fined \$500. 5 days grace period to rectify the violation before this fine is levied.
- \$500 per violation- Roads or paths made through other lots to obtain ingress or egress to or from the building site will be fined \$500.

E-FILED FOR RECORD

10/27/2017 09:07AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

10/27/2017



County Clerk
Montgomery County, Texas