

RESOLUTION NO. 083018B

**AMENDMENT OF RULES AND REGULATIONS
OF
WHITEWATER SPRINGS**

(Related to Deed Restriction Enforcement)

Document reference. Reference is hereby made to that certain Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section I, filed as Document No. 199710212 in the Official Public Records of Burnet County, Texas (together with all amendments and supplements, the "**Declaration for Section I**").

Reference is further made to that certain Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section II, filed as Document No. 199806957 in the Official Public Records of Burnet County, Texas (together with all amendments and supplements, the "**Declaration for Section II**").

Reference is further made to that certain Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section III, filed as Document No. 199809115 in the Official Public Records of Burnet County, Texas (together with all amendments and supplements, the "**Declaration for Section III**"). Reference is further made to that certain Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section IV, filed as Document No. 199911856 in the Official Public Records of Burnet County, Texas (together with all amendments and supplements, the "**Declaration for Section IV**").

Reference is further made to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section V, filed as Document No. 200211190 in the Official Public Records of Burnet County, Texas (together with all amendments and supplements, the "**Declaration for Section V**").

Reference is further made to that certain Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section VI, filed as Document No. 200005017 in the Official Public Records of Burnet County, Texas (together with all amendments and supplements, the "**Declaration for Section VI**").


Collectively, the Declaration for Section I, Declaration for Section II, Declaration for Section III, Declaration for Section IV, Declaration for Section V, and Declaration for Section VI are hereinafter referred to as the "**Declarations**".

WHEREAS, the Declarations provide that owners of lots subject to the Declarations are automatically made members of Whitewater Springs Property Owners Association (the "**Association**");

WHEREAS, the Association, acting through its board of directors (the "**Board**"), is authorized to adopt and amend rules and regulations pursuant to Bylaw Section 7.1; and

WHEREAS, the Board has voted to adopt the Enforcement Policy attached as Exhibit "A".

NOW THEREFORE BE IT RESOLVED, PASSED AND APPROVED this 30TH day of August, 2018.



Donald G. Rauschuber
President, Board of Directors

ATTEST:

Ron Frioux
Secretary, Board of Directors

EXHIBIT A

***Requirements for Building in Whitewater Springs Subdivision
Bertram, Texas***

Please be aware, failure to comply with these requirements may result in possible fines as described in Violation Enforcement Policy at www.goodwintx.com

You have purchased your homesite in Whitewater Springs. We hope the following information will help you during your build process. Please be aware that NO construction or exterior improvements may be made without written permission of the Architectural Control Committee (ACC) . If you need clarification or more information, please contact the ACC for assistance.

You may clear your land, including trees and brush, but no earth excavation or building activities may be conducted without prior written approval from the ACC. Please be aware that you must either mulch in place or remove the debris within 30 days of commencement of any clearing activities.

Please be aware that if your property/lot lies in or within 300 feet of the Golden-Cheeked Warbler (GCWA) habitat (see attached list of restricted lots), you may NOT clear vegetation or commence work activities during the period of March 1st through August 1st of any year, unless a breeding season survey(s) is performed by a U.S. Fish and Wildlife Service (USFWS) permitted biologist indicated that no GCWAs are present within 300 feet of the desired clearing or building activity.

Also, please be aware, that failure to comply with the no clearing of vegetation on affected lots during breeding season may result in the Property Owners Association (POA) Board reporting the alleged violation to the appropriate USFWS Office.

Work with your builder to draw up plans of your proposed improvements for submission to the ACC. At a minimum, the ACC will need the following items:

1. Site plan;

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- 2. Plans of the home and other structural site improvement or exterior changes to an existing home. The plans must show the exterior elevations of the home on all four sides;**
- 3. Septic plan showing septic lines, spray heads, and spray field. The septic plan must be drawn on a site plan showing platted property boundaries. You must secure an On Site Sewerage Facilities (OSSF) Permit from Burnet County. A copy of the Burnet County OSSF Permit must be submitted to the ACC prior to commencement of house construction**
- 4. Home site map with the location of the home and driveway specifically noted on the map;**
- 5. Home plans must include square footage. A minimum of 2000 square feet of conditioned living space is required. This does not include garages, porches, patios;**
- 6. No home shall be placed nearer than one hundred (100) feet from the property's platted front property line, nor fifteen (15) feet from an adjacent owner's platted property line. If topography of the lot makes this impossible to construct your residence, please submit a request for variance from Covenants, Conditions and Restrictions (CCR) or final plat set back requirements explaining why and what set back is being requested;**
- 7. Complete the following forms (available at <http://www.wwspona.com/property-owners-section/architectural-control-area/> or at INSERT GOODWIN MANAGEMENT WEBSITE);**
 - a. New Home Construction application**
 - b. Property Owners Responsibility form**
 - c. Contractor/Builder Responsibility form**
- 8. Include a check or money order made out to Whitewater Springs POA for your nonrefundable Road Assessment Fee¹; and**

¹ WWS Road Assessment Fee for 2019 is \$2,182.13. This fee may increase annually.

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9. Secure water service through our water utility company, PGMS. You may contact the water company at 512/894-3322 or at PGMS, 26550 Ranch Road 12, Dripping Springs, Texas 78620.

Once you have obtained the above, you must to submit your plans and all requested forms to the ACC for final review. Copies may be forwarded by email, by U. S. Postal Service mail, or hand delivered to the ACC.

The ACC will review your building application at its earliest possible date, but please allow at least thirty days for the review of your documents. You will be notified when ACC has met and reviewed your application.

You may not place a storage building on your property prior to the completion of the primary home. All secondary buildings/structures must be located behind the primary home. All structures, storage buildings, fences, windbreaks, trellises, etc. must also be approved by the ACC with a separate application. These additional structures are not permitted until the primary home is completed.

You may not store any items on your property prior to the construction of your primary home.

You may not live in a camper, tent, travel trailer, motor home, manufactured home or any other temporary structure on your lot or within the Whitewater Springs Subdivision, while your home is under construction and accepted by the ACC.

You are responsible for reading and complying with all applicable CCRs regarding the development of your property and the building of your home. This document is intended to help you with your build but does not replace the CCRs. The CCRs are the final word and ruling to all build questions.

The homeowner/property owner is responsible to ensure the builder/construction crew follows the following construction rules:

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1. The following construction hours shall be adhered:

**Exterior building: Monday-Saturday between sunrise to sunset
Sunday between the hours of 8AM-5PM**

Delivery of construction materials (e.g., on-site ready-mix concrete and building supplies) may be delivered to an active construction site between the hours of 5:30 A. M. and sunset on the days of Monday through Saturday. Concrete pour and finishing activities may occur commensurate with ready mix delivery activities. On-site mixing, pouring and finishing of concrete may only occur during permitted construction hours, as set forth herein.

Interior construction: No construction hour limitations if it causes no disruption to neighbors.

- 2. No loud (i.e., auditable beyond property lines) music allowed.**
- 3. All food wrappers, cans, water bottles and construction debris must be deposited of in the construction dumpster with top cover.**
- 4. All on-site stored construction materials must not be stored within 15-feet of any property line.**
- 5. Site must be policed daily for all trash, personal and building debris.**

Please note that the WWS POA has adopted a schedule of fines for violations.

By accepting the ACC's approval, the property owner, contractor/builder agrees to:

- After approval of application by the ACC and PRIOR TO BEGINNING ANY NEW CONSTRUCTION on the identified lot, install a temporary driveway from "street to slab" of at least four (4) inches of compacted rock, gravel, crushed limestone, or better material (no clay/rock mixture) to prevent the tracking of mud onto the streets of the subdivision.

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- Any slash from clearing of the site will be removed or mulched within 30 days.
- Place a solid metal debris dumpster, with cover, immediately upon beginning new home and guest house construction. **Site must be policed DAILY by the property owner and/or his designee prior to workers leaving the site and all debris placed in the appropriate containers.**
- **ways Keep the construction area and adjacent properties free of trash .** This means daily! Maintain all building materials in a clean and suitable manner per Article VIII, Section 16 of the “Declaration of Covenants, Conditions and Restrictions (DCC&Rs) of Whitewater Springs Subdivision”.
- Instruct all contractors/sub-contractors for the project to obey the posted 30 mph speed limit while driving inside the subdivision and to watch for pedestrians (the subdivision roadways are used by residents for walking/jogging/bike riding).
- Repair or reimburse the Whitewater Springs Property Owners Association for any damages that occur, due to his/her crew and/or any sub-contractors, to any roads or common areas during the construction/installation at the identified tract.
- Use only rubber-tired vehicles on the streets and roads of the Whitewater Springs subdivision. No tracked or lugged vehicles will be allowed.
- Comply with all applicable federal, state, and local laws, ordinances, building codes and regulations that are requirements in connection with this work, and obtain any necessary government permits and approvals.
- **At the start of construction**, each contractor/subcontractor may place no more than one (1) contractor sign on the property of construction. Each sign may not be any larger than 3’ x 2.5’ in size with the top of the sign being no higher than three (3) feet above the ground. The signs must be removed immediately upon the closing of the property, or completion of the project/installation.

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Contact Whitewater Springs Security by email security@wwspoa.com after ACC approval to obtain gate entry procedures and a gate entry password for this construction activity, if this is not being done by the property owner in your behalf.

The ACC will use the checklist shown in Attachment One when reviewing your application. Please note that additional WWS building requirements are set forth in Attachment One.

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ATTACHMENT ONE

WHITEWATER SPRINGS ACC CHECKLIST (per DCC&Rs on 8/30/2018)

Property Owner (Name) _____ Section _____ Lot No. _____

- Is there a water tap available for this new build? yes no Check with the WSWSC Board.
- Property owner needs to read, complete, and sign the Whitewater Springs "New Home Construction Application" or the "Addition/Modification Application" and submit to ACC (all projects will require one of these forms). **Each project request for change, modification, or variance needs to be on a separate form.**
- Property owner needs to read, complete, and sign the Whitewater Springs "Property Owner Responsibilities" form and submit to ACC (all projects require this form)
- Contractor/Builder needs to read, complete, and sign the Whitewater Springs "Contractor/Builder Responsibilities" form and submit to ACC (NOTE: form required for project if a builder/contractor is to perform the work or a portion of the work)
- Need construction plans and specifications, per Art. III, Sec. 1 of DCC&Rs
- Documentation showing finish grade elevations (front, back and side), per Art. III, Sec. 1 of DCC&Rs
- Information showing external materials and color scheme, per Art. III, Sec. 1 of DCC&Rs
- Verify that primary dwelling is 2000 sq. ft. or larger and has a two-car garage (either attached or detached), per Art. IV, Sec. 2 of DCC&Rs
- For a home that is set on blocks or piers, there must be an outside or perimeter beam of brick or concrete on all sides of the building. The ACC has broad discretion to waive the exterior beam requirement for a split-level home or hillside home.
- The single-family structure and a minimum two car attached garage must be completely dried in within 6 months of ACC approval of project. A detached garage (two cars minimum) must be constructed at the same time as the single-family structure and dried in as the same time of the house.
- Need copy of Site Plan/Structure(s) location, which must be a surveyor's plat drawing (i.e., showing location of house, propane tank, water storage tanks, sewer system, out building, shed, barn, garage, driveway, deck, gazebo, pool, Jacuzzi, etc.), per Art. III, Sec. 1 of DCC&Rs
- Locate all utility lines before doing any excavation. Repair fees to any damaged utility will be the responsibility of the homeowner.
- Verify that house and other structures/tanks, etc. are within property setback lines, pursuant to setback specifications incorporated in all Articles of the DCC&Rs
- Complete plan of sewer system showing relation to tract lines and water lines, water wells, or water sources, per Art. III, Sec. 1 of DCC&Rs
- Verify that the sewer system is an aerobic sewer system with sprinklers and an alarm, per Art. IV, Sec. 10 of DCC&Rs
- Complete plan showing construction and location of water well and lines, per Art. III, Sec. 1 of DCC&Rs
- Information showing that external improvements or changes are in harmony with external design of existing structures, per Art. III, Sec. 1 of DCC&Rs

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- Copies of all permits required per Art. III, Sec. 2 o DCC&Rs Building Permit(s) and Septic Permit

 - Procure a check for **\$\$2,182.13** (one-time non-refundable road impact fee for new home construction, per the Second Amendment of DCC&Rs Art. VIII, Sec. 7. This must be in the form of a **Cashier's Check** or money order made out to "**Whitewater Springs POA**". In the bottom left corner of the check, it needs to say "**Lot No. ____ Road Impact Fee**". The lot number of the owner needs to be identified. Mail your check to **WWS ACC** at 328 Spring Hollow Drive, Bertram, TX 78605, or, if hand delivering the application packet, include it in the packet. Once the applications and plans have been approved, the ACC will send it to the management company.

 - When a culvert, bridge, or crossing is necessary or requested by property owner or ACC, a request is to be made to and approved by the ACC, per Art. IV, Sec. 15 of DCC&Rs (NOTE: Per County staff, county permit is NOT required for culvert because we have private roads in WWS)

 - Prior to beginning of construction and after ACC's approval of project, a driveway extending from street to slab of 4 inches of gravel, compacted rock, crushed limestone, or better must be installed, per Art. IV, Sec. 17 of DCC&Rs. NOTE: No road base is allowed.

 - Verify that barn, shed, or outbuilding is set within property lines as identified in Art. IV, Sections 9 and 9A of the DCC&Rs and Resolutions.

 - If a variance is necessary/wanted, a written request clearly identifying what is needed/wanted must be made to the ACC by the property owner. An explanation of the reasoning for the variance must be included in the request for variance. Approval/denial will be based on the DCC&Rs.

 - Verify that the WSWSC (water supply corporation) approved the Rainwater Harvest System, if such is being installed on property.
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Properties within the Protected Bird Habitat

(Note: Sections 3, 4, and 6 are NOT affected)

Section 1: Whitewater Drive, Spring Hollow Drive, and Balcones Ridgeway Lot Numbers:

93	84
94	85
123	86
124	87
125	88
126	89
127	90
128	91
129	92
72	23A
73	24A
74	
75	
76A	
77	
78	
79	
80A	
81A	
83	

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Section2: Sonora, Spring Hollow Drive, Whitewater Drive, Canyon Ridge Ct., Suncrest Trail, Wood Hollow Drive, Edgewood Lane Lot Numbers:

130	150B	175	218
131	151B	176A	219
132	151C	179A	234A
133	152A	183A	235A
134	152B	186	236
135	153A	187	237
136	153B	188	238
137	153C	189	239
138	154	190A	240
139	155	190B	241
140	156	190c	242
141	157	191	251
142	158	192	252
143	159	193	253A
144A	160	194	254A
145A	161	195	255
146A	162	196A	256
147A	163	198A	257
148A	164	201A	
148B	170	204A	
148C	171	205A	
149B	172	205B	

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149C 173 216

150A 174 217

Section 5: Crestway Drive, Hollis Drive, Tenager Bend Lot Numbers

501A

501B

502A

502B

503A

503B

504A

504B

505

506A

506B