



# MADEIRA

*Town Living*

## MADEIRA RESIDENTIAL ASSOCIATION, INC. SWIMMING POOL ENCLOSURES POLICY

STATE OF TEXAS

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COUNTY OF CAMERON

### I. PURPOSE

The purpose of this Swimming Pool Enclosures Policy (this "*Policy*") is to provide guidance regarding swimming pool enclosures authorized by Texas Property Code Section 202.022 (the "*Code*"). The Board of Directors (the "*Board*") of the Madeira Residential Association, Inc., a Texas nonprofit corporation (the "*Association*") has determined that it is in the best interest of the Association to establish this Policy regarding swimming pool enclosures on property subject to its jurisdiction.

### II. APPLICABILITY AND AUTHORITY

The property encumbered by this Policy is that property restricted by the Declaration of Covenants, Conditions, and Restrictions for Madeira (Residential Property), recorded in the Official Public Records of Cameron County, Texas, under Clerk's File No. 2024-42759, as same has been or may be amended from time to time (the "*Declaration*"), and any other property which has been or may be subsequently annexed into Madeira and made subject to the authority of the Association.

The capitalized terms used in this Policy are defined in the same manner as set forth in the Declaration and the interpretation provision set forth in the Declaration applies to this Policy, which definitions and interpretation provision are incorporated in this Policy by this reference.

Any reference made in this Policy to approval by the Architectural Review Committee (the "*ARC*"), means prior written approval by the ARC for the Association.

Pursuant to the Dedicatory Instruments governing the Property, the Association is vested with the authority to adopt policies, rules, and guidelines.

Pursuant to the authority granted in the Code, the Board adopts this Policy which runs with the land and is binding on all Owners and Lots within the Property. The provisions of this Policy are in addition to any other applicable guidelines, rules, or policies. This Policy is effective upon the recording of same. After the effective date, in the event of a conflict between the terms of this Policy and any previously adopted guidelines, rules, or policies addressing swimming pool enclosures, this Policy controls.

Invalidation of any one or more of the covenants, conditions, restrictions, or provisions contained in this Policy will in no way affect any one of the other covenants, conditions, restrictions, or provisions of this Policy, which remain in full force and effect.

### **III. SWIMMING POOL ENCLOSURES POLICY**

#### **A. DEFINITIONS**

For purposes of this Policy, "*Swimming Pool Enclosure*" means a fence that:

1. Surrounds a water feature, including a swimming pool or spa, located on a Lot within the Property;
2. Consists of transparent mesh or clear panels set in metal frames;
3. Is not more than 6 feet in height; and
4. Is designed to not be climbable.

#### **B. SWIMMING POOL ENCLOSURES**

##### **1. Approved Swimming Pool Enclosures**

The installation of a Swimming Pool Enclosure that is black in color, consists of transparent mesh set in metal frames, is less than or equal to 6 feet in height, and conforms to all applicable state or local safety requirements ("*Approved Swimming Pool Enclosure*") is considered pre-approved by the ARC and does not need to be submitted to the ARC for review and approval.

##### **2. Swimming Pool Enclosures Requiring ARC Approval**

The installation of a Swimming Pool Enclosure, other than an Approved Swimming Pool Enclosure, on a Lot requires prior written approval from the ARC. Any such Swimming Pool Enclosure is subject to the following parameters:

- (a) Swimming Pool Enclosures may not exceed 6 feet in height, unless otherwise approved by the ARC.
- (b) Swimming Pool Enclosures must conform to all applicable state or local safety requirements.
- (c) Swimming Pool Enclosures may contain frames (a) composed of materials such as, by way of illustration and not limitation, metal, wood, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, white, silver, transparent, or black tones.

- (d) Swimming Pool Enclosures may contain panels or screens (a) composed of materials such as, by way of illustration and not limitation, transparent mesh, glass, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, clear, white, or light blue.

The submission of plans related to a Swimming Pool Enclosure must include a completed application for ARC review, a site plan showing the proposed location of the Swimming Pool Enclosure, the type of Swimming Pool Enclosure to be used, and a copy of the manufacturer's brochures or a sample of material, if applicable. In considering the appearance of a Swimming Pool Enclosure, the ARC may take into account such factors including, but not limited to, the overall size of the pool, the size and configuration of the Lot, the location of the Lot in the Property, the location of the pool and Swimming Pool Enclosure on the Lot, and the visibility of the Swimming Pool Enclosure from streets, other Lots, and Common Areas.

The installation of a Swimming Pool Enclosure that is not in compliance with this Policy is considered a violation of the Dedicatory Instruments governing the Property.

[SIGNATURE PAGE FOLLOWS]

CERTIFICATION

I certify that, as President of the Madeira Residential Association, Inc., a Texas nonprofit corporation, the foregoing Swimming Pool Enclosures Policy was approved on the 18 day of December, 2024, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 18 day of December, 2024.

Madeira Residential Association, Inc., a Texas nonprofit corporation



By: \_\_\_\_\_  
Print Name: Jorge Ibarra  
Title: President

THE STATE OF TEXAS                   §  
   §  
COUNTY OF Cameron                   §

BEFORE ME, on this day personally appeared Jorge Ibarra the President of Madeira Residential Association, Inc., a Texas nonprofit corporation, known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and in the capacity stated in this instrument, and as the act and deed of said corporation.

Given under my hand and seal this the 18 day of December, 2024.



Christina Logan  
Notary Public – State of Texas

After Recording Please Return To:  
Lisa L. Gambrell  
Isabella L. Vickers  
Roberts Markel Weinberg Butler Hailey PC  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, Texas 77056

**Cameron County  
Sylvia Garza-Perez  
Cameron County Clerk**

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**Instrument Number:** 2025-315

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Recorded On: January 03, 2025 04:42 PM

Number of Pages: 5

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**" Examined and Charged as Follows: "**

Total Recording: \$47.00

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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.

**File Information:**

Document Number: 315  
Receipt Number: 20250103000093  
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Station: CCLERK19\_10

**Record and Return To:**

CSC Global  
835 E LEVEE  
BROWNSVILLE TX 78520



**STATE OF TEXAS  
COUNTY OF CAMERON**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of County, Texas.**

Sylvia Garza-Perez  
Cameron County Clerk  
Cameron County, TX

A handwritten signature in cursive script that reads "Sylvia Garza-Perez".