

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 111521

ERecordings-RP

AFFIDAVIT

Recorded On: July 29, 2020 03:04 PM

Number of Pages: 5

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" Examined and Charged as Follows: "

Total Recording: \$42.00

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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.

**File Information:**

Document Number: 111521  
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Station: Station 23

**Record and Return To:**

Simplifile



STATE OF TEXAS  
COUNTY OF DENTON

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 Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

**AFFIDAVIT OF DOUG REEVES IN SUPPORT OF THE AERO VALLEY PROPERTY OWNERS ASSOCIATION'S RESOLUTION TO LIMIT RUNWAY ACCESS FROM THE NORTHWEST DEVELOPMENT TO PHASES 1 AND 2 AND EXCLUDE PHASES 3 AND 4 FROM AIRPORT BOUNDARIES**

BEFORE ME, the undersigned authority, personally appeared Doug Reeves, who being duly sworn, deposed as follows:

“My name is Doug Reeves. I am at least 18 years of age and of sound mind. I have personal knowledge of the facts stated in this Affidavit. I hereby swear that the following statements are true and correct.

1. I serve as the secretary and board member of the Aero Valley Property Owners Association, Inc. (“POA”).

2. Glen Hyde, acting as the president of Hyde-Way, Inc., acquired land adjacent to the northwest boundary of Aero Valley Airport (n.k.a. Northwest Regional Airport) and platted four phases of about 14 acres each that he intended to include within airport boundaries and provide runway access without the consent of the pre-existing property owners/runway easement holders.

3. Through a series of events, airport property owners/runway easement holders eventually consented to including Northwest Development Phases 1 and 2 within airport boundaries with all lots within them having the right to access and use the runway via appurtenant easement.

4. Northwest Development Phases 3 and 4 have been platted since April 17, 1984 (36 years) but have never been developed and currently remain open pasture.

5. Under the first Declaration of the Aero Valley Development Company, the Architectural Control Committee (“ACC”) is required to act as the airport’s governing body with legal authority to make whatever rulings deemed necessary to protect the best interests of the

property owners.


6. In May 2019, a newly elected ACC delegated its governing authority to the POA's board of directors.

7. Under Article II of the POA's bylaws, the Board of Directors has the power to determine the airport's boundaries and has the exclusive right to determine which properties shall have the right to access and use the runway and airport facilities.

8. On August 13, 2019, acting pursuant to its powers, the Board of Directors determined that including Northwest Development Phase 3 and Phase 4 within airport boundaries was not in the best interests of the property owners and unanimously passed the attached resolution bearing my signature that excludes Northwest Development Phases 3 and 4 from airport boundaries with neither phase having runway access.

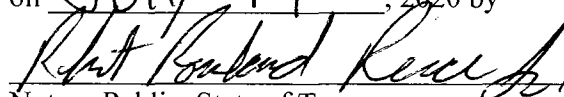
9. The plats of each phase of the Northwest Development were recorded in the plat records of Denton County, Texas at the following locations and dates:

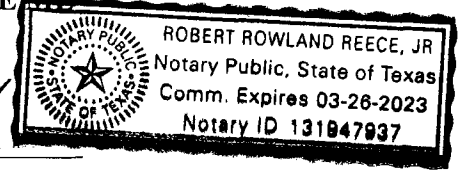
- Phase 1: Cabinet C, page 194, Doc 1983-13345, April 18, 1983 (PL/3/194)
- Phase 2: Cabinet D, page 59, Doc 1984-19662, April 16, 1984 (PL/4/59)
- Phase 3: Cabinet D, page 63, Doc 1984-20000, April 17, 1984 (PL/4/63)
- Phase 4: Cabinet D, page 62, Doc 1984-19998, April 17, 1984 (PL/4/62)
- Replat NWE: Cabinet D, page 48, Doc 1984-17188, April 3, 1984 (PL/4/48)
- Replat NW1 Tract 7: Cabinet D, page 49, Doc 1984-17189, April 3, 1984 (PL/4/49)

  
signature

**SUBSCRIBED AND SWORN TO BEFORE ME**

on July 14, 2020 by

  
Notary Public, State of Texas



**RESOLUTION TO ESTABLISH THAT NORTHWEST  
DEVELOPMENT PHASES 3 AND 4 ARE EXCLUDED  
FROM RUNWAY ACCESS**

WHEREAS, Northwest Regional Airport is governed by the board of directors of the Northwest Regional Airport Property Owners Association (“the Board”);

WHEREAS, the Board has fiduciary duties to property owners that include the duty to (a) determine airport boundaries based on the Board’s duty to enforce the scope of pre-existing runway access and use easements, (b) ensure the safety of aircraft and vehicular movement within airport boundaries, and (c) act in the best interests of the property owners;

WHEREAS, Northwest Development Phase 3 and Phase 4 have never been developed, their distance to the runway is too far to be feasible for runway access, the expense of building and maintaining a taxiway to access the runway is not within the financial means of the property owners, and the property owner-easement holders do not consent to the increased burden on the runway;

WHEREAS, including Northwest Development Phase 3 and Phase 4 within airport boundaries for the purpose of providing runway access is not in the best interests of the property owners;

WHEREAS, aircraft taxiing from Northwest Development Phase 1 and Phase 2 must cross Cleveland-Gibbs Road to access the runway, thereby disrupting traffic flow and creating a safety hazard;

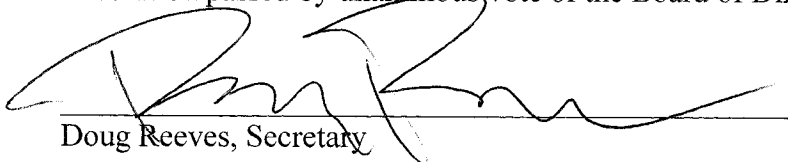
WHEREAS, relocating Cleveland-Gibbs Road would eliminate traffic disruption and promote safety;

now, therefore, be it

RESOLVED,

1. that Northwest Development Phase 3 and Phase 4 are not within airport boundaries for runway access purposes and raise no airport-related issues to the relocation of Cleveland-Gibbs Road;
2. that the Board will work with local government to facilitate the relocation of Cleveland-Gibbs Road as soon as possible.

Resolution passed by unanimous vote of the Board of Directors on August 13, 2019.

  
Doug Reeves, Secretary

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FROM RUNWAY ACCESS**

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WHEREAS, Northwest Development Phase 3 and Phase 4 have never been developed, their distance to the runway is too far to be feasible for runway access, the expense of building and maintaining a taxiway to access the runway is not within the financial means of the property owners, and the property owner-easement holders do not consent to the increased burden on the runway;

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WHEREAS, aircraft taxiing from Northwest Development Phase 1 and Phase 2 must cross Cleveland-Gibbs Road to access the runway, thereby disrupting traffic flow and creating a safety hazard;

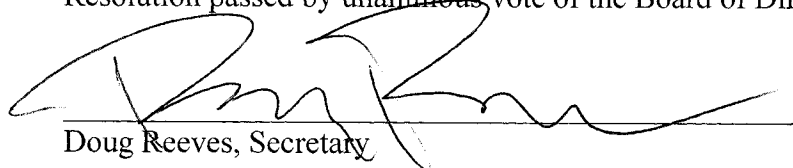
WHEREAS, relocating Cleveland-Gibbs Road would eliminate traffic disruption and promote safety;

now, therefore, be it

RESOLVED,

1. that Northwest Development Phase 3 and Phase 4 are not within airport boundaries for runway access purposes and raise no airport-related issues to the relocation of Cleveland-Gibbs Road;
2. that the Board will work with local government to facilitate the relocation of Cleveland-Gibbs Road as soon as possible.

Resolution passed by unanimous vote of the Board of Directors on August 13, 2019.

  
Doug Reeves, Secretary