

**CERTIFICATE OF ADOPTION  
OF  
STANDBY ELECTRIC GENERATOR GUIDELINES  
OF  
THE CREEK COMMUNITY FOUNDATION**

STATE OF TEXAS            §  
  §        **KNOW ALL PERSONS BY THESE PRESENTS:**  
COUNTY OF BRAZOS       §

**WHEREAS**, the Board of Directors (the "Board") of The Creek Community Foundation, a Texas non-profit corporation (the "Association") is charged with administering and enforcing that certain Supplemental Declaration of Covenants, Conditions, Restrictions, Reservations, Easements and Rights for Millican Reserve to Create the Village of The Creek recorded in the Office of the County Clerk of Brazos County, Texas, under Clerk's File No. 2015-1247555, as may be supplemented and amended from time to time encumbering the Village of The Creek at Millican Reserve community (the "Community"); and

**WHEREAS**, Chapter 202 of the Texas Property Code was amended effective September 1, 2015, to add Section 202.019 concerning Standby Electric Generators (herein defined); and

**WHEREAS**, Section 202.019 of the Texas Property Code defines Standby Electric Generators (herein "Standby Electric Generators") as a device that converts mechanical energy to electrical energy and is:

- (1) Powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
- (2) Fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- (3) Connected to the main electrical panel of a residence by a manual or automatic transfer switch; and
- (4) Rated for a generating capacity of not less than seven kilowatts; and

**WHEREAS**, Section 202.019 of the Texas Property Code allows a property owners' association to adopt guidelines to regulate the operation and installation of Standby Electric Generators; and

**WHEREAS**, the Board has determined that it is appropriate for the Association to adopt guidelines regarding Standby Electric Generators; and

**WHEREAS**, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

**WHEREAS**, the Board held a meeting on December 30<sup>th</sup>, 2018 (the "Adoption Meeting"), at which at least a majority of the members of the Board were present and duly passed guidelines regarding Standby Electric Generators described herein below (the "Standby Electric Generator Guidelines").

**NOW, THEREFORE**, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the Standby Electric Generator Guidelines. The Standby Electric Generator Guidelines are effective upon recordation of this Certificate in the Official Public Records of Real Property of Brazos County, Texas (the "Official Public Records"),

and supplement any restrictive covenants, guidelines or policies regarding Standby Electric Generators which may have previously been in effect for the Community, unless such restrictive covenants, guidelines or policies are in conflict with the Standby Electric Generator Guidelines, in which case the terms in the Standby Electric Generator Guidelines will control. The Standby Electric Generator Guidelines are as follows:

#### **STANDBY ELECTRIC GENERATOR GUIDELINES**

1. Standby Electric Generators must be installed and maintained in compliance with the manufacturer's specification and applicable governmental health, safety, electrical, and building codes, laws and regulations.
2. All electrical, plumbing and fuel line connections must be installed only by licensed contractors.
3. All electrical connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes, laws and regulations.
4. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes, laws and regulations.
5. All liquefied petroleum gas fuel line connections must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes, laws and regulations.
6. Nonintegral Standby Electric Generator fuel tanks must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes, laws and regulations.
7. Standby Electric Generators and all electrical, plumbing and fuel lines shall be maintained in good condition by the owner of the lot upon which it is located.
8. Any deteriorated or unsafe component of a Standby Electric Generator, including electrical, plumbing or fuel lines, shall promptly be repaired, replaced or removed by the owner of the lot upon which it is located.
9. The Standby Electric Generator and related electrical, plumbing and fuel lines must serve only improvements on the particular lot in which they are located.
10. Periodic testing of a Standby Electric Generator consistent with the manufacturer's recommendation may only take place between the hours of 9:00 am to 7:00 pm.
11. Standby Electric Generators must be screened. The size, type and materials to be used must be submitted to the Association's Architectural Review Committee for approval if the Standby Electric Generator is:
  - a. Visible from the street faced by the dwelling;
  - b. Located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the Association; or
  - c. Located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the Association.
12. The use of a Standby Electric Generator to generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence is prohibited.
13. Standby Electric Generators and any related electrical, plumbing and fuel lines shall not be constructed or placed or permitted to remain on any property owned by the Association.

14. In addition to the foregoing requirements, no Standby Electric Generator and related electrical, plumbing and fuel lines shall be erected, constructed, placed or permitted to remain on any lot unless such installation strictly complies with the following location requirements (however, each location requirements shall not apply if it increases the cost of installation of the Standby Electric Generator by more than ten (10%) percent or increases the cost of installing and connecting the electric and fuel lines for the Standby Electric Generator by more than twenty (20%) percent):
- a. To the extent feasible, the Standby Electric Generator and related electrical, plumbing and fuel lines shall be located in the backyard of the lot, behind the main dwelling and at least ten feet (10') from all property lines.
  - b. To the extent feasible, no Standby Electric Generator and related electrical, plumbing and fuel lines shall be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.
15. If any provision of this section is determined by a Court to be invalid, the remainder of the provisions in this section shall remain in full force and effect.

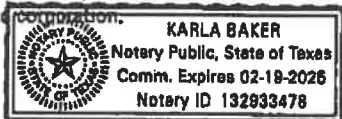
EXECUTED on the date of the acknowledgment set forth herein below, to be effective upon recordation in the Official Public Records.

The Creek Community Foundation,  
a Texas non-profit corporation

By:   
John E. McFarlane, Jr., President

THE STATE OF TEXAS     §  
  §  
COUNTY OF BRAZOS     §

This instrument was acknowledged before me on May 10<sup>th</sup>, 2021, by John E. McFarlane, Jr., President of The Creek Community Foundation, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

**WHEN RECORDED, RETURN TO:**

Hoover Slovacek LLP  
Galleria Tower II  
5051 Westheimer Rd., Suite 1200  
Houston, Texas 77056

**Brazos County  
Karen McQueen  
County Clerk**

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**Instrument Number:** 1432036  
**Volume :** 17010

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Recorded On: May 19, 2021 08:04 AM

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

Total Recording: \$38.00

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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: 1432036  
Receipt Number: 20210518000165  
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User: Patsy D  
Station: CCLERK05

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CSC Global  
OPTION 3 ON PHONE



STATE OF TEXAS  
COUNTY OF BRAZOS

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 Public Records of Brazos County, Texas.

Karen McQueen  
County Clerk  
Brazos County, TX