

HIGHLAND VILLAGE CIVIC CLUB, INC.
TREE PRESERVATION GUIDELINES

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, covenants, conditions and restrictions were imposed upon Lots comprising the Highland Village subdivision ("Subdivision") by that certain instrument recorded on May 14, 1948, in Volume 1768, Page 673, of the Deed Records of Harris County, Texas (the "Original Restrictions"), as same were amended and extended from time to time; and

WHEREAS, the Original Restrictions were amended and restated in their entirety by the recording of that certain Declaration of Covenants, Conditions and Restrictions for Highland Village, recorded in the Harris County, Texas Public Records under Clerk's File No. V868642 (the "Declaration"); and

WHEREAS, the Declaration was amended by the recording of that certain amendment to the Declaration of Covenants, Conditions and Restrictions for Highland Village, recorded in the Harris County, Texas Public Records under Clerk's File No. Z232204 (the "First Amendment"); and

WHEREAS, the Declaration was further amended by the recording of that certain second amendment to the Declaration of Covenants, Conditions and Restrictions for Highland Village, recorded in the Harris County, Texas Public Records under Clerk's File No. 20130498689 (the "Second Amendment"); and

WHEREAS, the Declaration, First Amendment, Second Amendment, and all other instruments that have amended, renewed, or extended the Declaration from time to time, are hereinafter collectively referred to as the "Declaration"; and

WHEREAS, pursuant to the provisions of the Articles of Incorporation, Bylaws and Declaration of the Highland Village Civic Club, Inc. (the "Association"), the Board of Directors of the Association (the "Board") has the authority to manage the business and affairs of the Association, and the duty, amongst other things, to represent the homeowners of the Association in a fair and just manner; and

WHEREAS, the Board has determined that it is in the best interests of the Association to clarify the tree preservation requirements applicable to Highland Village; and

WHEREAS, the Board and Architectural Review Committee designated by the Board ("ARC") have determined that in connection with maintaining the aesthetics and architectural harmony of Highland Village, and to provide clear and definitive guidance regarding required tree preservation, it is appropriate for the Association to adopt the following guidelines regarding tree preservation.

RP-2020-326387

NOW, THEREFORE, the Board has duly adopted the following *Tree Preservation Guidelines*.

Tree Preservation:

1. General:

- a. Each Owner shall ensure that the trees upon his/her Lot are healthy and intact.
- b. The removal of a tree which is six (6) inches or more in diameter requires the ARC's prior written approval.
- c. Before applying for removal, an Owner must utilize all tree saving measures. The ARC may request proof of use of tree saving measures before approving removal.
- d. An Owner desiring to remove a tree must submit an Application for Tree Removal to the ARC. The Application for Tree Removal must include a survey evidencing the location of the tree, species and size, the reason for removal, including, if applicable, a report from a certified arborist stating that the tree cannot be saved and/or must be removed, and a \$250.00 processing fee for the Application.
- e. If a tree is removed in violation of these Guidelines the ARC may levy a \$2,500.00 fine each month until an approved replacement tree is planted.
- f. The ARC's approval to remove a tree may be conditioned upon replacement of similar tree or trees.
- g. An Owner requesting removal of a tree which encroaches upon a neighboring Lot must obtain and submit the neighboring Lot Owner's written approval for removal with the Application for Tree Removal.

2. Certified Arborist Reports:

- a. Owners are urged to submit a certified arborist report with an Application for Tree Removal.
- b. If deemed reasonably necessary by the ARC, or if an Owner should refuse to provide an arborist report, the ARC may retain the services of a Certified Arborist to determine whether a tree must be removed or may be saved. Should the ARC's findings differ from the Owner's or should an Owner refuse to provide an arborist report, the Owner shall be required to reimburse the ARC for the cost of the arborist report.

3. Tree branch trimming:

- a. The trimming of oak tree branches for trees six (6) inches or more in diameter must be approved in advance by the ARC. A certified arborist must be used for branch and tree trimming under this Section.

4. Restrictions pertaining to demolition:

- a. Each Application for Demolition must include a survey identifying the trees upon the Lot. If a tree is to be removed, an Application for Tree Removal,

including the processing fee, must be submitted in accordance with the guidelines provided herein.

- b. An Application for Tree Removal submitted in connection with an Application for Demolition must include a tree inventory which specifies the location, species, and size of all trees upon the Lot.
- c. Applications for Demolition and Tree Removal must be approved by the ARC before demolition may commence.
- d. Prior to and during demolition, tree protection fencing must be placed along the drip line of each tree.
- e. Construction materials including, but not limited to, equipment, building supplies, tools, etc., may not be stored at a tree base. No materials, equipment, or tools of any kind may lean up against a tree.

5. Emergencies:

- a. Approval of the ARC to trim a tree branch, as provided in section 3 above, which poses an imminent and apparent danger is not required; however, the ARC may require further trimming to ensure an aesthetically pleasing appearance.
- b. Approval of the ARC to remove a tree which poses an imminent and apparent danger is not required, including trees which have fallen; however, a like sized and species of tree must be planted in the same location within thirty (30) days of removal unless otherwise approved by the ARC.

The ARC may, in its sole and absolute discretion, grant a variance to these guidelines.

The Association reserves the right to adopt further guidelines pertaining to tree preservation based on aesthetic compatibility with other landscaping in the subdivision.

The guidelines are effective upon recordation in the Public Records of Harris County, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

CERTIFICATION

I, the undersigned, being the President of the Highland Village Civic Club, Inc., hereby certify that the foregoing guidelines were adopted by at least a majority of the Highland Village Civic Club, Inc.'s Board of Directors.

Approved and adopted by the Board of Directors on the 20 day of July, 2020.

HIGHLAND VILLAGE CIVIC CLUB, INC., a Texas non-profit corporation, acting through its President

By:  President

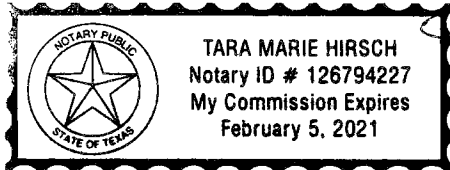
THE STATE OF TEXAS

§
§
§

ACKNOWLEDGMENT

COUNTY OF HARRIS

Adam Ross as President for Highland Village Civic Club, Inc., acknowledged this instrument before me on the 30 day of July 2020.



Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

S SEARS
BENNETT
& GERDES, LLP

6548 GREATWOOD PKWY.
SUGAR LAND, TEXAS 77479

RP-2020-326387

RP-2020-326387
Pages 5
07/22/2020 10:07 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
CHRIS HOLLINS
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2020-326387