



Bedford Estates

CERTIFIED RESOLUTIONS OF THE BOARD OF DIRECTORS OF THE BEDFORD ESTATES HOMEOWNERS ASSOCIATION, INC.

ADOPTION OF PROCEDURES AND GUIDELINES FOR THE EXERCISE OF ARCHITECTURAL REVIEW AUTHORITY PURSUANT TO CHAPTER 209 OF THE TEXAS PROPERTY CODE

The undersigned, Kimberlee Smith, as the duly elected, qualified, and acting President of the Bedford Estates Homeowners Association, Inc., a Texas nonprofit corporation, hereby certifies on behalf of the Association that the following resolutions were duly adopted by the Board of Directors at a meeting of the Board held on April 4, 2022.

WHEREAS the Association is a nonprofit property owners association incorporated on April 3, 1997, and governed by Chapter 209 of the Texas Property Code and is vested with the authority to enforce restrictive covenants and other terms and provisions of that Declaration as recorded on 03/26/2013 as Instrument No. D213074595 in the Official Public Records of Tarrant County, Texas as may be amended from time to time.

WHEREAS the Association recognizes that the architectural review of applications for construction or modification of improvements is a vital task for ensuring that improvements constructed in Bedford Estates follow the terms and provisions of the governing documents; the Association also recognizes that such a task commonly involves a degree of discretionary determinations, which may be scrutinized or disagreed with by others after the fact.

WHEREAS to provide greater transparency and procedures for redress when property owners disagree with architectural review decisions concerning their property, the Texas legislature enacted Section 209.00505 of the Texas Property Code, which imposes new procedures for the denial of a property owner's application for architectural review and establishes procedures for appealing a denial of an application for architectural review to the Association's board of directors.

WHEREAS the Board desires to adopt procedures and guidelines for conducting architectural review of a property owner's application for proposed construction or modification of an improvement in compliance with Chapter 209 of the Texas Property Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the procedures and guidelines set forth in **Exhibit A** attached hereto and incorporated herein by reference.

BE IT RESOLVED, FURTHER, that, the President of the Association is hereby, authorized and empowered in the name and on behalf of the Association from time to time to do and perform all such further acts and things and to execute and deliver all such further amendments as he or she may deem necessary or advisable to carry out the intent and purposes of the foregoing resolutions and of the actions referred to therein.

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Bedford Estates Homeowners Association, Inc.
Architectural Review Authority



D222095444

04/13/2022 10:37 AM

Page: 1 of 6

Fees: \$39.00

RESOLUTION

SUBMITTER: BEDFORD ESTATES HOA


MARY LOUISE NICHOLSON
COUNTY CLERK

ADOPTION OF PROCEDURES AND GUIDELINES FOR THE EXERCISE OF ARCHITECTURAL
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BE IT RESOLVED, FURTHER that any actions taken by the officers or directors of the Association prior to the date of this action or hereafter that are within the authority conferred hereby are hereby ratified, confirmed, and approved as the act and deed of the Association.

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PRESIDENT'S CERTIFICATE

IN WITNESS WHEREOF, the undersigned has executed this Certificate as President on behalf of the Association to be effective upon the recording of this document in the Official Public Records of Tarrant County, Texas.

NAME: Kimberlee Smith

SIGNATURE: Kimberlee Smith

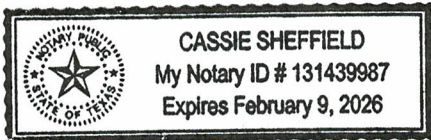
TITLE: President

STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on April 6th, 2022

By Kimberlee Smith President of the Bedford Estates Homeowners Association, Inc. a Texas non-profit corporation, on behalf of said corporation.



Cassie Sheffield

Notary Public Signature

AFTER RECORDING, PLEASE RETURN TO:

Kimberlee Smith
3904 Candlewick Ct.
Bedford, TX 76021

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EXHIBIT A

The purpose of the Architectural Review Committee is to serve as a “gate keeping” function for the construction of improvements in Bedford Estates. The Committee is vested with exclusive discretion to determine whether such proposed construction of new improvements or modifications follow the Restrictive Covenants applicable to Bedford Estates. Such authority for enforcement was given to the Bedford Estates Homeowners Association, Inc. by the North Development Company and an amended and restated Restriction Agreement was filed with Tarrant County on 03/26/2013.

The necessity of adherence is derived from a land-use restriction contained in the dedicatory instruments and compliance is independent of the existence of a Property Owners/Homeowners Association or whether an owner of property in Bedford Estates chooses to support said Association by paying annual Association fees for the upkeep of common property.

The permitted scope of the authority of the Architectural Review Committee established by the Declaration is as follows:

1. To determine if the proposed improvement/construction is in accordance with the Declaration.
2. To determine if the proposed improvement/construction is in accordance with any minimum construction standards publicized by the Architectural Review Committee.
3. To determine if the proposed improvement/construction is in harmony of exterior design with existing structures and location with respect to topography, finished grade levels and plat.

It is very common for a dedicatory instrument to vest an Architectural Review Committee with the power to grant a property owner a variance with one or more of the land-use restrictions where the ARC determines there is good cause or justification, and such variance will not have an adverse impact on the community. Such authority is granted by the restriction agreement governing Bedford Estates.

It is also within the authority of the Architectural Review Committee to deny an owner’s application if they determine it does not comply as stated above. A template letter for denial that complies with the requirements of Section 209.00505 of the Texas Property Code is attached as **Exhibit A1** and includes reasons for the denial and conditions under which the application will be reconsidered for approval.

If a request for an appellate review hearing is timely received from a property owner, the Board must conduct an appellate review hearing not later than the thirtieth (30th) day after the date the Board receives the property owner’s request and the Board must provide the property owner notice of the date, time, and place of the hearing not later than the tenth day before the date of the hearing.

During an appellate review hearing, the Board, or a designated representative of the Association, and the owner, or his or her designated representative, will each be provided the opportunity to discuss, verify facts, and resolve the denial of the property owner’s application or request for the construction or modification of an improvement, and the changes, if any, requested by the architectural committee in the written denial provided to the property owner.

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The Board or the property owner may request a postponement of the scheduled hearing. If requested, a postponement shall be granted for a period of not more than ten (10) days. Subsequent postponements may be granted by agreement of the parties. The Association and/or the property owner may make an audio recording of the appellate review hearing.

The Board is authorized to affirm, modify, or reverse, in whole or in part, any decision of the Architectural Committee concerning an application for construction of an improvement, as consistent with the Declaration. In other words, the Board is limited to the same scope of architectural review as the Architectural Review Committee.

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EXHIBIT A-1 - TEMPLATE

BEDFORD ESTATES HOMEOWNERS ASSOCIATION, INC.

Architectural Review Authority

DATE: _____ DELIVERED BY: Certified Mail ___ Electronic Delivery ___

RE: Denial of application for construction/modification of improvement at (address):

Dear (property owner):

Thank you for your submission of the application. The Committee has denied the application for the following reasons:

___ The proposed improvements are not in accordance with the Declaration

___ The proposed improvements are not in accordance with the minimum construction standards promulgated by the Architectural Review Committee.

___ The proposed improvements are not in harmony of exterior design with existing structures and location with respect to topography and finished elevation.

___ The submitted application failed to include information required by the applicable dedicatory instrument and/or requested by the Committee. Please provided the required/requested information and the Committee will reconsider the application.

OPTIONAL: Notwithstanding the denial above, the Committee shall reconsider its denial and approve the application on the following conditions:

Pursuant to Section 209.00505 of the Texas Property Code, you may request an appellate review hearing with the Board of Directors of Bedford Estates Homeowners Association, Inc. A request for an appellate review hearing must be delivered to the Board on or before the thirtieth 30th day from the date this notice was transmitted to you at the at the following mailing and/or email address: _____

Bedford Estates Home
Architectural Review



D222095444
RESOLUTION
Pages: 6
Fees: \$39.00

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS OF
TARRANT COUNTY, TEXAS
04/13/2022 10:37 AM

Mary Louise Nicholson
MARY LOUISE NICHOLSON
COUNTY CLERK