

**\*\*\*\* Electronically Filed Document \*\*\*\***

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Parties:**

**Direct- INDIAN LAKES HOMEOWNERS ASSOCIATION INC  
Indirect- PUBLIC**

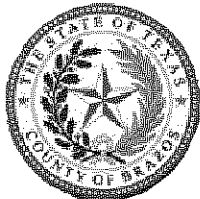
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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

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.

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I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

**INDIAN LAKES HOMEOWNERS ASSOCIATION, INC.**

**VEGETATION CONSERVATION POLICY**

WHEREAS, the property encumbered by this Vegetation Conservation Policy (the "Policy") is that property restricted by the Declaration of Covenants, Conditions, Reservations and Restrictions of Villages of Indian Lakes, recorded under Brazos County Document No. 00818093, as same has been or may be amended from time to time ("Declaration"), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Indian Lakes Homeowners Association, Inc. (the "Association"); and

WHEREAS, pursuant to the authority provided in the Declaration, the Board of Directors (the "Board") of the Association hereby adopts this Policy in an effort to further reiterate the conservation principles that the Indian Lakes Subdivision has been founded upon and the specific conservation efforts required as to each Lot within the Subdivision; and

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

WHEREAS, in the event of a conflict between the terms of this Policy and any previously adopted regulations, policies and/or guidelines addressing the conservation efforts regarding Lots within the Indian Lakes Subdivision as set forth herein, this Policy shall control.

NOW, THEREFORE, the following Policy is hereby adopted by the Board:

Pursuant to Section 4.04 of the Declaration, the Indian Lakes Subdivision is intended to be a conservation development, which means that Owners shall take proactive actions necessary to minimize the destruction and disturbance of natural habitats including but not limited to: plant, animal, resident and migratory bird and aquatic species.

In accordance with this general plan and scheme of conservation development, Owners shall take notice and fully comply with the following provisions, which are also set forth in the Dedicatory Instruments (as that term is defined in the Texas Property Code) governing Lots within the Indian Lakes Subdivision:

**1. CLEARING OF HABITAT REQUIRES PRIOR WRITTEN APPROVAL:**

Declaration, Articles 1 and 2: The clearing of habitat on a Lot is restricted to the site clearing plan approved by the ACC at the time of home construction. Prior written approval from the ACC is required when any Improvement takes place on a Lot. An Improvement is defined as any physical change to raw land or to an existing structure which alters the physical appearance, characteristics or properties of the land or structure, including but not limited to adding or removing square footage area space to or from a

structure, painting or repainting a structure, or in any way altering the size, shape or physical appearance of any land or structure.

**2. TREES:**

Declaration, Section 4.04.01, and ACC Guidelines: Any live tree located on or within ten feet (10') of the ACC [Architectural Control Committee] approved driveway and slab location of any Improvement on a Lot may be removed. All other trees on a Lot are subject to the following restrictions:

- (a) Lot Size of Two Acres or Less: Any live tree with a trunk diameter/caliper measured from three feet (3') off the ground, equal to or greater than four inches (4") in diameter/caliper may not be removed without ACC approval.
- (b) Lot Size of Two Acres or More: Any live tree with a trunk diameter/caliper measured from three feet (3') off the ground, equal to or greater than six inches (6") in diameter/caliper may not be removed without ACC approval.

**3. LANDSCAPE BUFFER:**

Section 2.07 of the Declaration provides that the ACC may from time to time publish and promulgate architectural standards, bulletins or guidelines and/or lot information sheets that shall carry forward the spirit and intention of the Declaration. Such bulletins and lot information sheets shall supplement the Declaration and are incorporated into the Declaration by reference. *The Declaration requires that each Owner seek and obtain and become thoroughly familiar with any and all architectural standards, bulletins or guidelines and lot information sheets PRIOR to acquisition of, and construction on, any Lot within the Subdivision.*

Section 2.07 of the Declaration further provides that the ACC shall have the right, power and authority to establish architectural standards, bulletins and guidelines pertaining to landscape plans, which shall include (in part) vegetation and ground cover, and the protection and preservation of trees and other existing and introduced vegetation.

In light of this authority, the ACC adopted the Indian Lakes Homeowners Association ACC Guidelines, which provide in pertinent part:

Landscape Buffer: On each Lot between the front property line adjacent to the Access Road and the front building line of the Dwelling Unit, the Lot Owner shall maintain at least one landscape buffer area with dimensions of at least thirty feet (30') by fifty feet (50'). The landscape buffer area shall remain in a natural, undisturbed state that includes, without limitation, all trees and under story plants. Lot Owner is required to snow fence off the Landscape Buffer prior to construction to help minimize damage to the Landscape Buffer. The Landscape Buffer shall not be decreased less than disclosed on site plan

without ACC Approval. The Lot Owner is encouraged to protect and fence off any and all trees and natural areas to remain on the property if construction damage or soil compaction conditions exist.

**4. SHORELINE CLEARING RESTRICTIONS:**

Section 4.03.06 of the Declaration and the ACC Guidelines provide:

The Owner of a Lake Lot may not clear, disturb or remove natural shoreline vegetation existing along the shore of such Lake Lot without the prior approval of the ACC. The ACC will allow the Owner to clear no more than forty percent (40%) of the natural shoreline vegetation existing as of the date hereof provided the Owner complies with the provisions of Article 2 [Declaration] in seeking the ACC's approval. For each ten percent (10%) of shoreline vegetation cleared by Owner, the ACC may require the Owner to plant, within one hundred feet (100') of the property line abutting the Lake, at least one disease resistant hybrid live oak tree with a minimum diameter of two inches (2") and a minimum height of six feet (6').

**5. FAILURE TO COMPLY:**

Failure of an Owner to comply with the conservation provisions set forth in this Policy, and the Dedicatory Instruments, shall constitute a violation of the Dedicatory Instruments. Such violations may be subject to fines, costs, charges, attorney's fees and any other remedies pursuant to the Dedicatory Instruments and as set forth in the Indian Lakes Homeowners Association, Inc. Deed Restriction Enforcement and Fine Policy. Further, a Certificate of Non-Compliance may be recorded in the real property records notifying the public of any outstanding violations on the Lot.

This Vegetation Conservation Policy does not apply to property that is owned or maintained by the Association, as same is governed by separate provisions in the Dedicatory Instruments.

**CERTIFICATION**

I hereby certify that the foregoing Vegetation Conservation Policy was approved by at least a majority of the Directors, on the 23<sup>rd</sup> day of October, 2012, at a meeting of the Board of Directors at which a quorum was present.

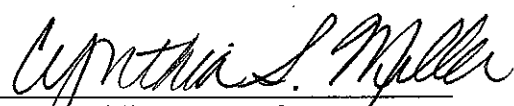
DATED this the 23<sup>rd</sup> day of October, 2012.

  
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PAUL CLARKE, President

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

BEFORE ME, on this day personally appeared Paul Clark, the President of the Indian Lakes Homeowners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 23<sup>rd</sup> day of October, 2012.

  
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Notary Public – State of Texas



After Recording Please Return To:

Stephanie L. Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056