

RUSTY ALLEN AIRPORT PROPERTY OWNERS ASSOCIATION, INC. FILM CODE

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POLICY, RULES, REGULATIONS AND RESTRICTIONS FOR CONSTRUCTING AIRCRAFT TAXIWAYS 00005685005

**BAR K AIRPORT SUBDIVISION
RUSTY ALLEN AIRPORT
LAGO VISTA, TEXAS**

STATE OF TEXAS <
COUNTY OF TRAVIS <

WHEREAS all real property in the Bar K Airport Subdivision as recorded in Volume 87, Pages 105B and 105C in the Plat Records of Travis County, Texas is subject to deed restrictions as recorded in the Real Property Records Volume 11201, Pages 1933 through 1943 of Travis County, Texas. Said deed restrictions, in part, require that all building upon all real property in the Bar K Airport Subdivision be subject to Article IV, therein, Architectural Control Committee. Furthermore, that the Board of Directors as provided therein shall administrate said Architectural Control Committee and all other matters of the deed restrictions acting in its authority as declarant in Article II therein and other provisions therein.

WHEREAS the Board of Directors, in its capacity as recited above, desire to ensure that all building of aircraft taxiways be constructed properly, safely and be located properly to serve the owners of real property in the Bar K Airport Subdivision and the general public. The Board of Directors is hereby upon the effective date of this instrument adopting certain policy, rules, regulations and restrictions for the building of aircraft taxiways in the Bar K Airport Subdivision.

NOW THEREFORE the Board of Directors pursuant to its authority as recited herein hereby adopts the following policy, rules, regulations and restrictions for the building of aircraft taxiways in the Bar K Airport Subdivision.

1. From the effective date herein, all aircraft hangers or any buildings for aircraft usage must have a hard surface pavement of hot mix asphalt or concrete for an aircraft taxiway access to the runway connection and it will be constructed so as to match that of the aircraft hangar completion time.

2. In order for safety of moving aircraft and property upon the airport and/or subdivision, all new aircraft taxiways from the effective date herein will be located so as to connect with existing runway connections to the runway which hereby also limits the number of runway connections to the runway. The Board of Directors will determine where all new aircraft taxiways will be located in order to connect with the existing runway connections.

3. Any part of an aircraft taxiway which is upon the real property of the City of Lago Vista, Texas (Lot Numbers 48, 49, 50, 52, 57) or which will be upon any other public property will be not less than 24' in width and shall be constructed in compliance with City approved plans and specifications and its bearing strength will be capable of supporting an aircraft of up to 7,500 pounds. All Taxiway construction shall also be approved first by the Architectural Control Committee.

4. All aircraft taxiways will be constructed so as to drain water off of the taxiway at a slope of at least 2" in 24' and such drainage shall also be constructed so as to not cause an inundation of any public or private property.

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TRAVIS COUNTY, TEXAS

5. A real property or lot owner, or owners, who construct(s) an aircraft taxiway ("constructor") which will serve one or more other parties lots or other real property because it will adjoin, abut, or otherwise provide runway access to such, shall have the right and privilege to demand payment from such adjoining lot or real property owner(s) for the proportionate expense amount of such taxiway.

The proportionate expense amount shall be the square footage of the taxiway which fronts an adjoining lot times the constructor's square footage unit expense which will be a market expense. If the constructor does not collect the proportionate expense, the constructor shall have the duty and obligation to initially pay for and fund the total expense of the taxiway design and construction. The owners of lots or real property adjoining, or being provided access by, the taxiway shall pay their proportionate share within a reasonable period of time after notice and demand. However, if such proportionate share is not paid by any such adjoining owner after the expiration of 90 days after notice and demand, the Rusty Allen Airport Property Owners Association, Inc. is herein given the right and privilege to file a lien against any nonpaying adjoining real property for it's proportionate share and lien expenses. In the event any such lien is filed and thereafter collected, the proceeds, when collected, shall be paid to the constructor. Further, the Architectural Control Committee of the Rusty Allen Airport Property Owners Association, Inc. will not approve the construction of any building upon any real property in the Bar K Airport Subdivision if a lien authorized by this paragraph exists against that real property.

6. a. This document embraces the entire Policy, Rules, Regulations and Restrictions for Constructing Aircraft Taxiways hereto and no statement, remark agreement, or understanding, either oral or written, not contained herein shall be recognized or enforced.

b. For the purpose of this document, the singular number shall include the plural and the masculine shall include the feminine and vise-versa, whenever the context so admits or requires.

c. This document shall be governed by the laws of the State of Texas and construed thereunder and venue of any action brought under this document shall be in Travis County, Texas.

d. The officers, directors and members of the Rusty Allen Property Owners Association, Inc. shall not be held personally responsible or have any liability for any acts, performances, errors or omissions which may or may not have been created by this document save and except any acts of fraud or acts of a criminal nature as such nature would be determined by a court of jurisdiction.

e. If any section, paragraph, sentence, or phrase entered in this contract agreement is held to be illegal or unenforceable by a court of competent jurisdiction, such illegality or unenforceability shall not affect the remainder of this contract agreement which can be given effect without the illegal or unenforceable section, paragraph, sentence, or phrase and to this end, the provisions of this contract agreement are declared to be severable.

f. The address for the officers and directors of the Rusty Allen Airport Property Owners Association, Inc. may change from time to time. However, they can be found by contacting the City of Lago Vista, Texas.

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Effective this 9th day of February, 1998.

George R. Eeds
George R. Eeds
President

Lee R. Gerstacker
Lee R. Gerstacker
Secretary

State of Texas
County of Travis

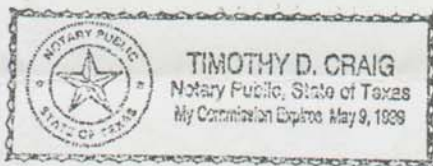
This instrument was acknowledged before me on the 9th day of February, 1998 by GEORGE R. EEDS, President of the Rusty Allen Property Owners Association, Inc.



Jill A. Marsh
Notary Public in and for the State of Texas

State of Texas
County of Williamson

This instrument was acknowledged before me on the 23rd day of January, 1998 by LEE R. GERSTACKER, Secretary of the Rusty Allen Property Owners Association, Inc.



Timothy D. Craig
Notary Public in and for the State of Texas

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TRAVIS COUNTY, TEXAS

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