

Architectural Control Committee Procedures

The Architectural Control Committee (ACC) is comprised of the entire Board of Directors of the Key Allegro Canal and Homeowner's Association, plus one paid consultant, and may consist of one or more sub committees, to which there are delegated certain tasks of the ACC.

No improvement of any character, and no buildings shall be erected, placed, or altered on any building site, or lot, nor may any pilings be set in the canals or on such lot, nor docks constructed, nor may any boat lifts or slips be constructed thereon or therein unless and until the construction plans and specifications and the plot plan showing the location of existing, if any and planned additional buildings and other improvements on the building site, together with the topography (if requested by the ACC), shall have been submitted to the ACC, in duplicate and approved by the ACC. The ACC may waive the required submission of one or more of such documents, at its sole discretion.

In exceptional cases only, where the natural beauty and topography of the tract demands or allows slight variation from the covenants and by laws governing such property, the ACC shall have the power to make special exceptions for the mutual benefit of the particular owner and of the surrounding owners. The ACC, in considering each submission, shall determine if same meet the requirements of the applicable deed restrictions and the bylaws of the Association, and shall determine if the appearance of the structure and the quality of workmanship and materials and design are all in harmony with other structures in the immediate vicinity and elsewhere in the subdivision to which such restrictions apply and are in harmony with the plan of development thereof, as the ACC shall establish.

However, in view of the unusual nature of the lots on Key Allegro Isle, the ACC is authorized by covenant to make additional rules and regulations with respect to such lots.

The plans and other documents required above shall be considered submitted when delivered, either by US mail, or submitted by electronic mail, (email address: eledbetter@sbcglobal.net) to the offices of the Key Allegro Coastal Luce Properties LLC, at 1809 Bay Shore Drive, Rockport, Texas 78382. Upon each submission, the following procedure shall apply:

Upon receipt, the committee's designated members of the screening subcommittee (currently, Mr. Stephen Haynes, and Mr. Rickey Williams) will conduct a review of the request, and will, within 10 days, present their recommendations to the ACC as to whether such request should be granted or denied in part, and their reasons for such recommendation, including, where appropriate, which modifications to such request (if any) would be needed in order for approval. Such recommendations shall be conveyed to the ACC in writing.

Within 15 days of receipt of each such recommendation, the ACC shall meet and consider same, and will either approve such recommendation, or disapprove same. Upon each such approval or disapproval, the decision of the ACC shall be conveyed to the applicant in writing, along with the ACC's reasons therefore, along with any necessary changes noted, which may be made by the applicant and resubmitted for approval, in which event the process set forth herein shall apply.

Meetings of the ACC in connection with each approval request may be conducted either by mail, in regard to which all members are copied on each correspondence, or by telephone conference call, pursuant to which all members can hear and be heard by the others. Upon notice by any two members of the ACC, the committee shall meet in formal session, within five (5) days thereafter, to consider any approval request.

- a. A majority of the Committee, present either in person or by proxy shall constitute a quorum for the purpose of conducting business at a meeting.
Decisions of the ACC shall be conveyed to applicants in writing within 30 days of each submission.
- b. If a decision shall not have been so conveyed within such 30 day period, or, in any event, if no suit to enjoin the erection of such improvements has been commenced prior to the completion thereof, the request shall be deemed to have been approved by the ACC.
Any owner of any property may, within fifteen (15) days thereafter, request in writing a review of decision regarding his or her submission.
- c. Within ten (10) days thereafter, the property owner, or a representative thereof shall meet with the committee for the purpose of resolving any issues.
- d. In the event such issues shall not have been resolved to the satisfaction of the property owner, such owner may request the appointment of an arbitration board, such board to consist of one architect selected by the owner, one selected by the ACC, and one selected by the two architects so selected. All decisions of such board will be final and binding on both parties.
- e. The arbitration board will, within fifteen (15) days thereafter hold a formal hearing at which the applicant and the ACC shall each make presentations regarding their respective positions on the issues.
- f. The board will provide each party with its written decision regarding the issues within ten (10) days thereafter.
- g. Costs associated with such arbitration proceeding shall be borne by the losing party.
Construction of approved improvements must begin within eight (8) months of the date of such approval, failing which such approval shall become null and void. Extensions may be granted at the option of the ACC. upon extenuating circumstances, if requested in advance, in writing.
The screening committee will, upon commencement of construction of the improvements, monitor same to insure continued compliance with the permit issued by the ACC, and shall, if deviations from such approved permit are observed, notify the owner of the lot in question, advising him or her that, should such deviations not be corrected within 20 days thereafter, a restraining order will be sought, enjoining the continued construction of such deviation(s).

Any correspondence required to be in writing shall be considered to have been delivered three (3) days after having been placed in the US Mails postage paid, or if hand delivered, when actually delivered to the intended recipient. Such correspondence may also be delivered by electronic mail, and shall be considered to have been delivered when transmitted to the sending party's email server.