

2066

INDIAN TRAIL PROPERTY OWNERS ASSOCIATION, INC.
FLAG DISPLAY POLICY

STATE OF TEXAS §
 §
COUNTY OF WASHINGTON §

WHEREAS, the property encumbered by this Flag Display Policy ("Policy") is that property restricted by the First Amended and Restated Declaration of Covenants, Conditions and Restrictions of Indian Trail Subdivision, recorded in Volume 1575, Page 682 of the Property Records of Washington County, Texas, as same has been or may be amended from time to time ("Declaration"), and any other property which have been or may be subsequently annexed thereto and made subject to the authority of the Indian Trail Property Owners Association, Inc. (the "Association"); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee ("ACC"), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.012 of the Texas Property Code, the Board of Directors ("Board"), hereby adopts this Policy, which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

I. FLAG DISPLAY

The display of flags is permitted under the following parameters:

A. NUMBER OF FLAGPOLES

Owners may have a total of one (1) flagpole per lot.

B. TYPES OF FLAGS

The following flags may be displayed in accordance with this Policy:

1. United States flag
2. Texas flag
3. Official or replica flag of a branch of the United States armed forces

C. TYPE/LOCATION OF FLAGPOLE

1. The flagpole may be either freestanding or mounted to the residential structure under the following parameters:
 - a. A freestanding flagpole:
 - (i) must not be taller than twenty feet (20') when measured from the ground level

- (including the pole ornamentation);
 - (ii) must be mounted on an appropriate footing;
 - (iii) is subject to ACC approval and any and all applicable zoning ordinances, easements and setbacks of record; and
 - (iv) may be placed in either:
 - (a) the back yard (preferred location); or
 - (b) the front yard, if the lot has a front building setback line with a setback of not less than 15 feet, extending the full width of the lot between the front lot line and the front building setback line. If front building setbacks of record are greater than 15 feet, then the greater setbacks will control.
- b. A flagpole mounted to the residential structure:
- (i) must be no greater than five feet (5') in length; and
 - (ii) may be attached to the front or rear of the residential structure.
2. Owners are prohibited from placing a flagpole within an easement on an owner's lot, or in a location that encroaches on a setback on an owner's lot;
 3. Owners are prohibited from locating a flag or flagpole on property owned or maintained by the Association; and
 4. Owners are prohibited from locating a flag or flagpole on property owned in common by the members of the Association.

D. MATERIALS, MAINTENANCE AND ETIQUETTE

1. All flagpoles must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;
2. All flagpoles must be installed per the manufacturer's guidelines;
3. All flags and flagpoles must be properly maintained at all times, including, but not limited to, immediate replacement of faded, frayed or torn flags and replacement of poles that are scratched, bent, rusted, faded, leaning or damaged in any way;
4. The size of the flag must be appropriate for the length of the flagpole, and the A_C shall have sole discretion as to this determination;
5. Flagpole halyards must be securely fastened at all times and must not make noise under any conditions;

6. Telescoping flagpoles must not make noise under any conditions;
7. The United States flag must be displayed in accordance with federal law, and the Texas flag must be displayed in accordance with Texas state law;
8. If evening display of the flag is desired, the flag may be lit from the base of the flagpole (maximum of two bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag, and cannot cause any type of light spillover onto adjoining properties. All exterior lighting must be submitted to the ACC for prior approval;
9. Flags must be attached to a flagpole in order to be displayed; and
10. A flagpole mounted to the residential structure must be removed from view when no flag is displayed.

II. ACC APPROVAL

A. MOUNTED FLAGPOLES

A flagpole mounted to a residential structure does not require approval from the ACC if it complies with the terms of this Policy.

B. FREESTANDING FLAGPOLES

1. Freestanding flagpoles require prior written approval from the ACC. Completed applications must be submitted to the ACC in accordance with the following:
 - a. If a back yard location is desired, an application must be submitted with a copy of the applicable plat or survey showing the proposed location of the freestanding flagpole along with pictures showing the location of the improvement and the manufacturer's brochures or sample of material, if applicable;
 - b. If a front yard location is desired, an application must be submitted with a copy of the applicable plat and/or survey indicating the front lot line, front building setback line, and proposed location of the freestanding flagpole, along with pictures showing the location of the improvement and the manufacturer's brochures or sample of material, if applicable;
 - c. Locations closer to the dwelling are typically preferred; and
 - d. Regardless of desired location, the color of the materials being used in relation to house color, the location of the flagpole in relation to the dwelling and any noise created are of specific concern.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the subdivision.

This Flag Display Policy does not apply to property that is owned or maintained by the Association

Notwithstanding anything contained herein to the contrary, the Board of Directors of the Association (the "Board") has the discretion to approve variations on the restrictions upon height, size, and placement of flagpoles, when circumstances such as topography, natural obstruction, hardship, aesthetic, or environmental considerations may require. Such variations must be evidenced in writing, must be approved by at least a majority of the members of the Board, and shall become effective upon execution. If such variations are granted, no violation of this Flag Display Policy shall be deemed to have occurred with respect to the matter for which the variation was approved. The granting of such a variation shall not operate to waive any of the terms and provisions of this Flag Display Policy for any purpose except as to the particular provision hereof covered by the variation, nor shall it affect in any way the owner's obligation to comply with all applicable governmental laws and regulations.

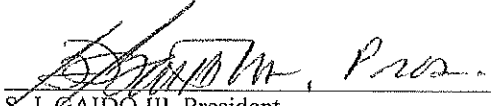
No approval of a variation shall be relied on by any member or owner, or any other person or entity (whether privy or party to the subject variation or not), as a precedent in requesting or assuming variations as to any other matter of potential or actual enforcement of any provision of this Flag Display Policy. Action of the Board in granting or denying a variation is a decision based expressly on one unique set of circumstances and need not be duplicated for any other request by any party or the same party for any reason whatsoever.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

CERTIFICATION

I hereby certify that, as President of the Indian Trail Property Owners Association, Inc., the foregoing Flag Display Policy was approved on the 27th day of March, 2017, at a meeting of the Board of Directors at which a quorum was present.

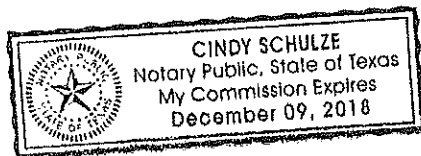
DATED this the ____ day of March, 2017.

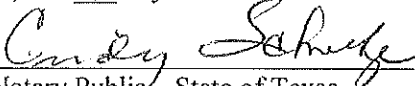

S. J. GAIDO III, President

STATE OF TEXAS §
 §
COUNTY OF WASHINGTON §

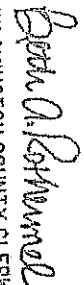
BEFORE ME, on this day personally appeared S. J. GAIDO III, the President of the Indian Trail Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 27th day of March, 2017.




Notary Public— State of Texas

After Recording, Return To:
Stephanie L. Quade
Roberts Markel Weinberg Butler Hailey PC
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

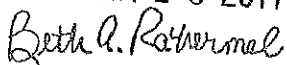
FILED FOR RECORD
WASHINGTON COUNTY TEXAS
2017 MAR 27 P 2:55

WASHINGTON COUNTY CLERK

STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on



MAR 28 2017


Beth Rothermel, County Clerk
Washington County, Texas