

STATE OF TEXAS §  
COUNTY OF WILLIAMSON §

AMENDMENT OF RULES AND REGULATIONS  
OF  
GABRIELS OVERLOOK P.O.A., INC.,  
(D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.)  
(regarding landscape alterations)

As a result of this filing the applicable rules for the Association consist solely of:  
(1) the Consolidated Rules filed of record in document no. 2013047554;  
(2) the Construction Rules filed of record in document no. 2013116646;  
(3) the private roadway rules filed in document no. 2017040124 and  
(4) the loose dog enforcement rules filed in document no. 2018025653  
(5) the landscape and maintenance rules filed in this document  
(together, the “Rules”)

The Landscape/Xeriscape and Maintenance Rules filed of record in document no. 2013077503 are REPEALED and amended and restated by this filing.

**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; 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; 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 that certain Amendment to Bylaws of Gabriels Overlook Property Owners Association, Inc. and Exhibit “A” thereto, filed as Document No. 2010051471; that certain Amendment to Bylaws of Gabriels Overlook Property Owners Association, Inc., filed as Document No. 2012017818; and that certain Amendment to Bylaws of Gabriels Overlook Property Owners Association, Inc., filed as Document No. 2013077543, all in the Official Public Records of Williamson County, Texas (cumulatively, and together with any other amendments filed of record, the “**Bylaws**”).

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**”);

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 previously adopted the Rules; and

The Board has voted to adopt the additional Rules attached as Exhibit “A” to supplement the previously-adopted Rules. Therefore, the additional Rules attached as Exhibit “A” have been, and by these presents are, ADOPTED and APPROVED.

Subject solely to the amendments contained in Exhibit “A”, the Rules remain in full force and effect.

**GABRIELS OVERLOOK P.O.A., INC.,  
D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.**

Acting by and through its Board of Directors

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

*Gloria Reyes*  
Gloria Reyes  
Chairman

Exhibit "A": Xeriscaping; General Maintenance of Lot / Landscape Alterations

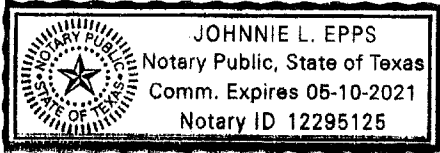
**Acknowledgement**

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

*Williamson*

This instrument was acknowledged before me on the 10<sup>th</sup> day of July, 2018, by Gloria Reyes in the capacity stated above.

*Johnnie L. Epps*  
Notary Public, State of Texas



## **EXHIBIT A**

### **I. Xeriscaping**

**Philosophy:** Xeriscaping means using native and adaptive plants that can grow and sustain themselves with low water requirements and tolerate heat and drought conditions. Xeriscaping does not mean zero water and zero maintenance. The Association will allow, subject to compliance with these rules, the use of drought-resistant landscaping and water conserving natural turf.

**Approval for changes, plan submittal:** Prior to initiating any change in the visible landscape, the homeowners must submit plans and specifications detailing the proposed installation. The request must include a to-scale design plan, as well as details on the types of plants, the ground covers (including color and materials), weed barriers, the bordering or edging material(s), the hardscape materials (including color), setbacks, irrigation system, and dimensions (dimensions of beds, approximate size of plants, size of any rocks, and other such details.) It is recommended but not required that plans be drawn by a licensed landscape architect to increase the chance of approval of plans without changes being required. The Architectural Control Committee (ACC) may request additional information or changes to the plans before final approval. Installation of any proposed xeric landscape may not begin until the ACC has approved the request.

**Design requirements:** Color and texture of the planted areas and inert areas are an important design aspect. Color and texture should be seen to flow neatly from one area of the yard to another. Extensive areas of “desert” or “barren” appearance must be avoided in order to preserve the aesthetic compatibility with the neighborhood. Large areas may not be composed of a single material; for example any areas of bare mulch must be interspersed with plants. The ACC may in its discretion prohibit water features, urns, and other man-made ornamentation. The xeriscape landscaping may not alter drainage patterns on a Lot, and owners must ensure that no crushed granite or other such runoff runs into a neighboring Lot or the street.

Soils in xeriscape areas should either be altered to fit the plants, or plants selected to fit the soil. Efficient irrigations systems must be planned. Irrigation for xeriscapes zones must be different than for turf zones. Owners should select plants and zones in accordance with the amount of light, wind and moisture in the particular yard area. Organic mulches such as bark chips should be applied at least 3” deep and should be maintained at all times at least 2” deep. Inorganic mulches such as crushed rock should be applied at least 3” deep and should be maintained at all times at least 2” deep.

Any hardscape areas (e.g. areas of mulch, decomposed granite, or other such ground cover) must contain an appropriate weed barrier.

**Xeriscape Areas:** Xeriscape and wildscape areas (see below for wildscaping description) may not in total constitute more than 20% of the visible area of the Lot. (What constitutes a Xeriscaped area will be determined in the discretion of the ACC, but for example a standard-sized mulch ring around the base of a tree does not count as a Xeriscaped area.) The exact

requirements/limitations for Xeriscape coverage may vary from property to property and is dependent on the specific plan submitted.

Artificial turf is prohibited absent a variance from the ACC, which may be granted or denied in the sole discretion of the ACC. However the ACC shall have no authority to approve artificial turf in any area between the front-most building line of a Lot and the street.

**Wildscape (semi-managed) Areas.** The ACC in its discretion may approve up to 20% of the visible lawn area of a Lot as a wildscape area. Xeriscape and wildscape areas may not in total constitute more than 20% of the visible area of the Lot. For purposes of these rules wildscape areas are defined as semi-managed areas on a Lot where a majority of native plants are grown that will attract and benefit wildlife such as birds. Wildscape areas may for example be seeded with wildflowers, contain approved rock features, or other design as approved by the ACC. Wildscape areas must be bordered or edged with an approved bordering or edging material to define the wildscape area clearly from other areas of the Lot. Wildscape areas must at all times be kept in a neat and attractive manner, including weed control – these are not “no maintenance” areas.

**Plants:** It is recommended to use plants adapted to the pH soil conditions created by the non-turf materials used. i.e., don't use acid loving plants along with alkaline crushed limestone covering, whereas acid loving plants would do well with a ground hardwood mulch covering and native plants would do well with limestone or crushed granite. Sickly and dying plants must be promptly removed or replaced.

**Hardscapes, rock, gravel, cactus:** The ACC may prohibit or limit the size and number of hardscape items including boulders. The ACC may prohibit or limit installation of rock ground cover (including gravel, and crushed/decomposed stone). The ACC may prohibit or limit installation of cacti.

**Borders:** Non-turf planted areas must be bordered or edged with an approved bordering/edging material to define the xeriscaped or wildscape area clearly from other areas. Such areas must be kept maintained at all times (plants trimmed and thinned, planted areas weeded, and borders edged) to ensure an attractive appearance. No plants may encroach onto sidewalks, curbs, or streets.

**Safety:** No plant with thorns, spines, or sharp edges may be used within 6' of a sidewalk or street.

**Maintenance:** Xeric and wildscape landscapes are subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Xeriscape and wildscape designs are not intended to be “zero maintenance”; in fact they often require more effort than turf throughout the year. Plants must be trimmed, weeds must be controlled, and borders must be edged. Leaves and other debris must be removed on a regular basis so as to maintain a neat and attractive appearance. Perennials which die back during winter must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials which go dormant to the ground in winter.

## II. General Maintenance of Lot; Landscape alterations

For all alterations to Lots or any improvements existing on Lots, including landscape alterations, plans must be submitted for approval from the ACC. (However, replacement of dead or dying landscape with plants of the same size and type does not require prior approval. But adding beds, changing a bed to a xeriscape or wildscape area, and other such changes require prior approval).

All Lots, both vacant and improved, including areas between a Lot and the street, must be maintained in a neat and attractive appearance. This includes without limitation keeping the Lot clean and clear of unsightly weeds, grass, brush and refuse. Dead or dying landscaping, including trees and shrubbery, must be removed.

In order for a Lot to be considered free of unsightly weeds and grass, weeds must be reasonably controlled and the Lot (all landscape portions except approved non-turf areas such as wildscape or xeriscape areas) must be regularly mown, including along fence lines, to maintain a grass level not to exceed 8 inches on the entirety of every Lot. The only exception is for the Texas state flower, the bluebonnet. Mowing of bluebonnet areas will be exempt from the mowing requirements of this rule (but not exempt from the duty to reasonably control weeds) from October 1 of each year until June 1 of the following year.

Texas Department of Transportation guidelines note:

“In general, the first flowers open about March 15 in the southern part of the state, and in the more northern part of the state, first flowers may not show before May 1. The length of the flowering period is about a month. Allow two weeks after the full bloom period has passed for the seeds to mature. As a rule of thumb, when the dead brown foliage offsets the floral color display, the area can be mowed. If it is a large area, it should be mowed to a height of 4-6 inches.” <https://www.txdot.gov/inside-txdot/division/maintenance/wildflower-program/planting-bluebonnets.html>.

Using these Texas Department of Transportation guidelines, and as our bluebonnets bloom in mid-late March, mowing of blue bonnet areas will be exempt from mowing from October 1 of each year (to allow for seeding) until June 1 of each year. **Property owners wishing this exemption must receive written approval from the board of directors and can request via email to BOD@gabrielsoverlook.org.** A photo or map of the bluebonnet area sufficient to identify the size and location of the requested bluebonnet area is required with each request. Bluebonnet exemptions may be revoked after 10-days notice to the owner should the bluebonnet area not be maintained in accordance with these rules.

Repairs (including painting, replacement of rotting wood, and other repair items necessary to maintain the appropriate aesthetics of the property) must be performed in a timely manner. No

condition may be allowed to remain on a Lot which represents a safety hazard, an unsightly condition, or an annoyance to others (including no brush piles and no trash or other debris on a Lot.) The board in its sole reasonable discretion will determine whether a condition violates the maintenance standards.

**After recording, please return to:**

Nieman & Heyer, L.L.P.  
Attorneys At Law  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, Texas 78701

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*Nancy E. Rister*

Nancy E. Rister, County Clerk  
Williamson County, Texas