

Grand Harbor Property Owners Association

18956 Freeport Drive, Suite A

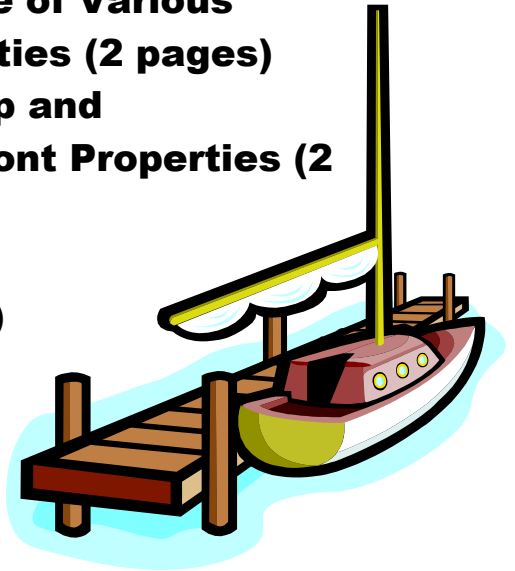
Montgomery, TX 77356

936-582-1054

Boat Slip and Bulkheading Improvement Construction Application Package

Contents:

- 1. Application Form (4 pages)**
- 2. ACC Policy & Procedure (3 pages)**
- 3. Requirements and Guidelines: Drainage of Various Improvements on Grand Harbor Properties (2 pages)**
- 4. Requirements and Guidelines: Boat Slip and Bulkheading Improvements on Waterfront Properties (2 pages)**
- 5. "Neighbor Affidavit" Form (2 blanks)**
- 6. Deposit Refund Request Form (1 blank)**



Submit only completed application and affidavits as necessary.

Please make a copy of all documents submitted for your records.

Retain the "Refund Request" form and submit it upon completion of the project.

Deadline for submitting Application is Tuesday at 4:00 PM, on the week of the scheduled ACC meeting.

**Grand Harbor Property Owners Association (GHPOA)
Boat Slip and Bulkheading Construction
Application**

DATE: _____ **APPL. #: BH -** _____

CONSTRUCTION ADDRESS: _____

LEGAL DESCRIPTION: GH HS **SEC:** _____ **BLK:** _____ **LOT:** _____

TYPE OF IMPROVEMENT: **BULKHEAD** **BOATSLIP**

CONTRACTOR NAME: _____

BUSINESS ADDRESS: _____

PHONE: _____ **FAX:** _____

PROPERTY OWNER: _____

OWNER ADDRESS: _____

PHONE: _____ **EMAIL:** _____

PROPOSED COMMENCEMENT DATE: _____

REQUIRED COMPLETION DATE: _____

The undersigned Owner(s) and Contractor (joint "Applicants") hereby request the Grand Harbor subdivision Architectural Control Committee (ACC) approval to construct the improvements designated above in accordance with the Plans, Drawings, and Specifications submitted with this Application. Applicants represent and agree as follows:

- a) Applicants have read and understand the designated GH Section's "Declaration of Covenants, Conditions and Restrictions of Grand Harbor" (CCR) and the herein attached "Construction

Requirements and Guidelines” (CRG) applicable to the above described property and state that the improvements will be made in full compliance with such CCR and CRG.

- b) Applicants understand and agree that, with ACC approval of this application as represented, if the agreements or representations made by the Applicants are not correct and complied with, the ACC will suspend, or revoke and rescind its approval of this Application and the Application Processing Deposit will be forfeited.
- c) In addition to the requirements in the CCR and CRG, Applicants will promptly seek and obtain the San Jacinto River Authority (SJRA) permit for construction of bulkhead, dock, pier, etc. on lake front lots. **A copy of the permit must be provided for the Applicant’s file whenever first available.**
- d) Applicants will not begin any construction until all plans are approved and have received official notification of such via approval letter from the ACC.
- e) Applicants will ensure all Subcontractors, Special-purpose Staff, etc., have had access to the attached Regulations and Guidelines prior to the initiation of construction. Applicants understand the GHPOA will NOT approve any variance due to owner, builder or subcontractor neglect or mistakes, design, or survey mistakes, or inattention to the details associated with attached Requirements and Specifications.
- f) In order to minimize obstructions caused by construction equipment, all in-water work must be completed within 10 working days after initiation of that construction phase. Further, Erosion Control Measures must be in place within 15 working days after completion of the major construction. Failure to meet these deadlines can result fines/loss-of-deposit
- g) **Applicants (Owners) represent they are members of the GHPOA in good standing at the time of this application submittal, i.e., they are not in arrears in the payment of past annual maintenance dues or currently have open and unresolved CCR violation action(s) against the identified property.**
- h) **The ACC and the GHPOA have no obligation and are not legally liable in the approval of any improvement or modification to any improvement from the standpoint of safety, adequacy or intended function, whether structural or otherwise, or improvement conformance to established building codes, or other governmental laws or regulations.**
- i) **Negative (disapproval of Application) ACC decisions are subject to a one-time Applicant appeal to the GHPOA Board of Directors. All decisions of the GHPOA are indisputably final.**

Property Owner (printed)

Property Owner (signature)

Property Owner (printed)

Property Owner (signature)

Contractor (printed)

Contractor (signature)

Grand Harbor Property Owners Association (GHPOA)

Boat Slip and Bulkheading

Application Submission Checklist

The following documentation and fees must be provided on the day of the application:

1. Complete Site Plan of the property showing the location and dimensions of all improvement structures. Site plan must be to scale and reference all building lines, utility easements and drainage easements. Include complete schematic and "affected neighbor" agreement for a corner, end-of-canal property improvement.
2. Contractor's resume and proof-of-insurance certificate for \$1,000,000 liability.
3. List of all sub-contractors needing gate access. Sub-contractors not on this list will NOT be allowed in Grand Harbor.
4. Applicable payment/deposits to be made at submission of application:

For new construction: Contractor's Damage/Compliance Deposit of \$750.00. (\$650.00 is refundable upon completion and inspection by GHPOA.)

For additions to existing boat slips: Contractor's Damage/Compliance Deposit of \$500.00. (\$400.00 is refundable upon completion and inspection by Grand Harbor POA.)

5. Checks for Deposits are to be made payable to: **Grand Harbor POA.**
Note that subsequent Requests for Deposit Refunds must be made by the same named Contractor or Owner signing this Application's deposit check.
6. Complete Application Packages should be delivered during regular business hours to:

Grand Harbor POA
18956 Freeport Drive, Suite A
Montgomery, TX 77356

ATTN: Architectural Control Committee

7. Copy of the approved San Jacinto River Authority permit. Permit must be returned to the GHPOA for placement into the Applicant's file prior to any subsequent application for deposit refund.

GHPOA Bulkheading/Boat Slip Construction Requirements and Guidelines

1. Boat slip structure **must** be centered on lot.
2. The boat dock can extend a maximum of forty (40) feet into the water on canals BUT there must be at least thirty (30) feet of navigable water way between opposing canal boat docks for emergency vehicle passage.
3. In the case of end-of-canal, corner properties, ALL the property owners involved must work together and ALL sign an agreement that will allow for each owner to have a dock. Schematics for a corner end of canal property can be provided by the POA office.
4. Boat dock cover must be BROWN unless entire canal is GREEN (older sections). (Note: Boat dock covers are not mandatory but if added at a later date, a request must be presented to the ACC for approval.)
5. No owner or contractor may enter onto a lot adjacent to the Construction site for purposes of ingress and egress during or after construction unless the same owner also owns adjacent lot. All lots adjacent to the improvement site shall be kept free of any trees, underbrush, trash or other building materials during construction of the Bulkhead or Boat Slip.
6. All tree stumps, trees, limbs, underbrush and any other debris, removed from the lot for construction of the residence, must be removed and hauled out of the subdivision. Burning is not allowed in the subdivision.
7. No trash, materials or excess dirt is allowed in the street or ditches. Any such trash, materials or excess dirt or fill inadvertently spilling or getting into the street or ditches shall be removed, without delay, on a daily basis.
8. All vehicles belonging to work crew will either be parked on the lot where the construction is occurring or on the same side of the street. No vehicle will block a driveway, view of oncoming traffic or be parked on a neighbor's driveway without obtaining permission of the property owner prior to construction.
9. No construction will begin before 7:00 a.m. or continue after 7:00 p.m. GHPOA reserves the right to change open hours for construction on job site.
10. Property owners are responsible for removing or leveling all excess dirt left on the property after construction is completed. Property owners will be required to maintain proper Erosion Control Management. This includes either properly installed sod or properly installed erosion control blankets with silt fencing and grass seed. The property owner shall also repair any damage to asphalt and ditch crossing used to access property.

GRAND HARBOR PROPERTY OWNERS ASSOCIATION (GHPOA) ARCHITECTURAL CONTROL

POLICY

The GHPOA Board of Directors (BoD) recognizes the need for and continued use of Committees which are essential, resident-staffed groups formed with specialized functionality and assigned duties and activities directed toward the betterment of the Grand Harbor Subdivision. In that context, it follows then that all "Architectural Improvements" to properties within the Grand Harbor/Harbor Side Subdivision are to be overseen by an "Architectural Control Committee" (ACC) established through GHPOA BoD Resolution. The ACC is to perform its duties and responsibilities as delineated in the official "Declaration of Covenants, Conditions and Restrictions of Grand Harbor," (CCR) for all Subdivision Sections of various origination dates.

Committee members are to be property owners, in good standing with the GHPOA, who volunteer to serve on the ACC. When placed on an official BoD meeting's agenda, after recognition and discussion, the committee members are appointed to serve open-ended terms, with their names recorded in the proceedings' minutes. In order to remain functional over time, the ACC is to be composed of not less than three (3), or more than five (5) members, all current holders of GH/HS property. The conduct of ACC business is in a defined, organized fashion. All properly-submitted property-owner applications for improvement are to be promptly dispositioned by majority member votes that are duly recorded and reported out of the Committee. Timely written notification to the applicants, on the status of their improvement requests, is essential to a well-functioning ACC.

GRAND HARBOR PROPERTY OWNERS ASSOCIATION (GHPOA) ARCHITECTURAL CONTROL

PROCEDURE

The following are procedural steps for the application and review of requested property improvements in Grand Harbor and Harbor Side Subdivision and their eventual approval or rejection.

A. Property Owners intending to implement an architectural improvement should obtain an application package, either in hard copy from the GHPOA Office or downloaded from the GHPOA Website (Ref: "Main Menu" entry labeled "Architectural Control" at: <http://grandharborpoa.com/>).

GH/HS Subdivision improvements are in one of three categories, with a tailored application package for each:

- New Home Construction Improvement (NHCI)
- Boat Slip and Bulkheading Construction Improvement (BSBHCI)
- "Other" Improvement (OI)

B. All improvements must be requested via a complete, legible application form, properly signed, and be accompanied by the required deposits and fees (listed in the application), along with the documentation cited in the form as necessary for the ACC's review and approval. The ACC is not obligated to accept an application that is missing any of the listed items.

Architectural-improvement-request application forms should be submitted to the GHPOA Community Coordinator during normal business hours:

**Grand Harbor POA
18956 Freeport Drive, Suite A
Montgomery, TX 77356**

Attn: Architectural Control Committee

C. Per the Deed Restrictions, the ACC is to process all applications to a final committee disposition within 60 days. ACC failure to act within this period constitutes defacto application approval. If the application is approved by the ACC, the applicant can proceed with the improvement on the date it is disclosed. If the ACC disposition is for disapproval, the reason(s) will be clearly cited in notification correspondence; applicant will be notified by phone or email, with an ACC letter following.

D. In accordance with Section 209 of the TX Property Code, an Applicant is entitled to appeal to the GHPOA BoD (i.e., specific BoD Meeting Agenda Item) all ACC Improvement disapprovals, at which time the Board will render its "first and final" decision. The GHPOA must hold this hearing in less than 30 days after the date the board receives the owner's request for a hearing and shall, in return, notify the owner of the date, time, and place at least 10 days before the actual date of the hearing.

Requirements and Guidelines Drainage of Various Improvements on Grand Harbor Properties

The Grand Harbor Property Owners Association (GHPOA) Board of Directors (BoD) has the authority, via “Declaration of Covenants, Conditions and Restrictions” (CCR), and By-Laws, to direct/restrict a property improvement’s location and construction. The Architectural Control Committee (ACC), a semi-autonomous adjunct to the BoD, is charged with reviewing and approving or disapproving all forms of improvement applications submitted to the GHPOA.

Within overall GHPOA CCR, pertinent individual CCR, relative to improvements affecting water drainage, are Article III, Section 26, “Drainage,” and Section 7, “Slab Requirements.” Proposed property improvements will be reviewed for compliance with these CCR and the application approved prior to implementation, thereby ensuring both Applicant and adjacent neighbors will not be significantly compromised.

CCR ARTICLE III “Use Restrictions,” Section 26 “Drainage:” *Each owner of a Lot agrees that he will not in any way interfere with the established drainage pattern over his Lot from adjoining Lots or other Lots in the Properties. Any changes necessary in the established drainage pattern must be included on the Owners plans and specifications when submitted to the Committee. Such drainage plans shall be subject to the Committee’s approval. Each Owner agrees that he will take all necessary steps to provide for additional drainage of his Lot in the event it becomes necessary. Established drainage shall be defined as drainage that exists at the time the Declarant (Developer) completes all grading and landscaping within the Properties. If an Owner wishes to change the established drainage and is not at that time constructing a home, a drainage plan must be provided to the Committee for approval. No pockets or low areas may be left on the Lot where water will stand following a rain or during normal yard watering. With the approval of the Committee, an Owner may establish an alternate drainage plan for low areas by installing underground pipe and area inlets or other such methods as approved by the Committee.*

CCR ARTICLE III “Use Restrictions,” Section 7 “Slab Requirements:” *All building foundations shall consist of a concrete slab The finished slab elevation for all structures on waterfront Lots shall be above 207 elevation as established by the San Jacinto River Authority. The finished slab elevation for all other structures shall be above the 100 year flood plain as established by Commissioner’s Court of Montgomery County, Texas, the Montgomery County Engineers Office, and other applicable governmental authorities. All residential foundations/slabs for all Lots in the subdivision must be a minimum of eight inches above finished grade of the lot at the foundation perimeter.*

The following are specific requirements and guidelines on drainage for both the ACC and the Applicants to use, and for BoD consultation in the event of a formal appeal by a disapproved applicant.

I. Location of Improvement

A. Diversion/mitigation means must be included in drainage planning; new home building pads and final grading shall not alter/divert natural sheet flow water runoff onto adjacent properties, occupied or otherwise.

B. The consequences of post-construction drainage patterns must be factored into drainage planning so as to not have a negative impact on existing trees or vegetation.

II. Improvement Construction

A. French drains, conduits, collection boxes, etc., should be utilized to transport runoff to the lake or to front property ditches, especially when open ditches would be difficult or unsightly to accommodate.

B. Ditches (a.k.a., swales) should have a width-to-depth ratio of approximately 3:1 or more, i.e., gentle sides to ensure grass is not eroded by fast-moving runoff.

C. Gutters and downspouts should be used to direct runoff into collection points and not allow water to otherwise discharge/disperse in an uncontrolled fashion over the property.

D. Driveways and other paving must be raised, shaped and sloped to adequately drain runoff away from the new home and toward the abutting street, ditches, or lake.

E. Property owners must implement proper erosion control management both during and after construction. Runoff sediment fencing is to be used during construction. Post construction measures include either properly installed sod, or properly installed erosion control blankets with sediment fencing and grass seed.

F. Wood fencing improvement installed with a solid board "rot railing" shall not make contact with the ground in such a way and location as to impede sheet water passage.

Requirements and Guidelines Boat Slip and Bulkheading Improvements on Waterfront Properties

The Grand Harbor Property Owners Association (GHPOA) Board of Directors (BoD) has the authority, via “Declaration of Covenants, Conditions and Restrictions” (CCR), and By-Laws, to direct/restrict a property improvement’s location and construction. The Architectural Control Committee (ACC), a semi-autonomous adjunct to the BoD, is charged with reviewing and approving or disapproving all improvement applications submitted to the GHPOA.

Within overall GHPOA CCR, the pertinent individual CCR, relative to Boat Slip and Bulkheading, is Article III, Section 31, “Docks and Boat Slips.” Proposed improvements will be reviewed for compliance with this CCR and the application approved prior to implementation, thereby ensuring both applicant and adjacent neighbors will not be significantly compromised.

CCR ARTICLE III **Use Restrictions**

Section 31. Docks and Boat Slips. *No dock, boat slip or other structure may be installed or constructed without approval of the Committee. Such structure must conform to the Committee’s predetermined plan. No “homemade” type dock, boat slip, boat cover or bulkheading will be allowed. Request to construct any such structure shall be in writing to the Committee and must be accompanied with complete plans and specifications. The Committee shall act upon such request as with other structures.*

Ownership of any dock, boat slip, boat cover or bulkheading installed on a Lot (including but not limited to bulkheading installed by the Declarant) shall pass with title to the Lot, and it shall be the owners responsibility to maintain such dock, boat slip, boat cover and bulkheading thereafter. In the event of default on the part of the Owner or occupant of any Lot in maintaining said items and such failure continuing after ten (10) days written notice thereof, the Association, at its option, without liability to the Owner or occupant in trespass or otherwise, may, in its discretion, enter upon said Lot and cause said items to be repaired or maintained or do any other thing necessary to secure compliance with these Restrictions so as to place said item in a satisfactory condition and may charge the Owner or occupant of such Lot for the cost of such work. The Owner or occupant, as the case may be, agrees by the purchase or occupancy of the property to pay such statement immediately upon receipt thereof and all such payments by the Association shall, likewise, be secured by a Vendor’s Lien for the benefit of the Association in the same manner as the maintenance charges payable in accordance with Article VI herein.

In addition to being approved by the Committee, all plans for all docks and boat slips must be approved in writing by the San Jacinto River Authority and all other governmental agencies having jurisdiction.

The following are specific requirements and guidelines for both the ACC and the applicants to use, and for BoD consultation in the event of a formal appeal by a disapproved applicant.

I. Location of “Boat Slip” Improvement

A. A Boat Slip Improvement on a GH/HS property shall be located such that the centerline of the boat slip will be approximately on the centerline of the property (off centerline not greater than +/- two (2) feet)

B. If circumstances require the Boat-Slip to be “off-center,” one or two informal, signed and dated “Neighbor Affidavits” (example attached) must be acquired and submitted with the Application, wherein adjacent neighbors attest “no objection” to proposed location. In no case can the centerline of the boat slip be any closer than twenty-five (25) feet to the property side line.

When one or both adjacent properties do not have an existing home, the ACC, according to CCR Article III, Section 3, will make a location determination for POA BoD approval.

C. The San Jacinto River Authority allows boat docks to extend forty (40) feet, perpendicular to the bulkhead, into the water on canals. However, on occasion, that dimension must be shortened so that a minimum of thirty (30) feet of navigable water way absolutely must be provided between opposing boat docks for emergency vehicle pass-through.

D. In the case of “End-of-Canal” boat-slip locations, the improvement must be engineered and coordinated with adjacent residents to ensure all properties will eventually have acceptable amounts and orientations of water frontage. All affected parties must provide affirmation of the final configuration via Neighbors Affidavits.

II. Improvement Construction

A. Decking necessary to service a boat slip must not be wider than five (5) feet, when constructed along either or both sides of the full slip length and must have Coast Guard approved day/night reflective material on all sides.

B. For properties without a boat slip, any decking into the water cannot extend more than fifteen (15) feet perpendicular to the bulkhead and must have Coast Guard approved day/night reflective material on all sides.

C. For all Boat Slip and Bulkheading activity, property owners are responsible for removing or leveling excess dirt left on the property after construction is completed.

D. Property owners must exercise proper erosion control management both during and after construction. This includes either properly installed sod or properly installed erosion control blankets with silt fencing and grass seed.

E. Boat slip covers must be of a pipe-frame, curved-canopy, canvas-covered style construction. “Homemade” covers are not allowed. Cover color must be dark brown, unless the entire canal is in an older section that previously standardized on green.

**IMPROVEMENT CONSTRUCTION & PLACEMENT
"NEIGHBOR" AFFIDAVIT**

Application Number: _____

Improvement: _____

To Whom It May Concern:

Be advised that I/We,

_____, current owner(s) of record
for the following property:

_____, have had
the opportunity to review all furnished material (ACC Application, Plans, Drawings, etc.)
and do not hold any objection to the construction/ permanent placement of the
improvement(s) as described and proposed by my neighbor,

_____ at _____.

Description of what is being agreed to:

I/we sign this Neighbor Affidavit, for this single instance only, with full understanding of
and without any qualification or reservation about this proposed property improvement.

Owner (Printed)

Owner (Signature)

Date

Owner (Printed)

Owner (Signature)

Date

About This Document: Implementation of various requested property improvements can require the GHPOA ACC to grant a specific CCR waiver, or other exemption from GHPOA architectural control requirements. When the waiver or exemption affects the property-owner's adjacent neighbors, it is then imperative these neighbors be made aware of the waiver/exemption, best indicated by use of this informal affidavit form. While both neighbor's concurrences on a specific request is absolutely essential to the ACC granting said waiver/exemption, and thus approving the overarching improvement, the very same neighbors' concurrences DO NOT always guarantee ACC approval. However, the ACC will always take note of the affidavits in their deliberations.

**IMPROVEMENT CONSTRUCTION & PLACEMENT
"NEIGHBOR" AFFIDAVIT**

Application Number: _____

Improvement: _____

To Whom It May Concern:

Be advised that I/We,

_____, current owner(s) of record
for the following property:

_____, have had
the opportunity to review all furnished material (ACC Application, Plans, Drawings, etc.)
and do not hold any objection to the construction/ permanent placement of the
improvement(s) as described and proposed by my neighbor,

_____ at _____.

Description of what is being agreed to:

I/we sign this Neighbor Affidavit, for this single instance only, with full understanding of
and without any qualification or reservation about this proposed property improvement.

Owner (Printed)

Owner (Signature)

Date

Owner (Printed)

Owner (Signature)

Date

About This Document: Implementation of various requested property improvements can require the GHPOA ACC to grant a specific CCR waiver, or other exemption from GHPOA architectural control requirements. When the waiver or exemption affects the property-owner's adjacent neighbors, it is then imperative these neighbors be made aware of the waiver/exemption, best indicated by use of this informal affidavit form. While both neighbor's concurrences on a specific request is absolutely essential to the ACC granting said waiver/exemption, and thus approving the overarching improvement, the very same neighbors' concurrences DO NOT always guarantee ACC approval. However, the ACC will always take note of the affidavits in their deliberations.

**GRAND HARBOR PROPERTY OWNERS ASSOCIATION
IMPROVEMENT DEPOSIT REFUND REQUEST**

Application Number: _____ Request Date: ____/____/____

Property Legal: GH HS Section ____, Blk ____, Lot ____ Address: _____

Improvement Type: _____ Deposit Check #: _____

Builder's Name: _____ Amount of Deposit: \$ _____

Owner's Name: _____ Minus Processing Fees: \$ _____

Minus Any Fines Levied: \$ _____

Original Depositor: _____

Refunded Amount: \$ _____

Refund will be made to the original Depositor only. Contact notified when the deposit is ready for pickup; provide contact phone number. Indicate preference for pickup at Office or mail delivery. Refund takes 14 – 21 days after submission of Request Form.

Pickup Mail Refund

Contact: _____ Phone Number: _____

Address: _____

ACC DISPOSITION: APPROVED DENIED

Date: _____ Reason for Denial: _____

Member Signature: _____

Enter This Note on Check Memo Line:

App. No.: _____

Member Signature: _____

Member Signature: _____

Submit Refund Request in Person, Fax or Mail To:

Grand Harbor Property Owners Association
18956 Freeport Drive, Suite A
Montgomery, TX 77356

ATTN: Architectural Control Committee - Refund

Fax: 936-582-0880

**Submit Refund Request ONLY after
All Construction has been completed.**

Refund Payment will be made to the
Depositor only if the Property's POA
Account is in Financial "Good
Standing" at the Time of the Request