



Circle D Civic Association

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SECURITY MEASURES POLICY for CIRCLE D CIVIC ASSOCIATION

STATE OF TEXAS §
COUNTY OF BASTROP §



6 pgs
RESTRICTION

202208459

I, Gary Gagnon, Vice President of Circle D Civic Association (the "Association"), do hereby certify that in the open session of a properly noticed meeting of the Board of Directors (the "Board") of the Association, duly called and held on the 9th day of April, 2022, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Security Measures Policy was duly approved by at least a majority vote of the members of the Board present at the meeting.

RECITALS

1. The properties encumbered by this Security Measures Policy are those properties restricted by the following:

- i. Reservations and Restrictions of Circle "D" Country Acres, East, recorded in Volume 206, Page 187, *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- ii. Reservations and Restrictions of Circle "D" Country Acres, Section 1, recorded in Volume 194, Page 8 *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- iii. Reservations and Restrictions of Circle "D" Country Acres, Section 2, recorded in Volume 194, Page 32 *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- iv. Reservations and Restrictions of Circle "D" Country Acres, Section 3, recorded in Volume 199, Page 649, *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- v. Reservations and Restrictions of Circle "D" Country Acres, Section 4, recorded in Volume 205, Page 278, *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- vi. Reservations and Restrictions of Circle "D" Country Acres, Section 5, recorded in Volume 200, Page 823, *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- vii. Reservations and Restrictions of Circle "D" Country Acres, Section 6, recorded in Volume 202, Page 407, *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- viii. Reservations and Restrictions of Circle "D" Country Acres, Section 7, recorded in

- Volume 201, Page 681, *et. seq.*, of the Real Property Records of Bastrop County, Texas;
- ix. Reservations and Restrictions of Circle "D" Country Acres, Section 8, recorded in Volume 202, Page 251, *et. seq.*, of the Real Property Records of Bastrop County, Texas; and
 - x. Subdivision Restrictions of Circle "D" Country Acres, Section Nine, recorded in Volume 293, Page 221, *et. seq.*, of the Real Property Records of Bastrop County, Texas;

as same has been or may be amended and/or supplemented from time to time (collectively, the "**Declaration**"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.

2. Article 7, Section 7.1 of the Amended and Restated Bylaws of Circle "D" Civic Association, recorded under Clerk's File No. 202008091 of the Real Property Records of Bastrop County, Texas, grants the Board the power to adopt rules, regulations and/or guidelines regarding the installation of improvements on a Lot.

3. The Board has determined that, in order to provide guidance regarding security measures authorized by Texas Property Code Section 202.023, it is appropriate for the Association to adopt a Security Measures Policy for the properties under the jurisdiction of the Association.

4. This Security Measures Policy replaces and supersedes any previously recorded or implemented policy that addresses the subjects contained herein, if any, adopted by the Association.

5. Any reference made herein to approval by the Architectural Control Committee (the "**ACC**"), means prior written approval by the ACC.

6. All capitalized terms in this Policy shall have the same meanings as that ascribed to them in the Declaration.

SECURITY MEASURES POLICY

1. **ACC Application Required.** Before any security measure contemplated by Section 202.023(a) of the Texas Property Code ("**Code**") is constructed or otherwise erected on a Lot, an ACC application must be submitted to the Association and approved in writing in accordance with the Declaration. The following information must be included with the application:

- a. Type of security measure;
- b. Location of proposed security measure;
- c. General purpose of proposed security measure; and
- d. Proposed construction plans and/or site plan.

2. **Other Applicable Requirements.** Owners are encouraged to be aware of the following issues when seeking approval for and installing a security measure:

- a. The location of property lines for the Lot. Each Owner should consider obtaining a survey before installing a security measure;
- b. Easements in the area in which the security measure is to be installed;
- c. Underground utilities in the area in which the security measure is to be installed.

The Association is not obligated to and will not review an Owner's ACC security measure application for the above-referenced issues. Owners should be aware that a security measure may have to be removed if a person or entity with superior rights to the location of a security measure objects to the placement of the security measure.

3. **Type of Fencing.** The Code authorizes the Association to regulate the type of security measure fencing that an Owner may install on a Lot.

- a. The following fence building materials are **NOT** allowed in any way:
 - (i) C-Wire/Razor Wire
 - (ii) Metal Sheeting without framing
 - (iii) Tarps
 - (iv) PVC Pipe
 - (v) Tires
 - (vi) Debris
 - (vii) Pallets
 - (viii) Storage Containers
- b. Subject to any Bastrop County or City requirements, barbed wire and electric fences are allowed. It is recommended that any person installing either of these types of fences or who currently has this type of fence add warning signs indicating the risk.
- c. Any fence across the front of an owner's property must be made of materials that allow full access view of the property.
- d. Privacy fences must not extend out past the front edge of your home.
- e. All security measure fencing must be installed per the manufacturer's specifications and all electric gates must be installed by a licensed electrician in accordance with all applicable codes and applicable governmental regulations.
- f. Placement of fencing and/or security measures of any type must comply with the State of Texas, and/or Bastrop County Regulations and Ordinances, if any.
- g. Any Board Appointed Committee shall have the discretion to review and assess individual large and odd shaped lots to determine the necessity of a variance.
- h. If the proposed security measure fencing is located on one or more shared Lot lines with adjacent Lot(s) ("Affected Lots"), all Owners of record of the Affected Lots must sign the ACC application evidencing their consent to the security measure fencing before the requesting Owner ("Requesting Owner") submits

the ACC application to the ACC. In the event that the Affected Lot Owner(s) refuse to sign the ACC application as required by this section, the Affected Lot Owner(s) and Requesting Owner hereby acknowledge and agree that the Association shall have no obligation to participate in the resolution of any resulting dispute in accordance with this Policy.

- i. Construction/safety fencing, defined as temporary plastic, chain link, or fabric fencing, would need to be removed within 90 days of exterior project completion.
- j. A property owner is allowed to put in a perimeter or cross fencing and a main gate on an empty lot before building a home on the lot. This will allow entry into the property regardless of a home being on the property. This is contingent on the homeowner following the other fence guidelines mentioned in this document and attaining approvals from the ACC.

4. **Maintenance and Repair**

- a. Property owners are expected to maintain and repair their fencing, replace sections, or even remove fencing altogether.
- b. The homeowners do not need to gain ACC approval for this type of work as the original fence footprint was already approved. Provided they stay within the restrictions above as to material types and heights, they should be free to make repairs or replacements as they wish.
- c. A maintenance violation can be filed if a roadside fence is deteriorating to the point of becoming a hazard; the ACC can issue this violation for the fences repair or removal. Likewise, a neighbor can file a violation under the same maintenance restriction if a fence between neighbors falls or is falling into the non-fence owner's property.

5. **Burglar Bars, Security Screens, Front Door Entryway Enclosures.** All burglar bars, security screens, and front door entryway enclosure shall be black. Notwithstanding the foregoing, the ACC shall have the discretion to approve another color for burglar bars, security screens and front door entry enclosure if, in the sole and absolute discretion of the ACC (subject to an appeal to the Board of Directors in the event of an ACC denial), the proposed color of the burglar bars, security screens, and front door entryway enclosures complements the exterior color of the dwelling. All burglar bars and front door entry enclosures must be comprised of straight horizontal cross-rails and straight vertical pickets. Decorative elements and embellishments (whether part of the original construction of the burglar bar or security screen or are add-on decorative elements/embellishments) of any type are prohibited on burglar bars, security screens, and front door entryway enclosures.

6. **Location.** A security measure may be installed only on an Owner's Lot, and may not be located on, nor encroach on, another Lot, street right-of-way, Association Common Area, or any other property owned or maintained by the Association. No fence shall be installed in any manner that would prevent someone from accessing property that they have a right to use/access such as a sidewalk.

7. **Disputes; Disclaimer; Indemnity.** Security measures, including but not limited to,
Security Measures Policy for Circle D Civic Association

security cameras and security lights shall not be permitted to be installed in a manner that the security measure is aimed/directed at an adjacent property which would result in an invasion of privacy, or cause a nuisance to a neighboring Owner or resident. **In the event of a dispute between Owners or residents regarding security measure fencing, or a dispute between Owners or residents regarding the aim or direction of a security camera or security light, the Association shall have no obligation to participate in the resolution of the dispute. The dispute shall be resolved solely by and between the Owners or residents.**

EACH OWNER AND OCCUPANT OF A LOT WITHIN THE PROPERTY ACKNOWLEDGES AND UNDERSTANDS THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND THE ACC, ARE NOT INSURERS AND THAT EACH OWNER AND OCCUPANT OF ANY DWELLING AND/OR LOT THAT HAS A SECURITY MEASURE THAT HAS BEEN OR WILL BE INSTALLED PURSUANT TO THIS POLICY ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO DWELLINGS AND IMPROVEMENTS AND TO THE CONTENTS OF DWELLINGS AND IMPROVEMENTS, AND FURTHER ACKNOWLEDGES THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND THE ACC, HAVE MADE NO REPRESENTATIONS OR WARRANTIES NOR HAS ANY OWNER OR OCCUPANT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, RELATIVE TO ANY SECURITY MEASURE THAT MAY BE APPROVED BY THE ACC PURSUANT TO THIS POLICY.

OWNERS OF LOTS WITHIN THE PROPERTY HEREBY AGREE TO INDEMNIFY, PROTECT, HOLD HARMLESS, AND DEFEND (ON DEMAND) THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND COMMITTEE MEMBERS COMPRISING THE ACC (COLLECTIVELY REFERRED TO AS THE "INDEMNIFIED PARTIES") FROM AND AGAINST ALL CLAIMS (INCLUDING WITHOUT LIMITATION CLAIMS BROUGHT BY AN OWNER OR OCCUPANT) IF SUCH CLAIMS ARISE OUT OF OR RELATE TO A SECURITY MEASURE GOVERNED BY THIS POLICY. THIS COVENANT TO INDEMNIFY, HOLD HARMLESS, AND DEFEND INCLUDES (WITHOUT LIMITATION) CLAIMS CAUSED, OR ALLEGED TO BE CAUSED, IN WHOLE OR IN PART BY THE INDEMNIFIED PARTIES' OWN NEGLIGENCE, REGARDLESS OF WHETHER SUCH NEGLIGENCE IS THE SOLE, JOINT, COMPARATIVE OR CONTRIBUTORY CAUSE OF ANY CLAIM.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the subdivision.

I hereby certify that I am the duly elected, qualified and acting Vice President of the Association and that the foregoing Security Measures Policy was approved by not less than a majority vote of the Board as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Bastrop County, Texas.

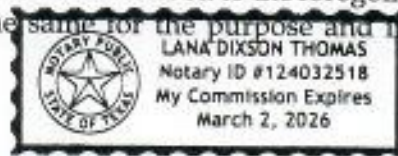
TO CERTIFY which witness my hand this the 19 day of April, 2022.

CIRCLE D CIVIC ASSOCIATION

By: [Signature]
Gary Gagnon,
Vice President, Circle D Civic Association

THE STATE OF TEXAS §
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COUNTY OF BASTROP §

BEFORE ME, the undersigned notary public, on this 19 day of April, 2022, personally appeared Gary Gagnon, Vice President of Circle D Civic Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas

[Signature: Lana Thomas]

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**



LUCINDAMOSLEY

[Signature: Krista Bartsch]

KRISTA BARTSCH, County Clerk

Bastrop Texas

April 22, 2022 12:06:07 PM

FEE: \$46.00

RESTRICTION

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