



**THE COLONY HOMEOWNERS ASSOCIATION, INC.**

**UNANIMOUS CONSENT OF DIRECTORS IN LIEU**

**OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS**

The undersigned, being all of the members of the Board of Directors of THE COLONY HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation (hereinafter referred to as the "Association"), do hereby adopt, pursuant to Article 22.220(a) of the Texas Business Organizations Code and the Bylaws of the Association, and in lieu of the holding a special meeting of the Board of Directors, the following resolution:

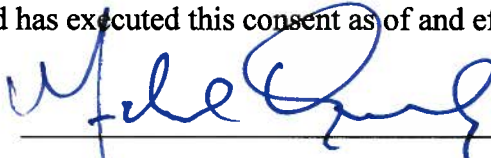
**ADOPTION AND APPROVAL OF XERISCAPING POLICY**

WHEREAS, the Board of Directors of the Association is of the opinion that is in the best interest of the Association, to adopt that certain Xeriscaping Policy, attached hereto as Exhibit A (the "Xeriscaping Policy"); and

NOW, THEREFORE, IT IS RESOLVED, that the form of the Xeriscaping Policy submitted to the undersigned Directors with this consent, and all of the terms, conditions, representations, provisions and covenants contained therein, are hereby approved; and

RESOLVED FURTHER, that BRIAN RIDER, as Secretary of the Association, is hereby authorized and directed, for and on behalf of the Association, to execute and acknowledge a Secretary's Certificate attaching the Xeriscaping Policy and record the Secretary's Certificate in the Official Public Records of Bastrop County, Texas.

IN WITNESS WHEREOF, the undersigned has executed this consent as of and effective the 9<sup>th</sup> day of February, 2014.

  
\_\_\_\_\_

MICHAEL QUINLEY

Director

  
\_\_\_\_\_

DARLENE LOUK

Director

  
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BRIAN RIDER

Director

**SECRETARY'S CERTIFICATE**

The undersigned hereby certifies that he/she is the duly elected, qualified and acting as a Secretary of The Colony Homeowners Association, Inc., a Texas nonprofit corporation (the "Association"), and that attached hereto as Exhibit "A" and made a part hereof is a true and correct copy of the Xeriscaping Policy of the Association.

IN WITNESS WHEREOF, the undersigned has executed this certificate on the 25<sup>th</sup> day of February, 2014.

*Brian Rider*

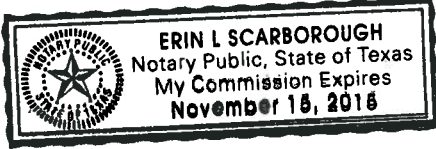
Print Name: BRIAN RIDER

Title: SECRETARY

STATE OF TEXAS            §  
                                         §  
COUNTY OF TRAVIS      §

This instrument was acknowledged before me on this 25<sup>th</sup> day of February, 2014, by BRIAN RIDER, the Secretary of The Colony Homeowners Association, Inc., a Texas nonprofit corporation, on behalf of said non-profit corporation.

[seal]



*Erin L Scarborough*  
Notary Public Signature

EXHIBIT "A"  
XERISCAPING POLICY

## **EXHIBIT "A"**

### **THE COLONY HOMEOWNERS ASSOCIATION, INC.**

#### **XERISCAPING POLICY**

Terms used but not defined in this policy will have the meaning subscribed to such terms in that certain Master Covenant The Colony, recorded under Document No. 200005647, Official Public Records of Bastrop County, Texas, and as the same may be amended and supplemented from time to time (the "Declaration").

**Note: Texas statutes presently render null and void any restriction in the Declaration which completely prohibits the installation of drought-resistant landscaping or water-conserving turf on a residential lot, which is a landscaping procedure known as xeriscaping ("Xeriscaping"). The Board and/or the architectural approval authority under the Declaration has adopted this policy in lieu of any express prohibition against Xeriscaping or any provision regulating such matters which conflict with Texas law, as set forth in the Declaration.**

#### **A. ARCHITECTURAL REVIEW APPROVAL REQUIRED.**

Approval by the ACC under the Declaration is required prior to installing Xeriscaping. No Owners shall install gravel, rocks or cacti that in the aggregate encompass over 40% of such Owner's front yard or 50% of such Owner's back yard. The ACC is not responsible for: (i) errors in or omissions in the application submitted to the ACC for approval; (ii) supervising installation or construction to confirm compliance with an approved application or (iii) the compliance of an approved application with governmental codes and ordinances, state and federal laws.

#### **B. XERISCAPING PROCEDURES AND REQUIREMENTS**

1. **Approval Application.** Approval by the ACC is required prior to installing Xeriscaping. To obtain ACC approval of Xeriscaping, the Owner shall provide the ACC with the following information: (i) the proposed site location of the Xeriscaping on the Owner's Lot; (ii) a description of the Xeriscaping, including the types of plants, border materials, hardscape materials and photograph or other accurate depiction and (iii) the percentage of yard to be covered with gravel, rocks and cacti (the "Xeriscaping Application"). A Xeriscaping Application may only be submitted by an Owner unless the Owner's tenant provides written confirmation at the time of submission that the Owner consents to the Xeriscaping Application.

2. **Approval Process.** The decision of the ACC will be made within a reasonable time, or within the time period otherwise required by the principal deed restrictions which govern the review and approval of improvements. A Xeriscaping Application submitted to install Xeriscaping on property owned by the Association or property owned in common by members of the Association will not be approved. Any proposal to install Xeriscaping on property owned by the Association or property owned in common by members of the Association must be approved in advance and in writing by the Board, and the Board need not adhere to this policy when considering any such request.

Each Owner is advised that if the Xeriscaping Application is approved by the ACC, installation of the Xeriscaping must: (i) strictly comply with the Xeriscaping Application; (ii) commence within thirty (30) days of approval; and (iii) be diligently prosecuted to completion. If the Owner fails to cause the Xeriscaping to be installed in accordance with the approved Xeriscaping Application, the ACC may require the Owner to: (i) modify the Xeriscaping Application to accurately reflect the Xeriscaping installed on the property; or (ii) remove the Xeriscaping and reinstall the Xeriscaping in accordance with the approved Xeriscaping Application. Failure to install Xeriscaping in accordance with the approved Xeriscaping Application or an Owner's failure to comply with the post-approval requirements constitutes a violation of this policy and may subject the Owner to fines and penalties. Any requirement imposed by the ACC to resubmit a Xeriscaping Application or remove and relocate Xeriscaping in accordance with the approved Xeriscaping Application shall be at the Owner's sole cost and expense.

3. Approval Conditions. Unless otherwise approved in advance and in writing by the ACC, each Xeriscaping Application and all Xeriscaping to be installed in accordance therewith must comply with the following:

(i) The Xeriscaping must be aesthetically compatible with other landscaping in the community as reasonably determined by the ACC. For purposes of this Xeriscaping policy, "aesthetically compatible" shall mean overall and long-term aesthetic compatibility within the community. For example, an Owner's Lot plan may be denied if the ACC determines that the use of specific turf or plant materials would result in damage to or cause deterioration of the turf or landscaping of an adjacent property owner resulting in a reduction of aesthetic appeal of the adjacent property owner's Lot.

(ii) No Owners shall install gravel, rocks or cacti that in the aggregate encompass over 40% of such Owner's front yard or 50% of such Owner's back yard.

(iii) The Xeriscaping must not attract diseases and insects that are harmful to the existing landscaping on neighboring Lots, as reasonably determined by the ACC.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Rose Pietsch*

March 12, 2014 01:18:39 PM

KRISTAB FEE: \$32.00 BOOK:2302 PAGE:792-796

ROSE PIETSCH, County Clerk

Bastrop, Texas

201402705

CONS