

CERTIFICATE OF RESOLUTION CONCERNING  
THE OUTBUILDINGS AND OTHER IMPROVEMENTS –APPROVAL AND GUIDELINES  
FOR CAPE ESTES SUBDIVISION, UNIT I AND UNIT II

THE STATE OF TEXAS  
COUNTY OF FREESTONE

§  
§ KNOW ALL MEN BY THESE PRESENTS:  
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WHEREAS, the Restrictions for Cape Estes Subdivision, Unit I and Unit II state that:

“1. There shall be established an Architectural Control Committee composed of three (3) members appointed by KENSAI, INC. (and/or by its designees, from time to time) to protect the owners of lots in this Subdivision against such improper use of lots as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures and structures built of improper or unsuitable materials, to obtain harmonious architectural schemes; to insure the highest and best development of said property; ... ; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and, in general, to provide adequately for a high type of quality of improvements on said property, and, thereby, to enhance the value of investments made by purchasers of lots therein.”

WHEREAS, the Restrictions for Cape Estes Subdivision, Unit I and Unit II state that:

“3. No residence, outbuilding, structure, fence or construction of any kind shall be constructed, erected or placed on any lot in this subdivision until the building plans, specifications and plot plans showing the location or said improvements have been submitted to and approved in writing by the Architectural Control Committee for the Subdivision.

NOW, THEREFORE, be it resolved as follows:

That the Outbuildings and Other Improvements – Approval and Guidelines For Cape Estes Subdivision, Unit I and Unit II attached hereto as Appendix A are hereby adopted by the Cape Estes Architectural Control Committee, and will apply to Cape Estes Subdivision, Unit I and Unit II and will replace the prior Outbuildings and Other Improvements – Approval and Guidelines For Cape Estes Subdivision, Unit I and Unit II.

IN WITNESS WHEREOF, the Cape Estes Architectural Control Committee hereby certifies that the above-described Resolution duly reflects action taken by the Cape Estes Architectural Control Committee on June 2, 2021.

Cape Estes Architectural Control Committee

By: 

Printed Name: Sam Hallman

Title: Member

By: 

Printed Name: Shayne Johnson

Title: Member

By: 

Printed Name: Larry Travis

Title: Member

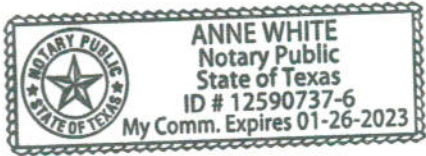
ACKNOWLEDGMENT

THE STATE OF TEXAS  
COUNTY OF COLLIN

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The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 11<sup>th</sup> day of June, 2021 by Sam Hallman as a member of the Cape Estes Architectural Control Committee.

Witness my hand and official seal,  
My commission expires: 1/26/23



Anne White  
Notary Public, State of Texas

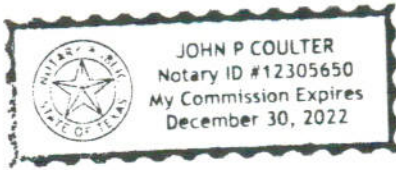
ACKNOWLEDGMENT


THE STATE OF TEXAS  
COUNTY OF FREESTONE

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The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 22nd day of June, 2021 by Shayne Johnson as a member of the Cape Estes Architectural Control Committee.

Witness my hand and official seal.  
My commission expires: 12/30/22



  
\_\_\_\_\_  
Notary Public, State of Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS                   §  
COUNTY OF COMANCHE               §

The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 16 day of June, 2021 by Larry Travis as a member of the Cape Estes Architectural Control Committee.

Witness my hand and official seal.  
My commission expires: 1-4-2023



Cindy L Thomas  
Notary Public, State of Texas

## APPENDIX A

### **OUTBUILDINGS and OTHER IMPROVEMENTS – Approval and Guidelines For Cape Estes Subdivision, Unit I and Unit II**

#### DOCUMENT PURPOSE

There are many provisions in the Restrictions for the Cape Estes Subdivision, (Unit I and Unit II) that are directly and indirectly related to requirements for the plans, approval, construction, placement and ongoing maintenance for Outbuildings and Other Improvements in the Subdivision. There are also many provisions in the Restrictions which require approval of the Architectural Control Committee.

The purpose of this document is to provide:

- A. a summary of the Cape Estes Restrictions provisions that apply to Outbuildings & Other Improvements
- B. definitions of key terms
- C. guidelines for approval of Outbuildings & Other Improvements

#### **A. SUMMARY OF CAPE ESTES RESTRICTIONS THAT APPLY TO OUTBUILDINGS AND OTHER IMPROVEMENTS**

**Section 3.**, No residence, outbuilding, structure, fence or construction of any kind shall be constructed, erected or placed on any lot in this subdivision until the building plans, specifications and plot plans showing the location of said improvements have been submitted to and approved in writing by the Architectural Control Committee for the Subdivision.

**Section 5.**, No building shall be nearer that five (5') feet to either the side or rear property lines . . . no building shall be nearer than twenty-five (25') feet to the front or street side of each lot. *(specific to Unit I)* ,..... As to Lots 1 through 38, Block 1, the Tarrant County Water Authority has reserved unto themselves a flood easement up to and including the 320' MSL elevation .... and no building shall be nearer than one (1') foot to this line.

**Section 7.**, Outbuildings, such as storage buildings, may be constructed of "sheet metal" if the materials and the specifications for construction are first approved in writing by the Architectural Control Committee. ... nor shall any structure of a temporary character be used at any time as a residence.

**Section 9.**, Exterior walls of all buildings and improvements shall be constructed of masonry, wood or other commercial siding approved by the Architectural Control Committee provided that all exposed wood surfaces and cement block surfaces shall be painted with at least two coats of good quality paint. No metal roofs shall be used unless approved by the Architectural Control Committee.

**Section 2.**, ... Water service must be connected and an approved septic system must be installed before any house or structure is occupied, even though for temporary use only.

**Section 11.**, All lavatories, toilets, and bath facilities shall be completely installed before the residence is occupied.

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**Section 12.** All lavatories, toilets, and bath facilities shall be installed indoors and shall be connected with adequate septic tanks and lateral lines constructed to comply with the specifications of the State and Local Health Authorities and no “outside” or surface toilets shall be permitted under any circumstances. The installation of septic systems on all lots shall be governed by the Tarrant County Water Authority.

**Section 22.** No driveway shall be installed nor permitted to be installed without written permission of the Architectural Control Committee, said written permission shall be granted only after it is determined that owner has a culvert pipe of adequate dimension and length for that particular situation.

**B. DEFINITIONS**

“Architectural Control Committee” or “ACC” means the Architectural Control Committee provided for and described in the Restrictions for Cape Estes Subdivision, (Unit I and Unit II). The ACC’s responsibilities include, but are not limited to, working with property owners when they have compliance questions, ensuring that the Restrictions are followed by owners and residents and reviewing and approval or non-approval of applications for the construction of improvements or modifications upon a Lot. To assist owners seeking to build a Residence or place an Outbuilding or Other Improvement upon a Lot, the ACC shall also provide approval application and design guidelines for improvements or modifications - that as stated in the Restrictions require ACC approval.

“Cape Estes” or “Subdivision” means Cape Estes Subdivision, Unit I and Unit II.

“Front yard” means forward of the exterior wall(s) of the street side(s) of the home.

“Improved Lot” means a Lot which does not have an approved Residence or Home, but which has been altered from its natural state and may have additional improvements such as, but not limited to Outbuilding(s) and/or Other Improvement(s).

“Lot” means any designated platted parcel of land located in Cape Estes, including any improvements on the designated parcel.

“Outbuilding” means a shed, storage building or other structure that is separate from a Residence or Home.

“Other Improvement” means any real property improvement to a Lot including, but not limited to, a boat dock or boat house, driveway, garage, carport, deck, porch, culvert, septic system, sprinkler system, fence, gate, retaining wall, stairs, and/or landscaping.

“Residence” or “Home” means a Lot that has an ACC approved: site-built residence or home, manufactured home or modular home that, was built or placed upon a Lot for the purpose of single-family residency.

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**C. OUTBUILDING AND OTHER IMPROVEMENT REQUIREMENTS, RULES AND MAINTENANCE GUIDELINES**

The guidelines in this document are provided for directional purposes and contain most, but not necessarily all, of the criteria that may be deemed necessary for approval of an Outbuilding, or Other Improvement.

In accordance with **Section 3.**, no Outbuilding or Other Improvement shall be erected, constructed, altered, or placed on or contiguous to any Lot until the construction plans, specifications and descriptions of the Outbuilding or Other Improvement (with a proposed start date and completion date) have been submitted to and approved by the Architectural Control Committee.

No Outbuilding shall be used on a Lot, at any time, as a dwelling or a Residence.

Plans and Specifications mean and shall include, but not be limited to, a plan showing size, shape, configuration, exterior material and colors to be used including roofing, exterior elevations, the location of the Outbuilding or Other Improvement, including the location in relation to a Home, Lot lines, electrical lines, water lines, sprinkler system, septic system tanks and lines, and including location with respect to topography and finish grade elevation, all as appropriate.

Considerations for approval of Outbuilding(s) or Other Improvement(s) shall include, but not be limited to, the quality of workmanship and materials, the harmony of the external design and colors of exterior materials with existing approved structures in the Subdivision and the appropriate placement of the Outbuilding(s) or Other Improvement(s) on Lots considering factors such as maintaining proper setbacks, providing adequate free spaces between structures and allowing for anticipated water flow and drainage.

An Outbuilding or Other Improvement that is planned to be connected or is subsequently connected to an existing septic system must receive written approval from Tarrant Regional Water District prior to connection to the septic system.

All roofing materials must be approved, including type, color, texture and quality.

All fences and gates must be approved by the Architectural Control Committee prior to their erection and (i) must meet all specifications stated in the Restrictions for Cape Estes Subdivision, (Unit I and Unit II), (ii) must meet any additional guidelines stated in this Guidelines document, and (iii) shall be subject to the following additional requirements:

1. fencing in the front yards of waterfront lots or off water lots will not be approved,
2. solid privacy fencing in the back yards of waterfront lots will not be approved,
3. chain link fencing in the back yards of waterfront lots will not be approved,
4. solid privacy fencing may be approved in the back yards of off water lots,
5. all fences and gates will be approved or not approved on a case by case basis, and
6. in order to have a fence considered for approval the following must be sent to the ACC -- a site plan of the lot, showing the location of the house, the proposed location of the fence and gate(s), any recorded drainage easements, the 320' elevation if a waterfront lot, and an example of the fence including: the proposed material, height, color and design style.



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Requests for a stand-alone garage on a Lot which does not have a Residence or Home must meet (i) all applicable specifications stated in the Restrictions for Cape Estes Subdivision, (Unit I and Unit II), (ii) any additional guidelines contained in this Guidelines document, and (iii) shall have the following additional requirements:

1. shall contain not less than 960 square feet of floor space in an enclosed living area that is exclusive of the garage space, or
2. if the garage is to be placed on a Lot that is adjacent to a Lot on which the owner(s) currently have a Residence or Home, then (i) the multiple Lots will thereafter be required to have the same ownership, as must be stated and evidenced in a restrictive covenant applicable to the multiple Lots which states that the legal title to the multiple Lots may only be held by the same owner(s) unless the standalone garage is removed from the Lot, and (ii) the restrictive covenant must be recorded in the real property records of Freestone County, Texas.

A garage's entry door height shall not exceed 10' feet.

Each owner(s) shall, at their sole cost and expense, repair and maintain all Outbuilding(s) and Other Improvement(s) keeping the same (i) in a condition comparable to the condition of such improvement(s) at the time of its (their) initial construction, excepting only normal wear and tear, (ii) such that all painted surfaces and all stained surfaces are repainted and restained, and shall not permit the exterior walls, windows, doors or other exterior portions of the improvement(s) to deteriorate in an unattractive manner (e.g. there should be a uniform color or texture, there should be not be peeling paint and there shall not be deteriorated/rotten wood, etc.), and (iii) otherwise in compliance with the provisions of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II).

The ACC may from time to time revise these Guidelines.

In the event the owner(s) of any Outbuilding or Other Improvement should allow such improvement to fall into disrepair and become in need of paint, stain, repair, or restoration of any nature or become unattractive and not in keeping with the neighborhood, the ACC will give such owner(s) written notice of such conditions and will require the condition to be corrected and cured within a specified timeframe.

If the violations are not cured by the deadline(s) stated in the ACC written notice, the ACC may turn the violations over to legal to pursue compliance and/or file a lawsuit in a court of competent jurisdiction to enforce the ACC's rights and remedies under the Restrictions and/or the laws of the State of Texas. If legal action is commenced, the ACC will seek recovery of reasonable attorney's fees and other reasonable costs incurred to obtain compliance in accordance with the Restrictions. The ACC may also seek civil damages for each day the violations exist. Additionally, the ACC may file a certificate of non-compliance in the real property records of Freestone County, Texas.