RP-2019-335501
08/01/2019 ER $28.00

MORGAN'S LANDING COMMUNITY ASSOCIATION, INC.
FLAG DISPLAY POLICY

STATE OF TEXAS §
§
COUNTY OF HARRIS §

WHEREAS, the property encumbered by this Flag Display Policy ("Policy") is that property restricted by the Declaration of Covenants, Conditions and Restrictions for Morgan's Landing, recorded in the Official Public Records of Harris County, Texas, under Clerk's File No. RP-2019-327798, as same has been or may be amended from time to time ("Declaration"), and any other property which has been or may be annexed thereto and made subject to the authority of the Morgan's Landing Community Association, Inc. ("Association"); and

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

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);

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RP-2019-335501

(ii) must be mounted on an appropriate footing;

(iii) is subject to ARC 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. <u>MATERIALS, MAINTENANCE AND ETIQUETTE</u>

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 ARC 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. Additionally, if

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RP-2019-335501

more than one flag is displayed along with the United States flag on a flagpole, the United States Flag must be flown above all other flags on such flagpole;

8. The Texas flag must be displayed in accordance with Texas state law;

9. 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 ARC for prior approval;

10. Flags must be attached to a flagpole in order to be displayed; and

11. A flagpole mounted to the residential structure must be removed from view when no flag is displayed.

II. ARC APPROVAL

A. MOUNTED FLAGPOLES

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

B. FREESTANDING FLAGPOLES

1. Freestanding flagpoles require prior written approval from the ARC. Completed applications must be submitted to the ARC 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.

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RP-2019-335501

CERTIFICATION

I hereby certify that, as Secretary of the Morgan's Landing Community Association, Inc., the foregoing Flag Display Policy was approved on the 30th day of July, 2019, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 30th day of July, 2019.

Print Name: Vanessa Rodriguez
Title: Secretary

STATE OF TEXAS §
§
COUNTY OF Harris §

BEFORE ME, on this day personally appeared Vanessa Rodriguez, the Secretary of the Morgan's Landing Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/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 this the 30th day of July, 2019.

ELIZABETH GUZMAN
Notary Public, State of Texas
Comm. Expires 12-12-2019
Notary ID 128823638

Elizabeth Guzman
Notary Public – State of Texas

After Recording, Return To:
Stephanie L. Quade
Casson Wen
Roberts Markel Weinberg Butler Hailey PC
2277 Plaza Drive, Suite 290
Sugar Land, Texas 77479

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RP-2019-335501

RP-2019-335501

Pages 5

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e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

DIANE TRAUTMAN

COUNTY CLERK

Fees $28.00

RP-2019-335501

RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS