

STATE OF TEXAS §  
COUNTY OF WILLIAMSON §

ADOPTION OF RULES AND REGULATIONS  
OF  
GABRIELS OVERLOOK P.O.A., INC.,  
(D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.)  
*[Regarding Construction]*

**Document reference.** Reference is hereby made to that certain Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section One filed as Document No. 2000025866, that certain Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Two filed as Document No. 2000061650; that certain First Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Sections One and Two filed as Document No. 2001003269; that certain Second Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Sections One and Two filed as Document No. 2004048610; that certain Third Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section One and Two filed as Document No. 2005092203 (the “**Third Amendment to Section One and Two Declaration**”); and that certain Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Five filed as Document No. 2005014178; that certain First Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Five filed as Document No. 2005038090; and that certain (Second) First Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Five filed as Document No. 2005092204 (the “**Second Amendment to Section 5 Declaration**”); all in the Official Public Records of Williamson County, Texas (cumulatively, and together with any other amendments filed of record, the “**Declarations**”).

Reference is further made to those certain documents numbered: 2008085936 (priority of payments); 2009028771 (fines/enforcement); 2012003403 (indemnification); 2012042938 (violations/self-help); 2012000679 (legislatively required rules / collection enforcement / general rules); and 2013042705 and 2013073365 (prior construction rules) all in the Official Public Records of Williamson County, Texas (cumulatively, together with all amendments, the “**Rules**”). **The construction rules filed by this instrument replace and supersede the prior construction rules filed as Document Nos. 2013042705 and 2013073365.**

The Declarations provide that persons owning residential lots subject to the Declarations are automatically made members of the Gabriels Overlook P.O.A., Inc., d/b/a Gabriels Overlook Property Owners Association (the “**Association**”);

The Association is governed in accordance with the Declaration and Bylaws;

Section 2.01(a) of the Bylaws authorizes the Association’s Board of Directors (the “**Board**”) to adopt and amend rules and regulations governing the property subject to the Declaration; and

The Board has voted to adopt the Rules regarding construction as provided herein, to replace and supersede the prior construction rules referenced above and filed as Document Nos. 2013042705 and 2013073365;

The following Rules are approved and adopted and the prior construction rules filed as Document Nos. 2013042705 and 2013073365 are hereby replaced and superseded:

## Construction Rules

There rules apply to all construction activity on a lot (including new homes, additions, and remodels). All owners are responsible for making sure their contractors comply with these rules. Owners are responsible for all violations of any association governing document committed by themselves, their residents, guests, tenants, and invitees (including contractors, subcontractors, or any other party performing work for the Owner on the Owner's lot.)

**Each property owner is responsible for reading and following all of the recorded POA restrictions and terms and conditions of the Unimproved Property Earnest Money contract, or any other purchase contract executed by the Owner.**

**The Board of Directors is authorized to take enforcement action, including imposing monetary fines, for any violations of the restrictions of the community, including those related to building, and for any damages caused to the roads or right-of-way in Gabriel's Overlook. All violation notices will be sent to the property owner of record, not the builder.**

### **REQUIRED APPROVAL PROCESS FOR HOMEBUILDER AND CONTRACTOR:**

**\*\*\*All homebuilders, including both new construction and renovation or alteration contractors, in Gabriels Overlook MUST be on a pre-approved list or approved on a case by case basis after owners submittal as outlined below. \*\*\***

**All homebuilders and contractors selected by an Owner to build, improve, renovate, or alter a Residence on the Owner's Lot must receive the prior written approval of the Board. In addition to other requirements noted herein, the Owner shall be required to provide the following documentation to the Board for review and approval or disapproval prior to any construction of a Residence or improvement, renovation, addition or alteration on a Lot or to a Residence:**

1. Name and ownership of the homebuilder or contractor.
2. Specific locations where the homebuilder or contractor is building homes in the Austin area.
3. Price range of new homes built by the homebuilder or contractor in the Austin area.
4. History of the homebuilder or contractor in the Austin area (length of time in business, previous building businesses, etc.).
5. Specific addresses of residences constructed by the homebuilder or contract similar to the Owner's proposed Residence, including any other homes the homebuilder has constructed in Gabriels Overlook.

The Board shall consider the required documentation, as well as any additional documentation and information submitted by the Owner and/or the homebuilder or contractor or otherwise obtained by the Board, in the review and approval and/or disapproval of the homebuilder or contractor. The Board shall have the responsibility and authority to approve or reject the requested homebuilder or contractor, based on the sole discretion of the Board. **The Board may consider any factor in approving or rejecting the requested homebuilder or contractor, including, without limitation: the history, experience, ownership and construction activities of the homebuilder or contractor; the performance of the homebuilder or contractor under contracts; the financial ability of the homebuilder or contractor; and any current or prior violations of the homebuilder of the Declaration, the Bylaws, Rules, and any other governing documents, laws or regulations.**

The Board may in its discretion maintain a list of pre-approved homebuilders and/or contractors. If the proposed homebuilder or contractor is on the pre-approved list, the requisites of Board pre-approval may be met by the Owner's written notice to the Board of the name of the homebuilder or contractor and the Board's subsequent written confirmation to the Owner that the homebuilder or contractor is currently pre-approved.

The Board may for any reason revoke or suspend the approval of any homebuilder or contractor (i) as to pre-approved status at any time, and (ii) as to any particular Residence or Lot at any time prior to the commencement of significant construction activities on such Residence or Lot. Any homebuilder or contractor already selected by an Owner to build, improve, renovate, or alter a Residence on the Owner's Lot at the time of this rule's adoption may be prohibited by the Board from performing work on that Owner's particular Residence or Lot at any time prior to the commencement of significant construction activities on the Residence or Lot.

**HOURS; ENTRY:** Construction hours within Gabriel's Overlook are limited from 7:00 a.m. to 7:00 p.m. daily. Work done outside these times must receive PRIOR WRITTEN approval from the Gabriel's Overlook Architectural Control Committee. Requests must be submitted at least 24 hours in advance. Work may not be performed outside of the 7:00-7:00 working hours without receipt of prior written permission from an authorized representative of the ACC. Also, the property owner/builder must contact [gate@gabrielsoverlook.org](mailto:gate@gabrielsoverlook.org) for a gate code. The name of the contractor(s), the type of services and dates the code will be needed must be supplied before a code will be provided. All contractors must use gate codes provided by the HOA specifically for contractors – owners who have already been issued a gate code may not share that gate code with construction contractors.

This code will only work during construction hours. A new code will be issued once construction of the home is complete. Tailgating is prohibited through the gate – every vehicle must enter its own code. Gates are normally kept closed during the day so the only way to have access is with a code.

**STABILIZED CONSTRUCTION ENTRANCE; DRAINAGE:** Before construction begins, there must be a stabilized construction driveway (SOLID ROCK SURFACE) laid down if a paved driveway has not yet been constructed. The builder and all workers on the Lot must use only this one access point across the rock construction (or paved driveway) entrance, thereby reducing the chance he/she tracks mud onto the road. Roads must be power washed as necessary and cleaned only with hand shovels or brooms; machinery is not allowed to scrape the road surface for cleaning. Bar ditches or other drainage elements may not be filled in or otherwise altered except as expressly approved in writing by the ACC in accordance with plan approval for the construction. For example, filled bar ditches may not be used as entry point to a lot. Ditches must be kept cleaned and clear at all times to allow water flow.

**ACCESS POINTS; RESPONSIBILITY FOR DAMAGE:** The Ingress/Egress point must be on the owner's lot only. The lot may only be accessed through the lot itself – no entry or exit is permitted through a neighbor's lot unless prior WRITTEN permission is received from the neighbor, with a copy provided to the ACC. An owner will be held responsible and liable if workers damage a neighbor's lot or the community roads, rights of way, or other property in any (including tire rutting, dirt in the road, damage to the road, damage to the entrance gate, tree damage on common area or other lots, and any other damage). Responsibility for damage will be assessed in the sole reasonable discretion of the Board.

**SILT FENCING AND ROCK BERMS:** Silt fencing down-grade from the construction site is required for the entire length of the lot, unless otherwise approved in writing by the ACC, before construction can begin. If rock berms are located on the lot, they are permanent and must be maintained (i.e. cleaned).

**UTILITIES:** Utilities (electric, telephone, etc.) must be underground from the street to the residence.

**REVEGETATION:** Owners must restore and re-vegetate the road shoulder and bar ditches from the front lot line to the edge of the pavement promptly (within 14 days) after construction completion. This must be done on the lot in question and any neighbor's lots where contractors have crossed a lot with written permission from the neighbor.

**TRASH AND TOILETS:** All trash from the job site must be contained, not be allowed to blow around the subdivision and must be removed immediately. Trash containers must be provided on site to contain all trash on the lot. Unless otherwise approved in writing by the ACC (for smaller, remodel type jobs not involving heavy trash loads, exceptions may be considered) trash containers must consist of a metal, commercial-grade dumpster of at least a 30-yard size, serviced by a commercial dumpster service (BFI, TDS, etc.). Any trash container must not be allowed to be over-filled, and all construction trash must be placed in the dumpster or other approved trash receptacle and not allowed to accumulate on the Lot. Unless otherwise approved in writing by the ACC, (for smaller, remodel type jobs where a contractor is working primarily inside an already- constructed home, exceptions may be considered) every job site must have a port-a-toilet before construction begins and maintain the port-a-toilet in good working order until construction is complete.

**DRIVEWAYS:** If you are installing a concrete "dip" driveway to cross the bar-ditch instead of a culvert, the top of the concrete driveway must be flush with the ground so that your driveway does not block water flowing in the bar ditch. If a culvert is being installed, please see item 1.04 in the restrictions for the minimums, however, in most cases, the minimum pipe size will not carry the water in the bar ditch. The design and size of any pipes in the right of way must be designed by an engineer. If a pipe is undersized and water runs on the roadway, the owner will be responsible for rebuilding the driveway to protect the integrity of the roadway, and responsible for all damage to the roadway and right of way.

**RIGHT-OF-WAY:** Sprinkler pipes and sprinkler heads may be put in the road right-of-way at an owner's own risk and expense. When water ditches are cleaned out, sprinkler pipes and heads may be damaged or destroyed. The Association is not responsible for any damage to pipes and heads in this area. Any additional costs incurred by the Association due to the presence of heads in the right-of-way may be assessed to the Owner. In lieu of putting sprinkler heads in this area, rotary heads can be put behind a Lot's front property line, spraying towards the road to water the grass in that area.

**NEW RESIDENCE PLAN APPLICATION FEE.** A plan review fee<sup>1</sup> of \$315 is due and payable as a condition of plan review by the Architectural Committee for any new residence. Payment of this fee must accompany submittal for new residence construction plans.

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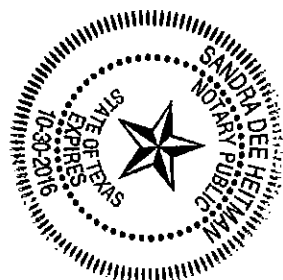
<sup>1</sup> See also Declaration (Third Amendment), which makes submittal of this fee a requirement.

Except as expressly amended above, all other provisions of the Rules remain in full force and effect.

APPROVED and ADOPTED this 17th day of Dec, 2013.

**GABRIELS OVERLOOK P.O.A., INC.,  
D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.**  
Acting by and through its Board of Directors

NAME: Barry Caldwell  
TITLE: President / Director



**Acknowledgement**

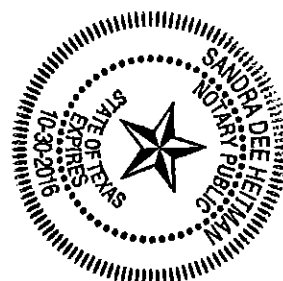
STATE OF TEXAS §

COUNTY OF Williamson §

This instrument was acknowledged before me on the 17th day of Dec, 2013, by Barry Caldwell in the capacity stated above.

[Signature]  
Notary Public, State of Texas

NAME: Marijorie C. Johnson  
TITLE: Director




**Acknowledgement**

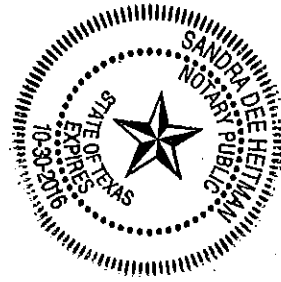
STATE OF TEXAS §

COUNTY OF Williamson §

This instrument was acknowledged before me on the 17th day of Dec, 2013, by Marijorie Johnson in the capacity stated above.

[Signature]  
Notary Public, State of Texas

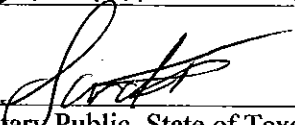
  
NAME: DALE E. McQUINN  
TITLE: DIRECTOR



**Acknowledgement**

STATE OF TEXAS            §  
COUNTY OF Williamson §

This instrument was acknowledged before me on the 17<sup>th</sup> day of Dec, 2013, by Dale McQuinn in the capacity stated above.

  
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Notary Public, State of Texas

**After recording, please return to:**  
Niemann & Heyer, L.L.P.  
Attorneys At Law  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, Texas 78701

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Nancy E. Rister, County Clerk

2013 December 23 11:32 AM

FEE: \$41.00 PGS 6

Williamson County Texas