

HERITAGE GRAND
MAINTENANCE COMMITTEE



**CONSTRUCTION
STANDARDS**

GATES and FENCING

Version 2.1 (5/25/2020)

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Article 1. All Fences, an Overview

Heritage Grand is an active adult community for persons 55 and over that is surrounded and divided by multiple types of fences. The following pages describe the types and functions of these fences as well as the standards to be followed in their implementation. The overview describes all material and functional types but not all materials may be used to provide all functional types, those details are provided in each section by material type. The intent of these Standards is to help promote property values through a consistent high quality installation and appearance of all fences within Heritage Grand.

Part A. Fence Material Types:

Heritage Grand has three (3) material types of fences utilized within the community:

1. Brick - Brick fences are utilized to provide an outside perimeter facing the main streets outside of the community and as a landscaping accessory for all entrances and exits.
2. Metal – Metal fences are used within the Patio Homes (front and back sections) as Perimeter and Common Area fences.
3. Wood – Wood Fences are used as a Common Area, Perimeter Fence within the remaining areas of Heritage Grand and as the Party Fence between community residents.

Part B. Fence Functional Types:

Heritage Grand fences (all material types) are separated into three (3) functional types of fences: Common Area Fence, Perimeter Fence and Party Fence. As indicated above not all material types are used within all Functional Types. Any modification of the Common Area and Perimeter fences will require BOD approval.

Section 1. Common Area Fences:

Common Area Fences are those fences which are facing streets and/or common areas within Heritage Grand.

Subsection 1. Ownership – Common Area Fences

The Declaration (CCR) specifies that other property MAY be maintained by the Association. The Board of Directors (BOD) has agreed that the Common Area Fences will be maintained by the Association to maintain a consistent community appearance. As such, these fences will be repaired (normal wear) and replaced following a defined plan approved by the BOD.

Section 2. Perimeter Fences:

Perimeter Fences are those fences that mark the outside boundaries of Heritage Grand. They face areas outside Heritage Grand, including the bayou running through Heritage Grand. In the case of the fence facing the bayou, it is also treated as a Common Area Fence as it can be seen from the streets within Heritage Grand. **No**

fence meeting, abutting or intersecting the Perimeter Fence shall exceed the height of the Perimeter Fence (see Part F).

Note – a second type of perimeter fence (Grand Lakes Perimeter) was originally planned between Grand Lakes & Heritage Grand but this was abandoned when no agreement could be developed between the two communities. For information on the Grand Lakes Perimeter Fence see Appendix A.

Subsection 1. Ownership – Perimeter Fences:

The Declaration specifies that Perimeter Fences are to be maintained by the Association.

Section 3. Party Fences:

Party Fences are those fences located between Heritage Grand Lots within Heritage Grand.

Subsection 1. Ownership – Party Fences:

Party fences (those between Heritage Grand Lots) are jointly owned by the sharing Owners. Party Fence replacement is the responsibility (including financial) of individual Owners. Generally, Party Fence replacement is by mutual agreement of both* Owners with the cost shared by each. However, a single Owner may repair or replace the fence and pay the complete cost, but this should ONLY be done after obtaining agreement from your neighbor or with the BOD Approval.

*Note – Each Owner may have several different Owners that share Party Fences with them but only two Owners will share any specific part of the Party Fence.

Section 4. Standards:

The type of fence and its construction will follow standards approved by the BOD and currently written in these Standards.

STANDARD GATE CONFIGURATION: A standard gate configuration will have one gate per home located to provide access from the front yard to the back yard. Any additional gates must be approved by the Association. All additional gates shall become the Owner's financial responsibility to install, maintain and replace the gate to maintain consistency with Association fence standards and maintenance.

Part C. Identifying HOA Fence Selections for Replacement

The Association managed fences within Heritage Grand will be replaced in total or by sections approved by the BOD. If done by sections, the fence areas to be replaced shall be selected based on:

- 1) **Benefit to the overall community:** Priority will be given to those areas that are readily seen upon entrance into the community as well as those areas seen from the main thoroughfares within the community. These areas, when in need of repair, detract from the neighborhood and tend to decrease the value of homes within the community.
- 2) **The needs of a particular section:** Priority will be given to sections having the largest amount of fence requiring replacement and/or repair. Generally, but not always, this can be the oldest fences.

- 3) **Logical section breaks:** Sections will be defined along streets with reasonable/logical start and finish points such that neighbors on the same street will be completed during the same rollout phase.
- 4) **Note** - Fences that need to be rebuilt and are not scheduled for replacement shall be repaired to their existing standard. These expenses shall be treated as repairs not as replacements.

Part D. Construction and Contractor Responsibilities during Fence Replacement ¹

- 1) Contractor will place notices on doors of Owners the week prior to construction.
- 2) The contractor will be responsible for having underground utilities marked prior to construction and will be liable for repairs for any damage to same.
- 3) Fencing materials in good condition shall be saved, if possible, for use in repair of existing fences. Materials shall be given to Association representative. (Wood Fence Only)
- 4) Temporary fences (plastic) will be put up each evening where fences are being installed.
- 5) Debris shall be hauled off each day unless cleared with an Association representative.
- 6) Fences torn down should be rebuilt each week, avoid having fences down over the weekend.
- 7) Fences will be installed with a level top except where grade levels dictate otherwise – these instances shall be cleared with the Association contact prior to construction.

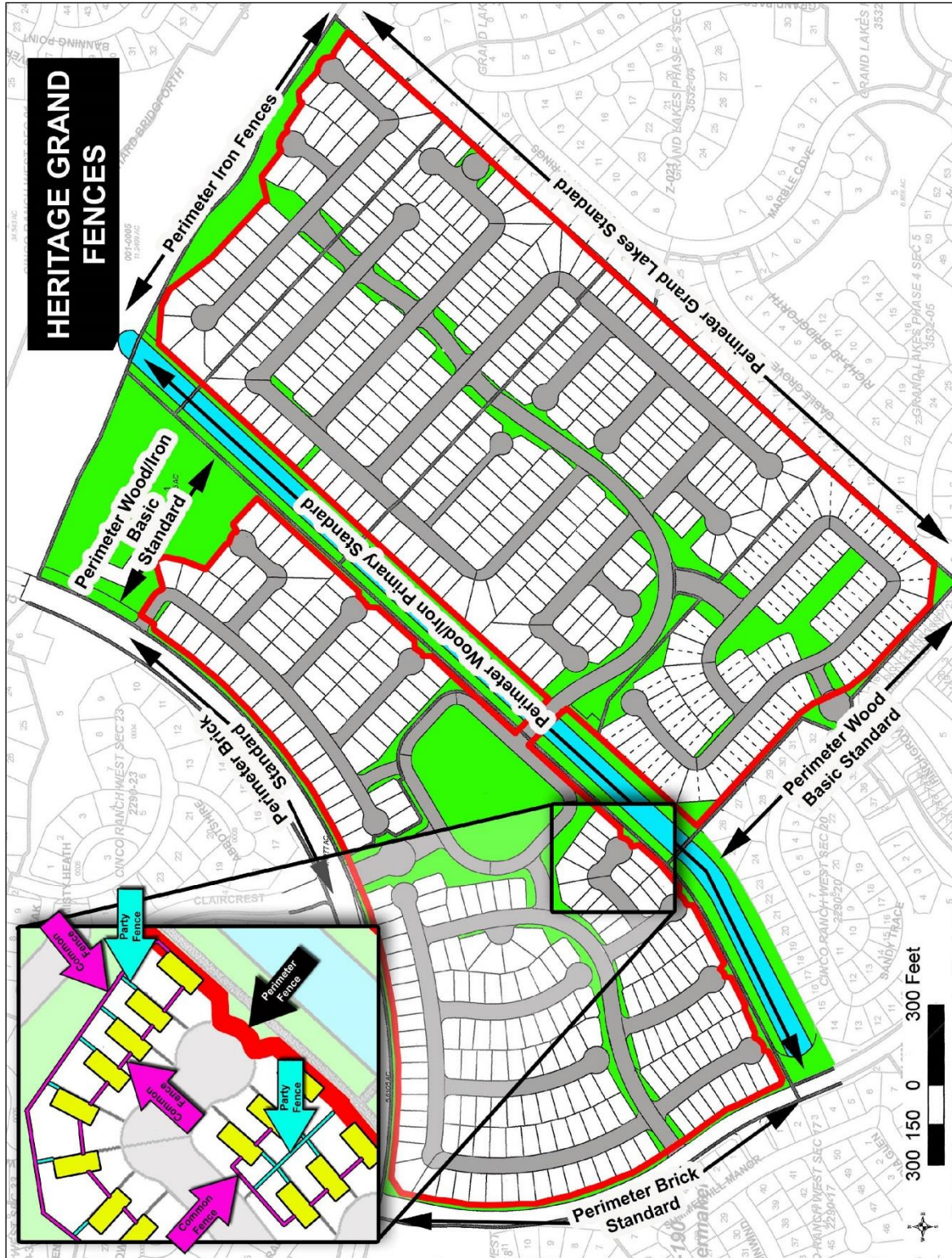
Part E. Association and Owner Responsibilities ²

- 1) The Association will provide a contact for Owners and contractor.
- 2) The Association will develop and provide to Owners a set of instructions and a contact if a problem is encountered with contractor or construction.
- 3) The Association shall provide advance notice to all Owners the month prior to construction.
- 4) An Association representative appointed by the BOD will inspect and approve all construction.
- 5) The Owners will ensure fences are clear of vines, hanging objects and that all pets are secured.

¹ Items in this section are examples and not intended to be an all-inclusive list of instructions or a list of all contractor responsibilities.

² Items in this section are examples and not intended to be an all-inclusive list of instructions or a list of all Association and Owner responsibilities.

Part F. Fence Functional Types Illustration



Article 2. Wood Fences

Part A. Wood Fence Overview

Section 1. Wood Fence Functional Types and Standards:

Wood fences within Heritage Grand are divided into three (3) **Wood Fence Functional Types** and these three functional types of fences will be built to one of four (4) **Wood Fence Standards**. The Three Functional Types are:

Subsection 1. Common Area Fence:

Common Area Fences are those fences facing streets and common areas within Heritage Grand. Wood Fences of this type are easily noted by the cap on top of the fence. These fences are maintained by the Association by directive of the BOD. The **Primary Standard** will be utilized for all Common Area Fences.

Subsection 2. Perimeter Fence:

Perimeter Fences are those fences that mark the outside boundaries of Heritage Grand. They face areas outside Heritage Grand but may face areas within Heritage Grand such as the bayou running through Heritage Grand. **No fence meeting, abutting or intersecting the Perimeter Fence shall exceed the height of the Perimeter Fence.** These fences will be built following one of three standards depending on location.

- 1) **Primary Standard (same as Common Area Fence)** will be used where the fence is readily seen from streets within Heritage Grand.
- 2) **Basic Perimeter Standard** will be used for fences not readily seen from streets within Heritage Grand.

Subsection 3. Party Fence:

A Party Fence is defined in the Heritage Grand Declarations as a fence shared between two adjoining Heritage Grand Lots (note a homeowner may share Party Fences with more than one person but no Party Fence [or section] will be shared with more than one person). Maintenance and replacement of this fence type is the responsibility of the Owners. It utilizes the Party Fence standard.

Subsection 4. Gates:

Each home will have, as a standard fence component, one gate which will be through a Common Area Fence. Any other gate installed by the Owner requires approval of the Association and must be maintained, at Owner expense, to the appropriate fence / gate standard.

Part B. Primary Standard

The finished fence will be approximately 6'- 7" (six feet seven inches) high. It will be installed horizontally level except where significant deviations in grade level dictate otherwise. These exceptions must be approved by an authorized representative of the Heritage Grand BOD or Maintenance Committee. All Common Area Fences will be constructed to the following Primary Fence Standard Specifications:

Replacement fencing and gates are to be installed at the builders' original location.

Part C. Primary Standard, the Specifications

Section 1. Posts:

Posts will be 4" x 4" x 10' pressure treated pine set approximately 3' in concrete with spacing between posts no greater than 7' on centers. It is estimated that each post will require approximately one bag of concrete to properly install.

Section 2. Rot Board:

A horizontal 2" x 6" #2 or better pressure treated pine (bevel cut) installed at the bottom of all fencing. Rot board will be secured utilizing 16d galvanized nails or equivalent.³

Section 3. Rails:

Three (3) horizontal rails will be 2" x 4" #2 or better pressure treated pine.

The top rail will be laid flat on the tops of the posts and will span three posts (approximately 14'). The two lower rails will be evenly spaced with the bottom rail approximately 18" from the ground.

Section 4. Pickets/Nails:

Pickets will be 1" x 6" x 6' #2 or better cedar. They will be mounted on the outside of the fence (not the resident side). Pickets will be attached with a minimum of 2 nails (ring shank galvanized or equivalent) per rail.

Section 5. Top Cap:

A 2" x 6" #2 or better cedar top cap will be mounted on top of the 2" x 4" top rail. It will be installed to be flush with the resident's side of the 2" x 4" top rail. A 1" x 2" #2 or better cedar will be applied as a trim under the 2" x 6" top cap (See drawing for clarification.). Fasteners attaching top plates and caps will be applied at opposing angles to prevent warping and separation of the top plate.

All fasteners will be galvanized or other rust proof material.

Section 6. Gates:

Wood gate, not to exceed 42", with a metal three rail rectangular pattern brace; #2 or better 1" x 6" cedar pickets (7 foot); pickets attached w/self-tapping metal screws, no rot board. Gates will be constructed and hung to provide a consistent height with the fence.

³ If needed, an additional rot board below primary rot board to within of 4" of grade for unobstructed water drainage in the swales (this is required only when the ground grade dictates, usually between residences)

Section 7. Gate top trim:

1" x 4" - Cedar #2 or better

1" x 2" - Cedar #2 or better

Note - See drawing below for configuration.

Section 8. Gate Hardware:

Black metal similar to originally installed (T hinges, thumb latch). Latch hardware will support the use of a padlock to secure the gate.

Section 9. Gate Installation:

Gates will be hung using lag screws.

Section 10. Stain:

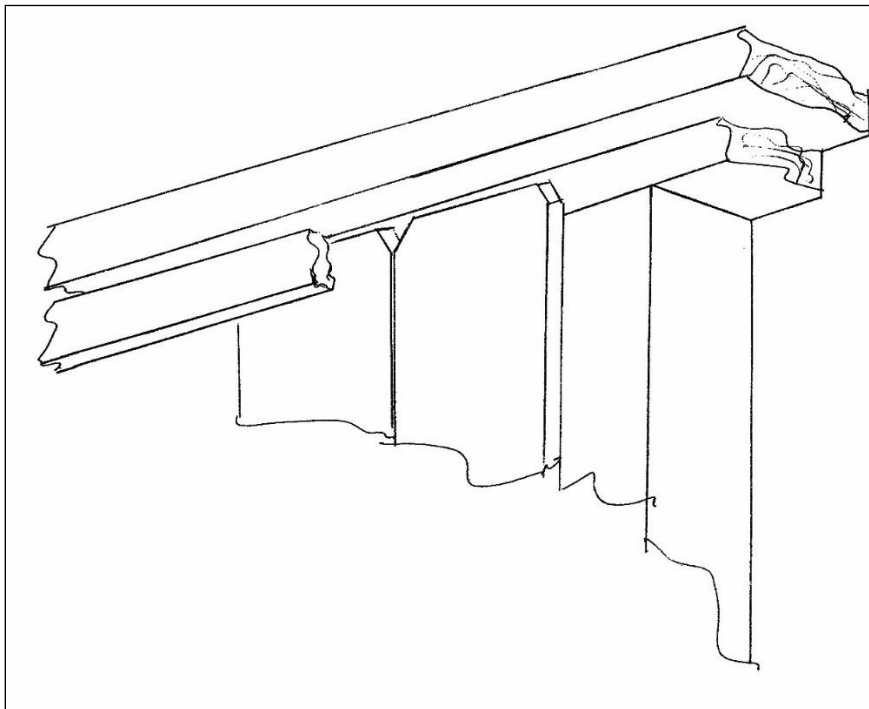
The stain to be used is Sherwin Williams Superdeck semi-solid. Product number SD5-T15. Color: SW3552 Cedar Toner.

Note - The original standard for Primary Wood Fence was a water based sealer. It was replaced with a true water based stain in 2017 when it was found the sealer did not weather well.

Sherwin Williams' sealant #A15Y12 (water base semi-transparent sealer)

Stain specifications are subject to revision if Sherwin Williams modifies this product.

Section 11. Fence Top Cap illustration



Part D. Basic Perimeter Standard (Wood Fence)

The Basic Perimeter Standard will be utilized in limited areas where the Perimeter Fence is not easily seen from streets within Heritage Grand. Perimeter fence will only have a gate installed by approval of the Board as an exception; therefore, no standard for a Perimeter Fence gate is provided. The finished fence will be approximately 6'- 6" (six feet six inches) high. It will be installed horizontally level except where significant deviations in grade level dictate otherwise. These exceptions must be approved by an authorized representative of the Heritage Grand BOD or Maintenance Committee.

Replacement fencing shall be installed at the builders' original location.

Part E. Basic Perimeter Standard Specifications

Section 1. Posts:

Posts will be 4" x 4" x 8' pressure treated pine set approximately 2 feet in concrete with spacing between posts no greater than 7' on centers.

Section 2. Rot Board:

A horizontal 2" x 6" #2 or better pressure treated pine (bevel cut) installed at the bottom of all fencing. Rot board will be secured utilizing 16d galvanized nails or equivalent.

Section 3. Rails:

Three (3) horizontal rails will be 2" x 4" #2 or better pressure treated pine.

The top rail will be laid flat on the tops of the posts and will span three posts (approximately 14'). The two lower rails will be evenly spaced with the bottom rail approximately 18" from the ground.

Section 4. Pickets:

Pickets will be 1" x 6" x 6' #2 or better cedar. They will be mounted on the outside of the fence (not the resident side). Each picket will be attached with a minimum of 2 nails (ring shank galvanized or equivalent) per rail.

Section 5. Sealer:

None

Section 6. Gates:

No standard exists since a ASSOCIATION Board variance must be received before a perimeter gate may be installed. If installed it must comply with the standard of the fence where installed and comply with construction described in the Primary Standard.

Part F. Party Fence Standard

Party Fences separate lots within Heritage Grand but do not face streets or common areas. These fences shall be constructed as a 6-foot-tall cedar picketed wood fence following an alternating panel configuration for facing the pickets (a.k.a. Good Neighbor Fence). **If the Party Fence meets, abuts or intersects a lower height Perimeter Fence then the nearest 3', to the Lower Perimeter Fence, shall be gradually tapered to meet height of the Perimeter Fence (see Part I).** Sealing, staining or painting of the Party Fence facing the Owners Backyard is allowed but requires approval through the ARC.

Party Fences are the property of and responsibility of the Owner's sharing the fence. The Standard above must be followed, while the Guideline below may be used to provide a consistent fence configuration within the neighborhood.

Part G. Party Fence Guideline

Section 1. Posts:

Posts will be 4" x 4" x 7' pressure treated pine set approximately 2' in concrete with spacing between posts no greater than 7' on centers.

Section 2. Rot Board:

A horizontal 2" x 6" #2 or better pressure treated pine (bevel cut) installed at the bottom of the fence pickets. Rot board will be secured utilizing 16d galvanized nails or equivalent.

Section 3. Rails:

Three (3) horizontal rails will be 2" x 4" #2 or better pressure treated pine.

The top rail will be laid flat on the tops of the posts and will span two posts (approximately 14'). The two lower rails will be evenly spaced with the bottom rail approximately 18" from the ground.

Section 4. Pickets:

Pickets will be 1" x 6" x 6' #2 or better cedar cut to appropriate length to provide a 6' overall fence height **unless the Party Fence meets, abuts or intersects a lower height Perimeter Fence then the nearest 3', to the lower Perimeter Fence, shall be gradually tapered to meet height of the Perimeter Fence (see Part I).** Pickets will be mounted such that every other 7' section of fence will have the picket face facing inward. Pickets will be attached with a minimum of 2 nails (ring shank galvanized or equivalent) per rail.

Section 5. Stain:

Stain/Sealer/Paint on Party Fences are at the option of the Owner.

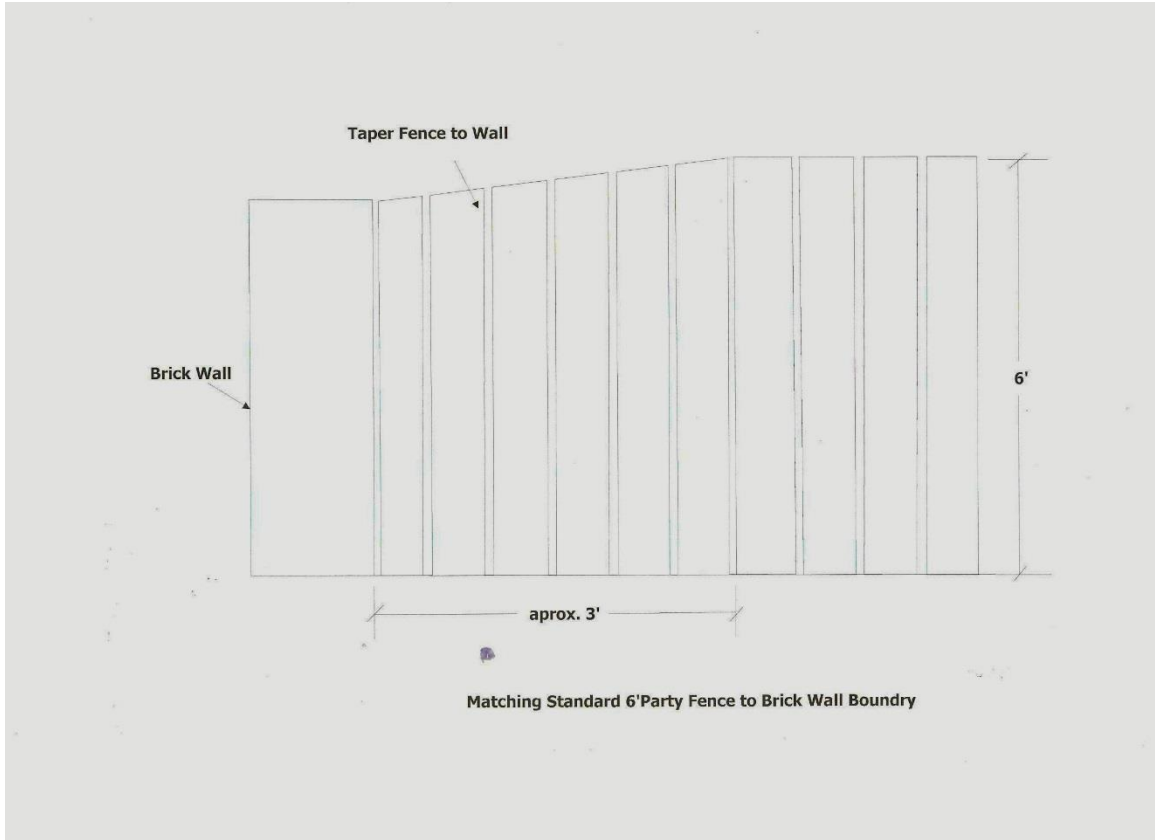
Section 6. Gates:

None

Part H. Summary of the three (3) Wood Functional Types and Four (4) Wood Build Standards

Functional Type	Common Area	Perimeter		Party
Build Standard	Primary	Primary	Basic	Heritage Grand Party
Fence Height	6' 7.5"	6' 7.5"	6' 5.5"	6' 0" (required)
Post Height	10'	10'	8'	6'
Post Depth	3'	3'	2'	2'
Picket Size	6'	6'	6'	5' 6.5"
Number of Rails	3	3	3	3
Rot Board	Y	Y	Y	Y
Top Cap	Y	Y	N	N
Sealed	T	T	N	Optional
Cedar Pickets	Y	Y	Y	Y
Picket Placement	Outside	Outside	Outside	Alternating Panels (required)

Part I. Fence Meeting a Lower Height Perimeter Fence.



Article 3. Metal Fences

Part A. Metal Fence Overview

Metal fences and gates, **except where installed as a special request by an Owner,** are maintained and/or owned by the ASSOCIATION.

All metal fencing will comply with the Heritage Grand Metal Fence Primary Standard. Gates will comply with metal gate Rules and Regulations as set forth within these documents.

Part B. Metal Fence Functional Areas

Metal fencing within Heritage Grand are utilized within two functional fence areas plus gates:

- 1) **Common Area Fence:** As with wood fences, Common Area Fences are those fences facing streets and common areas within Heritage Grand.
- 2) **Perimeter Fence:** Perimeter Fences are those fences that mark the outside boundaries of Heritage Grand. They face areas outside Heritage Grand, including the bayou running through Heritage Grand.
- 3) **Gates:** Metal Gates within Heritage Grand are utilized in three locations:
 - a) Neighborhood ingress and egress (standard not covered in this section)
 - b) Owner access to their backyard in select areas
 - c) Owner access to courtyards on select floor plans

Part C. Metal Fence Standard Specifications

The finished fence will be 6' (six feet) high, installed horizontally level except where significant deviations in grade level dictate otherwise. These exceptions must be approved by an authorized representative of the Association.

Replacement fencing and gates are to be installed at the builders' original location.

Section 1. Posts:

2 inches square x 8 feet set 24 inches deep in concrete, 16 gauge

Section 2. Post Toppings:

Limited to Metal balls, spear tops or square caps. Any exceptions will require ARC / BOD approval.

Section 3. Fence Panels:

The panels come in 8 foot sections, putting the posts on 8 foot centers. All material is pre-galvanized, fabricated, then powder coated. The panels are to be welded to the posts.

Rails: 1 inch square x 16 gauge

Section 4. Pickets:

5/8 inch square x 18 gauge @ 4 inches on center, pickets extend 4 inches above the top horizontal rail, and pickets are face welded to the rails.

This specification establishes the minimum requirements for coated tubular picket ornamental fence systems fabricated from galvanized steel components. Steel material for tubular picket ornamental fence system structural components shall be galvanized by the hot-dip process, either after forming, or prior to forming. Powder coatings applied to the exterior surface of fence components shall be polymer material: polyester or epoxy and polyester combinations. Wet coating applied to the exterior surface of fence components shall be a two-coat paint application system (one coat of epoxy, polyester or polyurethane primer; one coat of polyester, polyurethane, or acrylic liquid). Fittings, fasteners, and decorative accessories for ornamental steel fence systems shall be manufactured with a material and finish coating that meets the same protective coating performance requirements as required for panels and posts.

Four structural test methods will be conducted:

- 1) Method A which is application of horizontal concentrated load,
- 2) Method B which is application of vertical concentrated load,
- 3) Method C which is application of horizontal thrust load to infill areas, and
- 4) Method D which is application of horizontal cone penetration load. Different tests shall also be performed in order to determine the following properties of the fence system coatings: adhesion, corrosion resistance, impact resistance, and weathering resistance.

Section 5. Painting:

Fence and gates will be painted utilizing a primer coat of paint and topped with black semi-gloss oil base paint.

Section 6. Puppy Panel:

A puppy panel not exceeding 2 feet in height may be installed at the base of metal fences.

Section 7. Gates:

Backyard Access: Gate will match the design of the fence panels. Gate will provide for the ability to latch and be locked.

Courtyard Access: Gate will be maintained as initially constructed by the builder unless approved by the BOD.

Article 4. Brick Fences

Part A. Brick Fences Standard

The brick fence standard was set by Cinco Ranch and must be followed by Heritage Grand. As a Perimeter Fence, the Association has ownership responsibilities for maintenance and repairs.

Brick is utilized as a Perimeter Fence in two locations:

1. As the outermost perimeter fence between Heritage Grand and Cinco Ranch.
2. Heritage Grand entrances and exits.

Article 5. Community Entrance and Exit Gates

Part A. Vehicle Gates

Future Inclusion

Part B. Pedestrian Gates

Future Inclusion

THIS DOCUMENT WAS RATIFIED BY A MAJORITY BOARD VOTE ON

_____.

Board Secretary

GLOSSARY

Terms utilized within this document that are defined in the “Declaration of Covenants, Conditions, and Restrictions for Heritage Grand” are provided below. Complete definitions or terms utilized within the definitions may be found in the referenced document.

- 1) “Architectural Review Committee” or “ARC” shall mean and refer to the Architectural Review Committee of 3 Members appointed by the Board, which members may, but do not have to be, members of the Association. ...
- 2) “Association” shall mean or refer to Heritage Grand Homeowners Association, Inc., a nonprofit Texas corporation, its successors and assigns. The Association shall be a homeowner’s association, as referred to in the Master Association.
- 3) “Lot” shall mean a plot of land which is a portion of the Community intended for ownership and use as a single-family detached residence and as shown on the plats for Heritage Grand, or amendments thereto, recorded in the Official Records of Real Property of Fort Bend County, Texas. ...
- 4) “Owner” shall mean and refer to the record owner, whether one or more Persons, of the free simple title to any Lot or any Unit located within the Community, including contract sellers but excluding, however, any Person holding such interest merely as security for the performance or satisfaction of any obligation.

APPENDIX A

GRAND LAKES PERIMETER FENCE HISTORYⁱ

When Heritage Grand was developed, there was no HGHOA owned Perimeter Fence installed between HG S/D and Grand Lakes S/D. The fence was comprised of a hodgepodge of homeowner owned/maintained fences of various designs and height.

The first section of HOA owned fence was installed May/June 2008 by Lennar/Village Builders to resolve a drainage problem created by backfilling the rear of four lots on Bent Sage Court that back to Grand Lakes S/D. The solution was to install a 14" thick, rebar reinforced, concrete retaining wall, with 4"x6" treated pine posts in-betted into the concrete retaining wall, with 8' pickets. The new wall was installed on the HGHOA side, next to and parallel to the Grand Lakes residents' fence, for a total of 300' to the Bayou. The remainder of the Grand Lakes Perimeter Fence was comprised of primarily Grand Lakes 6' fence and 8/10' fence installed on their side of the line. There was even a homeowner gate between homes in Grand Lakes and HGHOA, between parent and child living back to back. There were a number of homes with parallel fences existing between HG and GL residents.

During the January 2012 storm, when the Americana roofs were damaged and replaced, that storm blew down several 8'/10' sections of the Grand Lakes Perimeter Fence into the backyards of the Americana's. AMI (HOA manager) had it reinstalled using 4 X 6 posts, after receiving permission and commitment from the GL residents for reimbursement. One of the two GL residents honored their repayment commitment, leaving HG with a \$3,000 bad debt.

The GL property manager was contacted, and we were told that the fence is the responsibility of the individual homeowners.

During the Nov. 12, 2013 Board's Executive Meeting, a motion was passed that a perimeter fence be built during the Section 3 Fence Rollout and that the fence be Basic Standard Perimeter fence and be paid for by the HOA. Before the fence is built, a survey of the perimeter property line of that section of fence be completed.

During the May 15, 2014 Board meeting the Board approved the construction of the Grand Lakes/Heritage Grand Perimeter Fence from the Americana's to the Green Mist Gate.

During the May 9, 2016 Board meeting the Board approved the construction of the remaining portion of the Grand Lakes/Heritage Grand Perimeter Fence from Green Mist Gate to the Bayou.

Before both fence installations, surveys were performed and stakes installed, on the property line, with locater stakes 2' into HG property. The locater stakes have been removed, but the stakes remain.

During both fence installations, homeowners were allowed to optout of the fence installations and were told they would not have an opportunity to have a HOA installed

fence until the next fence replacement, probably in 10 years. In addition, the HOA paid for the homeowners' landscaping and sprinkler systems to be moved, for the fence installation.

The homes opting out were: 24803 Peach Knoll Ln., 24807 Peach Knoll Ln., and 25023 Spring Ash Lane.

On April 14, 2017, the owners of 24807 & 24803 Peach Knoll Ln requested the Board pay for 1/2 of the replacement of their fences since the GL neighbor wished to replace their common fence and wanted them to share the cost. The Board rejected the request as it wasn't on HGHOA side of the line and was not a HG perimeter fence.

To my knowledge, no gates were installed on the Perimeter Fence, but Google maps shows a gate and path between 25019 Spring Ash Ln. and 3618 Artesian Springs Ct. (Grand Lakes) Katy TX (homeowner installed?).

ⁱ Information Provided by Barry Zerkle