

**RESOLUTION ADOPTED BY
THE BOARD OF DIRECTORS**

of

WOODS OF WIMBLEDON CIVIC ASSOCIATION, INC.

A Texas non-profit corporation

Regarding

TREE REMOVAL POLICY AND PROCEDURE

The undersigned, being the president of Association (defined below) elected by the Board of Directors (the “**Board**”) for Woods of Wimbledon Civic Association, Inc., a Texas non-profit corporation established by the articles of incorporation filed with the secretary of state of Texas on December 1, 1978, under file number 0045587601 (the “**Articles of Incorporation**” and the “**Association**”) do by this signature state that the following resolution was adopted at a duly called meeting of the Board:

RECITALS

The Woods of Wimbledon is a subdivision within Harris County (the “**Subdivision**”), developed as a forested community with native tree species planted by the developers to create the canopy that we all value in the Subdivision. The trees are one of the factors that attracted us to buy our homes and they provide the beauty that distinguishes our neighborhood from newer subdivisions.

Owner’s use of properties within the Woods of Wimbledon are governed by Woods of Wimbledon First Amended and Restated Reservations, Restrictions and Covenants dated effective September 27, 2022 and filed for record in the Harris County Real Property Records under Clerk’s File RP-2021-684095 (the “**Declarations**”). The Declarations provide that Owners will only be able to conduct Tree Removal (defined below) with the prior consent of the Architecture Control Committee (the “**Committee**”).

In an effort to preserve the forested aesthetic of the Subdivision, the policy attached as Exhibit A, approved by the Board, will be used by the Committee and the Board in making determinations regarding Tree Removal (the “**Policy**”).

THEREFORE, BE IT RESOLVED, the Board does hereby adopt the Tree Removal Policy and Procedure attached to this Resolution as Exhibit A.

I hereby certify that the foregoing resolution was adopted on the 17th day of November, 2022, at a duly called meeting of the Board held in accordance with the Second Amended and Restated By Laws of the Association (the “**By-Laws**”).

**WOODS OF WIMBLEDON CIVIC
ASSOCIATION, INC.**

Patricia Draut, *President*

STATE OF TEXAS)

COUNTY OF HARRIS)

This instrument was acknowledged before me on _____, 2022, by Patricia Draut acting in the capacity and for the purposes stated herein.

Notary Public, State of Texas
My commission expires: _____

EXHIBIT "A"

TREE REMOVAL POLICY AND PROCEDURE

1. Definitions. For the purpose of this Policy, the following definitions apply:

a. Arborist means a professional who either: (i) holds a certification from the International Society of Arboriculture (ISA), the Tree Care Industry Association (TCIA) or the American Society of Consulting Arborists (ASCA) or (ii) has a four-year degree in forestry, arboriculture or a related field and is employed in a business or other commercial venture that derives more than fifty percent (50%) of its revenue from arboricultural services.

b. Covered Tree means any tree in the subdivision, other than those of an Invasive Species, having a diameter greater than six (6) inches, measured on the trunk at a point two feet above the grade of the sidewalk.

c. Dead Tree means a tree that, in the opinion of an Arborist, or in the absence of a certified arborist, the Committee, has suffered Irreparable Damage or suffers from a disease in a manner that is likely to result in Irreparable Damage.

d. Hazardous Tree means a tree that creates a reasonable risk of injury to the Owner, their neighbors, guests, or invitees. The foregoing determination will be made either by an Arborist retained by the Owner, or if no Arborist is retained by Owner, by the Committee. Without limitation, a tree is a Hazardous Tree if it is within five (5) feet of a Primary Residence or any proposed Improvement.

e. Improvements means the construction of a new Structure (as defined in the Declarations) on a Lot within the Subdivision.

f. Invasive Species means any species of tree whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Without limitation, invasive species include: Arizona Ash, Black Willow, Bradford Pear, Brazilian Pepper, Chinaberry, Chinese tallow, Hackberry, Horseapple (female/fruited Bois D'Arc), Japanese blueberry, Mimosa, Siberian Elm, Silver maple, Tree of Heaven, and White Mulberry.

g. Irreparable Damage means damage to a tree that would constitute a Tree Removal caused by disease, acts of third parties, acts of God or other factors beyond the control of the Owner.

h. Tree Removal means an intentional or negligent action that will more likely than not cause a Covered Tree to decline and die within five years of the act. This includes without limitation: cutting down a tree; excessively pruning or topping a tree; intentionally compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

i. Unightly Tree means a Covered Tree, other than a Dead Tree, that is unsightly, as determined in the sole discretion of the Committee or the Board as applicable.

j. Other Capitalized Terms used in this policy, but not defined here take the meaning given to them in the Declarations.

2. Approval Requests

a. Committee Requests. An Owner must request approval from the Committee for any Tree Removal prior to initiating any action in furtherance of the Tree Removal. Approval may be requested by completing and submitting the e-form that can be found under the “Contact Us” tab on the website for the Subdivision or by requesting a paper copy from the Secretary at secretary@wowca.org or at a monthly meeting of the Board. Within fourteen (14) days following an Owner request, the Committee will deliver written notice of approval or denial of the Tree Removal to the Owner. The Committee will approve a Tree Removal if it involves a Dead Tree, Unsightly Tree, Hazardous Tree, Invasive Species, or any tree that does not constitute a Covered Tree.

b. Appeal. If the Owner’s request is denied, the Owner may appeal the findings of the Committee to the Board. The request must be made either by mail to the Association at Post Office Box 11509, Spring, Texas 77379, via email to board@wowca.org, or to any management service provider named in a Management Certificate for the Association. The hearing for the appeal will be conducted at the next regular meeting of the Board; *provided that*, if the request for appeal is made less than ten (10) days prior to the meeting, the Appeal will take place the following month to allow time to provide notice to the other Owners as required by the By-Laws.

3. Enforcement.

a. As penalty for any Tree Removal initiated or completed without approval from the Committee (an “*Unauthorized Tree Removal*”), the Owner who conducts the Unauthorized Tree Removal will be required to comply with the Replacement Requirements in Section 3.b., and will be subject to a fine not to exceed \$5,000 per Tree Removal. In the sole discretion of the Board, the penalty may be waived or reduced.

b. Replacement Requirements. Within thirty (30) days of written notice from the Association, an Owner will obtain and plant an adequate replacement tree. A replacement tree will be adequate if it is specifically approved by the Committee or the Board or is a tree listed in the Table 1 in a size of at least thirty (30) gallons in size. Notwithstanding the size of the replacement tree, the replacement tree will be considered a Covered Tree requiring approval prior to any Tree Removal affecting the replacement tree. Planting an inadequate replacement tree will be considered an Unauthorized Tree Removal and the Owner will be required to remove and replace the inadequate replacement tree. Notwithstanding the foregoing, if Owner provides an Arborist report stating that the lot cannot support the replanting requirements and that the remaining trees on the lot are in good condition and of the preferred species, the Association will waive the requirements of this Section.

c. Preferred Tree Species. Replacement front yard trees must be chosen from the list below. The list is reproduced from the City of Houston list of Street Trees.

Scientific Name	Common Name	Growth Rate	Comments
<i>Acer barbatum</i>	Texas sugar maple	Medium	Fall color
<i>Acer rubrum</i>	Red maple	Medium	Fall color

<i>Carya illinoensis</i>	Pecan	Slow	Fruit
<i>Carya texana</i>	Black hickory	Slow	Fall color
<i>Fraxinus americana</i>	White ash	Fast	Fall color
<i>Ginko biloba</i>	Ginko	Slow	Fall color/male only
<i>Juglans nigra</i>	Black walnut	Slow	Fall color
<i>Liquidambar stryaciflua</i>	Sweetgum	Fast	Fall color
<i>Magnolia grandiflora</i>	Southern magnolia	Slow	Evergreen
<i>Nyssa sylvatica</i>	Black gum	Medium	Fall color
<i>Pinus taeda</i>	Loblolly pine	Fast	Evergreen
<i>Platanus mexicana</i>	Mexican sycamore	Fast	Unique leaf
<i>Quercus acutissima</i>	Sawtooth oak	Fast	Drought tolerant
<i>Quercus alba</i>	White oak	Slow	Sandy soils
<i>Quercus falcata</i>	Southern red oak	Slow	Fall color
<i>Quercus laurifolia</i>	Laurel oak	Slow	Semi-evergreen
<i>Quercus lyrata</i>	Overcup oak	Slow	Large acorn
<i>Quercus macrocarpa</i>	Bur oak	Slow	Large acorn
<i>Quercus michauxii</i>	Swamp chestnut oak	Slow	Fall color
<i>Quercus muehlenbergii</i>	Chinquapin Oak	Slow	Fall color
<i>Quercus nigra</i>	Water oak	Medium	Deciduous
<i>Quercus nuttallii</i>	Nuttall oak	Medium	Fall color
<i>Quercus phellos</i>	Willow oak	Medium	Deciduous
<i>Quercus polymorpha</i>	Monterray oak	Fast	Drought tolerant
<i>Quercus rizophyllia</i>	Loquat leaf oak	Fast	Drought tolerant
<i>Quercus shumardii</i>	Shumard oak	Slow	Fall color
<i>Quercus stellata</i>	Post oak	Slow	Deciduous
<i>Quercus virginiana</i>	Live oak	Slow	Semi-evergreen
<i>Taxodium distichum</i>	Bald cypress	Fast	Deciduous
<i>Taxodium mucronatum</i>	Montezuma cypress	Fast	Semi-evergreen
<i>Ulmus alata</i>	Winged elm	Medium	Drought tolerant
<i>Ulmus crassifolia</i>	Cedar elm	Medium	Drought tolerant
<i>Ulmus parvifolia var Drakii</i>	Drake elm	Fast	Unique bark
<i>Ulmus parvifolia var Emer II</i>	Allee elm	Fast	Drought tolerant

4. Arborist Opinion. For any action where the Owner provides the opinion of an Arborist, the Committee or the Association may obtain a second opinion from an Arborist retained by the Association. In the event of disagreement between the report submitted by the homeowner and the report prepared for the Association, the Association's report shall apply.