

**Canyon Springs Resort
The Resolution for Committee and
Charter for an Architectural Review Committee**

STATE OF TEXAS: §

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF Comal: §

Whereas: Texas Business Organization 22.219 authorized creation of committees by resolution adopted by the majority of the directors in office, may designate one or more committees that do not have the authority of the board of directors in management of the corporation, and

Whereas: Article Fourteen of the bylaws authorize the creation of committees. "The President along with a majority of the directors in office may designate by resolution one or more committees, which to the extent provided in such resolution will not exercise the authority of the Board of directors in the management of the corporation".

Whereas: the Deed Restrictions for units 1, 3A, 4 and 5, and, if applicable as stated in each of the property deeds for lots in units 2 and 3 in Canyon Springs Resort requires "All building plans, specifications, plot plans and exterior designs must be approved by Seller, or assignees, in writing before construction." Those deeds are filed with Comal County and identified in the Management Certificate of Canyon Spring Resort Property Owners' Association, as recorded with The Texas Real Estate Commission.

Whereas: United Land Company assigned the rights, duties and obligations to the Association and recorded the assignment in Volume 532, pages 234-235, Official Public Records of Real Property of Comal County, TX on 10 September, 1985 and the association accepted the assignment on the same date. The assignment was acknowledged by the County on 30 September 1986 and executed the assignment on 10 January 1987 and filed them on 17 January 1987 as document #290474. On 12 January 1989 United confirmed the assignment (Document 338630) specifically giving the collection of the annual assessment to CSRPOA.

Whereas: After assignment of control to the POA, the function of the ARC was performed by the Board of Directors for Canyon Springs Resort.

Whereas: Property Code 209.00505 "Architectural Review Authority" specifies a separate and independent Architectural Review Committee (ARC) is to be established to perform the function of architectural review authority as directed by the property code, deed restriction and the board of directors. This committee is the governing authority for review and approval of improvements within Canyon Springs Resort.

Whereas: Property Code 209.00505(c) and 209.00506 (c); with the exception in 209.00506 (d) specifies member structure of the committee. Property code 209.00507 set the procedure for identifying candidates for the committee.

Whereas: With exceptions in 209.00505 (i), the board cannot overrule the decisions of the ARC committee unless a member appeals the decision of the ARC, using the requirements of a Board Hearing. The board may overturn the ARC decision for due cause of a deed restriction violation or to overrule the ARC in an appeal process or violation of the dedicatory documents or the current laws of the Nation, State or County.

Whereas: Property Code 202 prohibits restrictions by the POA's such as Display of Religious Items, Rainwater Recovery Systems, Solar Energy Devices, Roof Shingles, Display of Flags, Display of political signs, Stand by electrical generators, Fencing around private pools, Security devices, etc. The Board can regulate things like placement and size with published guidelines, filed with the county.

Whereas: Where the deed restrictions refer to "the Landscape Committee", The ARC will perform that approval authority.

Whereas: The board does not yield to the Architectural Review committee, its right and authority to grant waivers. Additional the board recognizes Texas Property Code 209.00505 "(i) The board may affirm, modify, or reverse, in whole or in part, any decision of the architectural review authority as consistent with the subdivision's declaration.

Now Therefore: An Independent Architectural Review Committee (ARC) is established:

The **purpose** of the Architectural Review Committee is to encourage the physical development of the subdivision in a way that will provide the maximum degree of aesthetic satisfaction through architectural harmony and economic stability of property values, through guidance and standardization of appearance with the controlling information being the Deed Restrictions and properly filled Guidelines established by the Board of Directors.

1. The ARC will be comprised of 3 or more members with a member of the board acting as coordinating liaison; however the coordinator will have no voting rights on any request. If review is conducted in a meeting, a quorum must be established. Quorum is defined as a majority of the assigned committee members.
2. Process for submitting approval:
 - a. Members will file a request with the board, normally submitted to the ARC liaison director. The liaison is responsible for collection the fee for application review.
 - b. The appointed liaison director of the board will review request for correctness and completion of the request.
 - c. When the request is complete, the appointed liaison director will forward the request to the ARC committee.
 - d. The ARC committee will review in meetings or by electronic means the application, and vote to approve or disapprove a request. The decision of a majority will prevail. In the event of a tie vote, the request will be rejected or retained for a meeting where an odd number of ARC members are present.

- i. The committee may choose to recommend how a request could be changed to come into compliance.
 - ii.
 - e. Following the ARC vote on final approval or denial, the decision of the committee will be communicated to the property owner in writing (letter or email) by the ARC liaison.
 - i. In event of a disapproval, a written notice of the denial must be provided to the owner by certified mail, hand delivery, or electronic delivery. The notice must describe the basis for the denial in reasonable detail and changes, if any to the application or improvements required as a condition to approval; and inform the member that the owner may request a hearing under Property Code 209.00505 (e) on or before the 30th day after the date the notice was mailed to the owner.
 - f. The committee will monitor construction to assure compliance with their approval.
 - g. Stop work letters will be issued by the board. For cases where a stop work letter is sent to the member, a copy of the stop work letter will go to the committee.
 - h. If an ARC committee members finds a member in violation of any architectural deed restrictions, the liaison director will be notified of the violation and the director will send a stop work letter to the member.
3. Insufficient information on the ARC request could result in a denial letter to the owner, especially if the information is not provided within the 30 days of initial request.
 4. The ARC members will serve for a three year period and may be reappointed by the board. Any ARC member may resign at any time and for any reason.
 5. Removal of an ARC member will be done by a majority vote of the board and removal can be without cause.
 6. The ARC will not act Arbitrarily, Capriciously, or Discriminatory. All decisions must be based on the actual wording of the Canyon Springs Resort Deed Restrictions and Guidelines prepared by the board and on file with the Comal County.
 7. A property owner may appeal the decision to the board under the hearing process outlined in Property Code 209.00505. The board will vote to uphold or override the ARC decision.
 8. Following the approval or denial of a request, the secretary must store a copy of the ARC request and decision digitally and/or physically. This serves as a reference in case of future disputes or litigation.
 9. While the POA/ARC cannot enforce local laws on construction, they are authorized to delay a decision until the local entity has granted its approval. An example would be septic or culvers across drainage ditch.
 10. The ARC must make a decision in 30 days or less after the board liaison has assigned the request to the committee for review. After 30 days, the request is automatically approved. The ARC has the authority to reject a project should the 30 days be approaching and a decision cannot be made before the 30 day deadline.
 11. Any "Notice of Alleged Violation" will be filled in county records.
 12. Any member who observes a violation of the Deed Restrictions on construction can notify any board member or any ARC committee member. The liaison director will investigate and communicate with the member and board.

13. After approval and prior to actual construction, an ARC member will attempt to observe form placement to assure integrity of setback requirement is complied with prior to actual construction begins. Should that integrity be abused, a board member or ARC member may post a stop work letter at the construction site.
14. To assure there is no discrimination in granting of variances, the committee will establish a record of all variances to deed restrictions.

Now therefore: The board has approved the resolution to create an ARC committee.

APPROVED:

Signed by Dwayne Nelson, Director: date 14 Oct 2025
Signed by Bryon Harris, Director: date Oct 14, 2025
Signed by B. D., Director: date 14 OCT 2025
Signed by [Signature], Director: date 14 OCT 2025
Signed by [Signature], Director: date 14 OCT 2025
Signed by [Signature], Director: date 10/14/25
Signed by James McLean, Director: date 10/14/25
Signed by Deborah Friesenhal, Director: date 10/14/2025
Signed by _____, Director: date _____

DISAPPROVE:

Signed by _____, Director: date _____
Signed by _____, Director: date _____
Signed by _____, Director: date _____

ABSTAIN:

Signed by _____, Director: date _____
Signed by _____, Director: date _____
Signed by _____, Director: date _____