

**CERTIFICATE OF ADOPTION
OF
UNITED STATES, STATE OF TEXAS AND UNITED STATES ARMED FORCES
FLAG DISPLAY 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, Section 202.012 allows a property owners' association to adopt and enforce reasonable rules and regulations regarding the display of flags of the United States, the State of Texas and any branch of the United States armed forces (herein, collectively called "flags" and individually called "flag"); and

WHEREAS, the Board has determined that in connection with providing reasonable rules and regulations regarding the display of flags, it is appropriate for the Association to adopt flag display guidelines; 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 30th, 20~~18~~²⁰ (the "Adoption Meeting"), at which at least a majority of the members of the Board were present and duly passed the flag display guidelines described herein below (the "Flag Display 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 Flag Display Guidelines. The Flag Display 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 the display of flags which may have previously been in effect for the Community unless such restrictive covenants, guidelines or policies are in conflict with the Flag Display Guidelines, in which case the terms of the Flag Display Guidelines will control. The Flag Display Guidelines are as follows:

CATEGORY 1

(HOUSE OR GARAGE MOUNTED FLAGPOLES)

Flagpoles may be mounted on the house or garage as long as they are six (6') feet in height or less using a bracket manufactured for flagpoles. Flagpoles must be constructed of long lasting materials with a finish appropriate to the material used in the construction of the flagpole and harmonious with the dwelling. The flag may not exceed three (3') feet in height by five (5') feet in width. The flagpole must be removed when the flag is not displayed.

CATEGORY 2

(IN-GROUND MOUNTED FLAGPOLES)

Flagpoles may be mounted in-ground and in the front yard as long as they are more than six feet (6') in height but no more than twenty (20') feet in height when measured from ground level (including all flagpole ornamentation) within a lot having a front building setback line with a setback of not less than fifteen (15') feet extending the full width of the lot between the front lot line and the front building setback line. In-ground flagpoles must be in compliance with applicable easements, building lines, set backs and ordinances.

Permanent in-ground flagpoles are generally defined as those that are installed in an appropriate footing (usually concrete) and are not meant to be removed unless the flagpole is being replaced. Temporary in-ground flagpoles are generally defined as those poles that are installed in the ground by a sleeve system that is designed to allow the easy removal and reinsertion of the pole. Flagpoles must be constructed of metal with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.

If a flag is to be displayed daily (from dusk till dawn), then a permanent in-ground flagpole must be installed. If a flag is only going to be displayed on specific holidays (as per the United States Flag Code [4 U.S.C. Section 1, *et. seq.*] [the "Flag Code"]) or less frequently than every day, then the flagpole must be a temporary in-ground flagpole and the flagpole must be removed from the ground on those days that a flag is not being displayed.

The size of the flag must be appropriate for the height of the flagpole, but, in any event, may not exceed four (4') feet in height by six (6') feet in width for flags mounted on in-ground flagpoles taller than fifteen (15') feet but no taller than twenty (20') feet when measured from ground level (including all flagpole ornamentation). The size of the flag mounted on in-ground flagpoles shorter than fifteen (15') feet when measured from ground level (including all flagpole ornamentation) may not exceed three (3') feet in height by five (5') feet in width. Flagpole halyards must be of a type which do not make noise and must be securely fastened. Flagpoles must be mounted on an appropriate footing and, if this footing is visible, it must be screened with adequate landscaping.

MINIMUM CONDITIONS

In addition to the foregoing requirements, no flagpole shall be erected, constructed, placed, or permitted to remain on any lot and no flag shall be displayed on any lot unless such installation and display strictly complies with the following minimum conditions:

- a. The proposed location of the flagpole must be submitted to the Association's Architectural Review Committee for prior written approval;

- b. No more than one (1) flagpole per lot may be installed. No more than one (1) flag per property may be displayed at any one (1) time;
- c. The one (1) displayed flag may be (1) the flag of the United States of America displayed in accordance with 4 U.S.C. Sections 5-10; (2) the flag of the State of Texas displayed in accordance with Chapter 3100, Texas Government Code; or (3) an official or replica flag of any branch of the United States armed forces;
- d. If the flag is to be flown after dusk, it must be properly illuminated per the Flag Code. It may be lit with an in-ground light (maximum of two [2] bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag. It cannot cause any type of light spillage onto adjoining properties or into the street. All exterior lighting must be submitted to the Association's Architectural Review Committee for prior written approval;
- e. The flag and flagpole must be properly maintained in good condition at all times. Should the flag become faded, frayed or torn, it must be replaced immediately. If the flagpole becomes scratched, dented, leaning, or structurally unsafe, or if the paint is chipped or faded, it must be replaced, repaired or removed immediately;
- f. No advertising slogan, logo printing or illustration shall be permitted upon the flag or flagpole, other than the standard logo, printing or illustration which may be included by the applicable manufacturer for the flag or flagpole;
- g. Any flagpole shall be installed in a manner that complies with all applicable laws and regulations (including but not limited to, applicable zoning ordinances, easements and setbacks of record) and manufacturer's instructions; and
- h. The flag and flagpole must be located wholly within the owner's lot and not on property that is owned or maintained by the Association.

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

**Brazos County
Karen McQueen
County Clerk**

Instrument Number: 1432038
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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.

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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