

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; Architectural Control Committee deposit fee)**

- 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;*
 - (4) the loose dog enforcement rules filed in document no. 2018025653;*
 - (5) the collections directive filed in document no 2020018173;*
 - (6) the landscaping rules filed as Exhibit "A" in this document*
 - (7) the Architectural Control Committee deposit fee rule filed as Exhibit "B" in this document
(together, the "Rules")*

The Rules regarding landscape alterations filed of record in document no. 2018061383 are REPEALED and amended and restated by this filing.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 voted at a duly noticed Board meeting held April 23, 2020 to adopt the Landscaping Rules attached as Exhibit "A" and the Architectural Control Committee Deposit Fee Rule attached as Exhibit "B" to supplement the previously-adopted Rules and replace prior landscape rules as further noted above.

Therefore, the Association does hereby file the attached dedicatory instruments of record to put members of the public on notice of their existence and substance.

Subject solely to the amendments contained in Exhibit "A" and Exhibit "B", 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: [Handwritten Signature]
Title: PRESIDENT

Exhibit "A": Landscaping Rules
Exhibit "B": Architectural Control Committee Deposit Rule

Acknowledgement

STATE OF TEXAS
COUNTY OF Williamson

This instrument was acknowledged before me on the 23 day of April, 2020, by Joe Strick in the capacity stated above.

[Handwritten Signature]
Notary Public, State of Texas

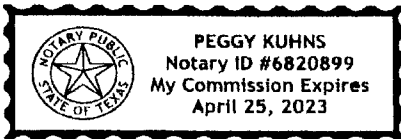


Exhibit A

Landscaping in Gabriels Overlook

Philosophy: Gabriels Overlook has been established and maintained as an attractive residential neighborhood. The Declarations of Covenants, Conditions, Easements and Restrictions (CCE&Rs) for Sections One, Two and Five establish numerous conditions intended to preserve an “upscale” appearance, including, but not limited to, the structure and appearance of all buildings, appearance and construction of fences, placement of boats, trailers, recreational vehicles and unused vehicles, restrictions on placement of signs, antennae, and outside clothes lines, the requirement that all Lots to be kept clear of unsightly weeds, grass, brush and refuse. The Declarations also empower the Board of Directors of the Property Owners Association (POA) to enforce the conditions and restrictions established therein and to manage and enhance any other functions pertaining to the well-being of the subdivision.

The visual appearance of the Lots and common areas of Gabriels Overlook are a significant factor in the preservation of an attractive, well-maintained neighborhood. Accordingly, the planning for, development and maintenance of proper landscaping are appropriate items of concern and oversight for the POA as represented by the Board.

Landscaping Overview: The area encompassed by the common areas and residential lots of Gabriels Overlook consists of several distinct types of terrain, including flat and level acreage, rocky hillsides, wooded or partially wooded Lots, drainage creeks and gullies, river banks, and/or some combination of all of the above. Additionally, the drop in the level of properties from the front of the community to the properties at the southern boundary on the South San Gabriel River create drainage issues throughout the neighborhood, particularly in rainy periods. Finally, with over 300 property owner members, there exists a variety of landscaping tastes and styles, which include detailed and complex landscape arrangements, less structured lawn and shrubbery configurations, and minimalist xeriscaping and wildscaping configurations which include native and adaptive plants suited to the environmental conditions, including owners’ preferences for fostering and propagating Texas wildflowers with limited interference in the growing and reseeding cycles of those native plants.

It is the intent of the Board of Directors to accommodate the varied terrain structures and members’ landscape style preferences within the specific and implied constraints of the Declarations to maintain a clean, orderly, and attractive neighborhood environment that will sustain the community’s property values.

Gabriels Overlook Landscaping Definitions and Requirements: Landscape arrangements in Gabriels Overlook may include, subject to compliance with the rules contained herein:

- Traditional lawns with appropriately bordered flower and/or mulch beds
- Native turf lawns that are only watered by rain
- Heavily wooded areas: These are areas on a Lot than have not been cleared and remain substantially in their natural state due to practical restrictions such as steep hillsides, rocky drainage areas, and general inaccessibility.

- **Xeriscaped zones:** Xeriscaping means using native and adaptive plants that can grow and sustain themselves with low water requirements and tolerate heat and drought conditions. While the POA will allow the use of drought-resistant landscaping and water conserving natural turf, xeriscaping does not mean zero water and zero maintenance.
- **Wildscaped zones:** Wildscaping is defined as semi-managed areas on a Lot where most of the plants grown are native plants that will attract and benefit wildlife such as birds.
- **Wildflower zones:** Wildflower zones are well defined areas where substantial volumes of wildflowers are deliberately allowed to grow and thrive. Sporadic groupings of single or several wildflowers spread throughout a traditional lawn arrangement do not constitute valid wildflower zones.

Landscape Plan Approval: Prior to initiating landscaping of a newly developed Lot or all alterations to Lots or any improvements existing on Lots, including landscape alterations, the homeowners must submit plans and specifications detailing the proposed installation to the Architectural Control Committee (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).

For traditional lawn configurations, a rough sketch of the proposed plan will suffice, although if more detail provided, the ACC would have a better perspective of the landscaping vision. Due to area limitation detailed below, for xeriscape and wildscape configurations, 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 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.

Any new or altered landscape configuration should be designed to avoid altering the natural water flow on the Lot.

Xeriscape and Wildscape Zone Restrictions: Xeriscape and wildscape areas (see below for wildscaping description) may not in total constitute more than 35% of the visible area of the Lot. (Visible area is defined as any portion of a Lot that is visible from any adjoining street; except for corner Lots, any area behind the principle building on a Lot will generally be considered not a visible area.) What constitutes a xeriscaped area will be determined in the discretion of the ACC, for example, standard sized mulch ring around the base of a tree will not be included 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 areas may 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 always be kept in a neat and attractive manner, including weed control — these are not "no maintenance" areas.

Xeriscape and Wildscape 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 available in the designated 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.

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 always be kept maintained (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 feet of a sidewalk or a street.

Wooded, Uncleared Lot Zones: To ensure that pedestrian traffic along roadways shall not be hampered by any ruts, rocks or other debris as well as potentially dangerous rodents, reptiles, insects and other wildlife, uncleared wooded zones on any Lot shall not be closer than 20 feet from any street.

Wildflower Zones: Wildflower zones are defined as areas containing substantial clusters of wildflowers in close proximity. Lawns or areas of lawns with sporadic distributions of only a few wildflowers will not be considered wildflower zones. The determination of valid wildflower zones shall be at the discretion of the Board of Directors. Subject to the conditions noted below, wildflower zones may not in total constitute more than 35% of the visible area of the Lot. (In the event a Lot contains both a wildflower zone and a separate xeriscape or wildscape zone, the total area of the zones shall not exceed 50% of the visible area of the Lot.) To ensure adequate safe passageway for pedestrian traffic along roadways, wildflower zones on any Lot shall not be closer than 10 feet from any street. Wildflower zones in visible areas must be defined by a distinct border; while hard bordered zones are preferable for visibility purposes, a distinct mowed border will suffice. Once a border around a wildflower zone is determined in a growing season, that border shall be maintained throughout that growing season.

General Maintenance of Lots: 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, including in uncleared wooded zones.

In order for a Lot, including those with native grass lawns, 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 mowed on a regular basis depending on the time of year, including along fence lines, to maintain a grass level not to exceed 8 inches on the entirety of every Lot. Areas that are not visible from streets must also be kept mowed to keep unwanted rodents and reptiles from accessing abutting Lots. Although the lack of visibility prevents regular inspection by the POA's management company, owners on Lots abutting unmowed and unkempt areas not visible for the streets may notify the POA through the management company of the unacceptable Lot condition, thus triggering a warning and possible fine for failure to maintain the property properly.

Visible areas on Lots that are 250 feet or more from any Gabriels Overlook roadways may be exempt from routine mowing if the owners of any Lots abutting the unmowed area have no objection to the area being unmowed and the Owner has received approval from the POA or the ACC. (Note however, that the GO Conditions, Covenants, Easements and Restrictions do require that all fence lines must be mowed and kept clean of weeds, trash and garbage at all times, irrespective of their visibility or distance from any roadway.) Should a change in ownership of the abutting Lot(s) occur, the new owner(s) may object to the unmowed status and the area will require regular mowing. Access areas to flag lots must be maintained by regular mowing or with rock, gravel, or mulch beds along their length regardless of their distance and visibility from any roadway. Mowing exemptions for other areas on flag lots must be approved by the Board of Directors.

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 ACC in its sole reasonable discretion will determine whether a condition violates the maintenance standards.

Xeric and Wildscape Zone Maintenance: Xeric and wildscape landscapes are subject to the same requirements as other landscaping and must always be maintained 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 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.

Wildflower Zone Maintenance: In addition to maintaining discrete border around wildflower zones, the zones should be kept free of unsightly weeds and other grasses that detract from the appearance of the wildflowers.

In recognition of the State Flower status of bluebonnets, a mowing exception for bluebonnet zones will be granted. Per the Texas Department of Transportation guidelines, "As a rule of thumb, when the dead brown foliage offsets the floral color display, the area can be mowed." The exemption will run from October 1 of each year (to allow for seeding) through the time when the dead brown foliage offsets the floral color display, but in no case later than June 15 of the subsequent year. A mowing exception for wildflower zones other than bluebonnets will also be granted during the spring growing season until the dead brown foliage offsets the floral color display but no later than June 15. Determination of the prevalence of dead brown foliage vs. the floral color will be at the discretion of the POA Board of Directors and its management company. The Board of Directors may extend the June 15 mowing date under unusual circumstances – see below. If such an extension is granted, notice will be provided to all Owners and a new mowing date will be provided.

The Board of Directors may appoint a Wildflower Advisory Committee (WAC) to assist in the annual determination and maintenance of acceptable wildflower areas on GO Lots. At least one member of the Board of Directors shall be a member of the WAC. The WAC responsibilities shall be as follows:

- Upon receipt by the Board of a request for a Wildflower mowing exemption, the WAC shall review the proposed wildflower mowing exemption zone, including if necessary or appropriate a visitation by one or more of the WAC members with the Lot Owner, and advise the Board of Directors as to the acceptability of the proposed exemption.
- During the wildflower growing season, members of the WAC shall make periodic inspections of the exempted wildflower zones to ensure that the areas remain properly bordered and properly maintained with regard to weeds, leaves and other

debris and shall advise the Board in the event corrective actions are necessary. The WAC shall also identify any wildflower areas that are visible and have not been granted an exemption and provide that information to the Board of Directors.

- At the request of the Board of Directors, the WAC may review a proposed wildflower area to determine if the area contains sufficient wildflower distribution to merit consideration as a valid wildflower area and to advise the Board regarding its determination.
- At the request of the Board of Directors, the WAC shall inspect a specific wildflower zone to determine if the wildflower area no longer contains sufficient blooming flowers to merit a continued exemption and provide such advice to the Board.
- All official communications respecting the duties of the WAC to the Board shall be by written instrument (hard copy or electronic).

Property owners wishing a wildflower mowing exemption must submit a request in written form (email is acceptable at BOD@gabrielsoverlook.org) and receive written approval from the Board of Directors. Upon receipt of the exemption request, the Board will require the WAC contact the requesting owner to discuss the request and generally to arrange a visit to the property to visually verify the proposed wildflower area.

The exemption must be requested for each growing season. A visit to the property by WAC members will not be necessary for property owners who have previously consistently maintained wildflower zones within the rules established herein. Bluebonnet or wildflower exemptions may be revoked should the bluebonnet or wildflower area not be maintained in accordance with these rules. Prior to revocation, the POA will provide to the Lot owner a notice of failure to comply with the provisions herein and provide the Lot owner 10 days to remedy the deficiency. Failure of the owner to effect such remedy may result in the issuance of a fine in accordance with the POA fine policy.

The June 15 mowing deadline for bluebonnets and other wildflowers shall be absolute and owners with bluebonnet or wildflower zones (approved or otherwise) will not be issued individual warning letters. Owners will have 15 days after June 15 to mow the bluebonnet or wildflower zones without incurring a fine. Owners who fail to mow the zones by July 1 will be subject to fines per the POA fine policy.

In the event of unusual weather patterns that cause the wildflower growing season to begin and end very early or very late, the Board of Directors, with the advice of the WAC, may accelerate or delay the mowing date. Also, any Owner may request a specific exemption for wildflower zones that persist beyond the annual mowing date if the wildflowers represent a substantial cluster and are substantially in bloom and not mostly dead, brown foliage. The determination of such an exemption shall be solely at the discretion of the Board of Directors with the advice of the WAC.

Exhibit B

Architectural Control Committee Deposit Fee

Road maintenance and repair are a major ongoing concern for Gabriels Overlook. To assure that Owners and their contractors do not cause uncompensated damage to GO roadways during major projects (not including the initial construction of the primary residence on a lot), the Architectural Control Committee (ACC) will require that a \$500.00 deposit be submitted with the request for project approval if the project requires any of the following:

- Dump Trucks
- Concrete Trucks
- Semi-Truck & Trailers
- Bobtail Trucks
- Bobcats, Backhoes, or other similar heavy equipment
- Deposits of dirt, sand, rock or gravel adjacent to GO roadways to permit access to the lot or for other use in the proposed project

Upon completion of the approved project, the Owner should so notify the ACC. The ACC will visually inspect the roadways adjacent to the lot on which the project was completed to ensure that there was no roadway damage associated with the project beyond expected wear. If there was no identifiable damage, the deposit will be returned to the Owner.

If the ACC determines that damage to the roadway was created, the ACC will assess the Owner for the cost of repair and withhold that cost from the security deposit. Any excess will then be returned to the Owner. If cost of repair exceeds \$500, the Owner will be liable for the excess costs above \$500.

Recorded by/after recording, please return to:

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

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2020107038

Pages: 10 Fee: \$57.00

09/09/2020 09:59 AM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas