

THE LANDING COMMUNITY ASSOCIATION, INC.
SWIMMING POOL ENCLOSURES POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

WHEREAS, the property encumbered by this Swimming Pool Enclosures Policy (the “Policy”) is that property restricted by the Declaration of Covenants, Conditions and Restrictions for The Landing, recorded in the Official Public Records of Montgomery County, Texas, under Clerk’s File No. 2022051250, as same has been or may be amended from time to time (the “Declaration”), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of The Landing Community Association, Inc. (the “Association”); and

WHEREAS, pursuant to the Dedicatory Instruments governing the Property, the Association is vested with the authority to adopt policies, rules, and guidelines; and

WHEREAS, the Board of Directors of the Association (the “Board”) has determined that, in order to provide guidance regarding swimming pool enclosures authorized by Texas Property Code Section 202.022 (the “Code”), it is appropriate for the Association to adopt a Swimming Pool Enclosures Policy for the properties under the jurisdiction of the Association; and

WHEREAS, any reference made herein to approval by the Architectural Review Committee (the “ARC”), means prior written approval by the ARC for the Association; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meaning set forth in the Declaration, unless otherwise specified in this Policy.

NOW THEREFORE, pursuant to the authority granted in the Code, the Board hereby adopts this Policy which shall run with the land and be binding on all Owners and Lots within the Property. The provisions of this Policy are in addition to any other applicable guidelines, rules, or policies. In the event of a conflict between the terms of this Policy and any previously adopted guidelines, rules, or policies addressing swimming pool enclosures, this Policy will control.

I. DEFINITIONS

For purposes of this Policy, “Swimming Pool Enclosure” shall mean a fence that:

1. Surrounds a water feature, including a swimming pool or spa, located on a Lot within the Property;
2. Consists of transparent mesh or clear panels set in metal frames;

3. Is not more than six feet (6') in height; and
4. Is designed to not be climbable.

II. SWIMMING POOL ENCLOSURES

A. Approved Swimming Pool Enclosures

The installation of a Swimming Pool Enclosure that is black in color, consists of transparent mesh set in metal frames, is less than or equal to six feet (6') in height, and conforms to all applicable state or local safety requirements ("Approved Swimming Pool Enclosure") is considered pre-approved by the ARC and does not need to be submitted to the ARC for review and approval.

B. Swimming Pool Enclosures Requiring ARC Approval

The installation of a Swimming Pool Enclosure, other than an Approved Swimming Pool Enclosure, on a Lot requires prior written approval from the ARC. Any such Swimming Pool Enclosure is subject to the following parameters:

1. Swimming Pool Enclosures may not exceed six feet (6') in height, unless otherwise approved by the ARC.
2. Swimming Pool Enclosures shall conform to all applicable state or local safety requirements.
3. Swimming Pool Enclosures may contain frames (a) composed of materials such as, by way of illustration and not limitation, metal, wood, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, white, silver, transparent, or black tones.
4. Swimming Pool Enclosures may contain panels or screens (a) composed of materials such as, by way of illustration and not limitation, transparent mesh, glass, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, clear, white, or light blue.


The submission of plans related to a Swimming Pool Enclosure must include a completed application for ARC review, a site plan showing the proposed location of the Swimming Pool Enclosure, the type of Swimming Pool Enclosure to be used, and a copy of the manufacturer's brochures or a sample of material, if applicable. In considering the appearance of a Swimming Pool Enclosure, the ARC may take into account such factors including, but not limited to, the overall size of the pool, the size and configuration of the Lot, the location of the Lot in the Property, the location of the pool and Swimming Pool Enclosure on the Lot, and the visibility of the Swimming Pool Enclosure from streets, other Lots, and Common Areas.

The installation of a Swimming Pool Enclosure that is not in compliance with this Policy will be considered a violation of the Dedicatory Instruments governing the Property.

CERTIFICATION

I hereby certify that, as Secretary of The Landing Community Association, Inc., the foregoing Swimming Pool Enclosures Policy was approved on the 11th day of April, 2022, at a meeting of the Board of Directors at which a quorum was present.


DATED, this the 11 day of April, 2022.

By: 
Print Name: Travis Janik
Title: Secretary

THE STATE OF TEXAS §
 §
COUNTY OF Fort Bend §

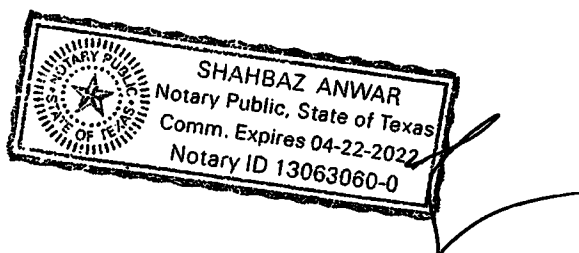
BEFORE ME, on this day personally appeared Travis Janik, the Secretary of The Landing Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 11th day of April, 2022.



Notary Public – State of Texas

After Recording Please Return To:
Casson Wen
Isabella L. Vickers
Roberts Markel Weinberg Butler Hailey PC
2800 Post Oak Blvd., 57th Floor
Houston, Texas 77056



E-FILED FOR RECORD

04/25/2022 10:15AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

04/25/2022



County Clerk
Montgomery County, Texas