

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE C. COUNTY ROADS AND BRIDGES

CHAPTER 253. COUNTY IMPROVEMENT OF SUBDIVISION ROADS

Sec. 253.001. **APPLICABILITY.** This chapter applies only to a subdivision, part of a subdivision, or an access road.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1245 (H.B. [2591](#)), Sec. 1, eff. June 15, 2007.

Sec. 253.002. **DEFINITION.** In this chapter, "improvement" means construction or repair.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 253.003. **PROPOSAL FOR COUNTY IMPROVEMENT OF SUBDIVISION ROADS AND ASSESSMENT OF COSTS.** If the commissioners court of a county determines that the improvement of a road in a subdivision or of an access road to a subdivision is necessary for the public health, safety, or welfare of the residents of the county, the commissioners court may propose to:

- (1) improve the road to comply with county standards for roads; and
- (2) assess all or part of the costs of the improvement pro rata against the record owners of the real property of the subdivision or a defined part of the subdivision.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1131, Sec. 1, eff. June 20, 2003.

Sec. 253.004. **NOTICE.** (a) The commissioners court must publish notice of the proposed improvement and assessment at least twice in a newspaper of general circulation in the county.

(b) The notice must state the date the commissioners court will hold a public hearing to consider the proposed improvement and assessment.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 253.005. PUBLIC HEARING. The commissioners court must hold a public hearing to consider the proposed improvement and assessment on or after the 31st day after the date the commissioners court publishes the first required notice.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 253.006. BALLOT. (a) Not later than the 10th day after the date the commissioners court holds a public hearing under Section 253.005, the commissioners court by certified mail shall send to each record owner of real property in the subdivision or part of the subdivision to be assessed:

- (1) a ballot on whether the commissioners court shall order the improvement and assessment; and
- (2) an addressed stamped envelope for the return of the completed ballot to the county clerk.

(b) The ballot must state the maximum assessment that could be made against each property in the subdivision or part of the subdivision to be assessed if a majority of the votes received favor the proposition.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1131, Sec. 2, eff. June 20, 2003.

Sec. 253.007. RESULTS OF VOTE. (a) Not later than the 30th day after the date of the public hearing, the county clerk shall tally the returned ballots and declare the results to the commissioners court.

(b) If a majority of returned ballots are in favor of the improvement and assessment, the commissioners court shall order the improvements and assess the costs of the improvements against the real property owners of the subdivision or part of the subdivision.

(c) If the proposition fails, the commissioners court may not:

- (1) order the improvement and assessment; or
- (2) again propose the improvement and assessment before the fourth anniversary of the date the county clerk declares the results of the vote to the commissioners court.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1131, Sec. 3, eff. June 20, 2003.

Sec. 253.008. ASSESSMENT OF COSTS. (a) The commissioners court may provide the time, terms, and conditions of payment and default of an assessment.

(b) Except as provided by Subsection (d), the commissioners court may not require the payment of interest on an assessment.

(c) An assessed property owner is personally liable for the amount of the assessment.

(d) Beginning on the second anniversary of the date of an assessment, the Commissioners Court of Aransas County by order may require the payment of interest on the assessment at the rate determined under Section [304.003](#), Finance Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1236 (S.B. [802](#)), Sec. 2, eff. June 17, 2011.

Sec. 253.009. LIEN. (a) An assessment is secured by a lien against the real property of the assessed property owner.

(b) The lien is effective on the date written notice of the assessment is filed for record in the office of the county clerk of the county in which the property is located.

(c) The written notice must be in recordable form and contain the:

- (1) amount of the assessment;
- (2) legal description of the property; and
- (3) name and address of each property owner.

(d) An assessment lien under this chapter is inferior only to a tax lien or mortgage lien recorded before the effective date of the assessment lien.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 253.010. APPEAL. (a) Not later than the 15th day after the date a property owner receives an assessment, the owner may appeal the assessment by filing a petition in a district court having jurisdiction in the county.

(b) The appeal may be made on the basis of the assessment amount or the inaccuracy, irregularity, invalidity, or insufficiency of the proceedings or the road improvements.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 253.011. MAINTENANCE OF ROADS. (a) A road improved under this chapter is a county road.

(b) The county shall maintain the road according to county road standards.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

DRAFT



Mountain Springs Ranch Property Owners Association
3601 Comal Springs
Canyon Lake, Texas 78133
Phone & Fax: 1-866-364-0214
Website: msrpoa.com - Email: msrpoa@msrpoa.com

October 1, 2015

The Honorable Donna Eccleston
Comal County Commissioner Precinct #1
100 Main Plaza
New Braunfels, Texas 78130

Re: The Estates of Mountain Springs Ranch
Conversion of Private Roadways (Holland Springs and Mount Bear)

Dear Commissioner Eccleston:

As you are aware, over the past many months, the Board of Directors of Mountain Springs Ranch Property Owners Association (MSRPOA) has been entertaining the request of a majority of owners in the Estates at Mountain Springs Ranch to pursue Comal County assuming ownership and maintenance of the two private roads in The Estates. By the County assuming the ownership and maintenance of the private roads, the relatively few lot owners of The Estates will not be unduly burdened by continuing to fund maintenance of the private amenities and the roads. Removing the privacy features of The Estates and opening the road to public use will be advantageous to all.

After reviewing the proposed project and the Comal County road requirements with the Comal County Engineer and putting the issue to a vote by the owners of the lots in The Estates, the Board is ready to move forward and is seeking your support for the proposed project.

It is the Board's understanding that the Comal County Engineer indicated that in order for him to recommend Comal County assuming the responsibility for the private roads, the following events must occur:

Mountain Springs Ranch Property Owners Association will be responsible for:

- Having electrical controls for gates professionally removed;
- Applying for PIPROW permits to allow the round and teardrop curbed islands, decorative walls irrigation systems and landscaping to remain in place. If the PIPROW permits are not approved, MSRPOA will be responsible for having these improvements professionally removed;
- Removing the gates and gate box at the entrance; and
- Removing fencing and stonework around the entrance in accordance with agreement between the Comal County Engineer and MSRPOA.

Comal County Road Department will be responsible for

- Seal coating Holland Springs road and Mount Bear road (single course seal coat with HFRS-2P Emulsion and #4 Pre-coat Cover Rock) according to County standards (see enclosure); and
- Installing raised reflectorized traffic buttons (see enclosure);

The Comal County Engineer estimated the cost of this project to be \$14,200 subject to an acceptable bid with a contractor hired by Comal County. For the purposes stated herein, the Board requests your support of the following:

- Comal County will assess each lot facing Holland Springs and Mount Bear roads for the County's costs associated with this project. A complete list of lots and their current owners is enclosed.
- The County's costs will be recovered from the eighteen (18) lots within The Estates based on a "per lot" pro-rata basis over a five (5) year payback period. Based on the estimated County costs of \$14,200 the annual assessment will be \$261.48 per lot per year for three (3) years.

The Board urges you to consider the importance of this project to Mountain Springs Ranch and especially, the lot owners of The Estates. The conversion of the private roads to county roads will be the most equitable long-term solution to the challenges facing the MSRPOA for funding the maintenance of private amenities and roadways created by the developer when establishing The Estates at Mountain Springs.

If you have any questions or wish to discuss the proposal, please contact us for a prompt response.

Mountain Springs Property Owners Association
Board of Directors

Mary Lu Zellers, President

Attachments: List of lots and lot owners boarding roads in The Estates
Exhibit - Existing Improvements to be Removed
Exhibit - Existing Improvements to be Permitted
Draft document dedicating lots 157 and 157R to public right of way as shown on the county plats

Copy to Thomas Hornseth, Comal County Engineer
Robert August, The Estates at Mountain Springs Ranch

THE ESTATES AT MOUNTAIN SPRINGS RANCH

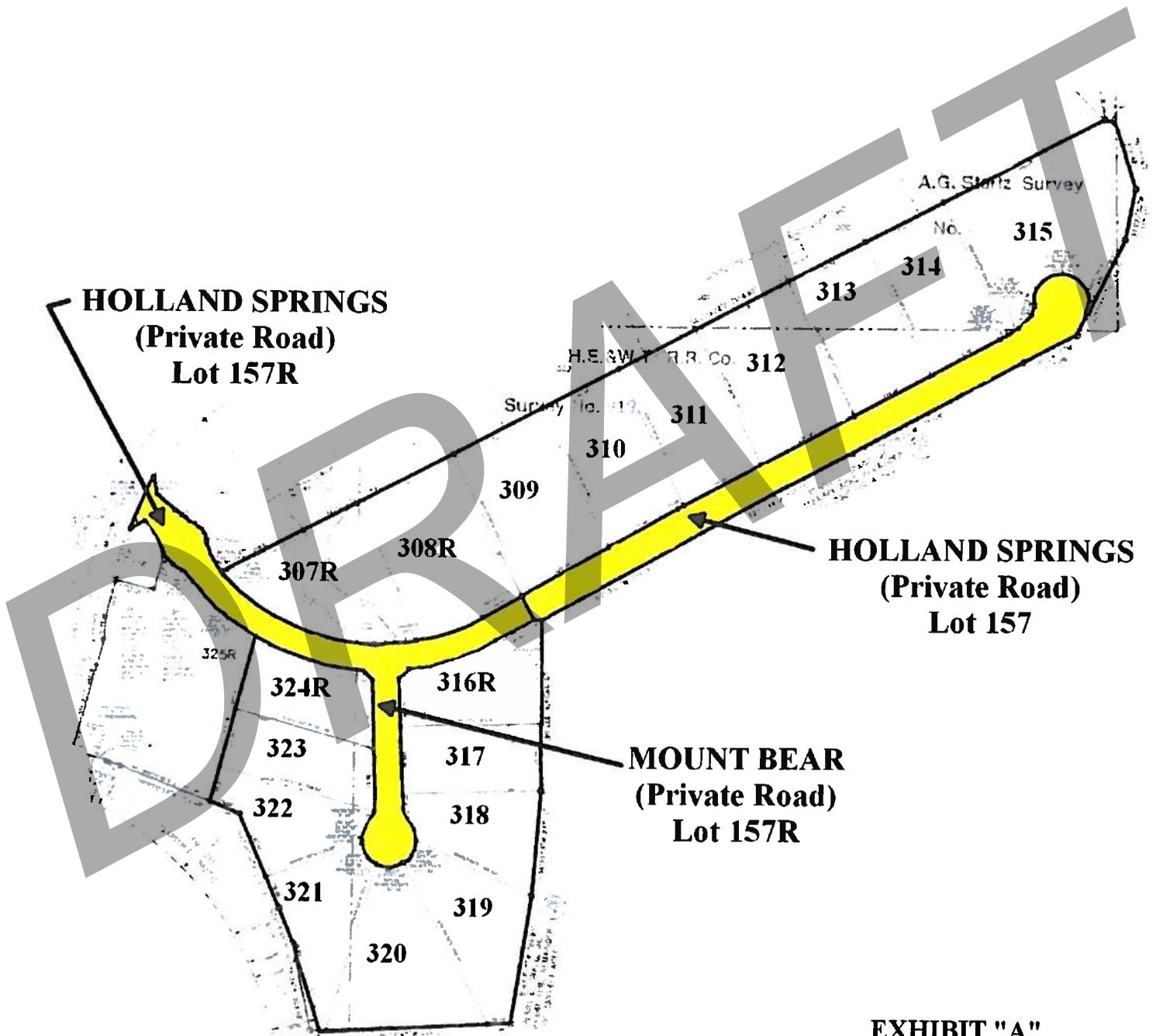


EXHIBIT "A"

COUNTY ENGINEER'S COST ESTIMATE

December 30, 2015

**The Estates at Mountain Springs Ranch
Holland Springs and Mount Bear**

Seal Coat:

Materials: \$10,125.00
Labor: \$ 1,364.00
Equipment: \$ 1,224.00

Signage: \$ 95.00

Administrative Fees: \$ 380.00

TOTAL (2015) \$13,188.00

ESTIMATED COST (2016-2017)

\$14,500.00

EXHIBIT "B"

The Estates at Mountain Springs Ranch – Lot Owners and Mailing Addresses

Stachiw RVCBL DCLRTN Trust
Joan Lee Stachiw
2057 Holland Springs
Canyon Lake, TX 78133

Lot 307R
Lot 308R

Lyndon D Landry
2060 Holland Springs
Canyon Lake, TX 78133

Lot 316R

Douglas M. and Jane E. Anderson
2411 Oakline Dr.
San Antonio, TX 78259

Lot 309
Lot 310
Lot 311

Seong H. and Jose M. Pluguez
4042 Privet Pl.
San Antonio, TX 78259

Lot 312

Phyllis B. Bohan
2085 Holland Springs
Canyon Lake, TX 78133

Lot 313
Lot 314

Rahim Akhondzadeh
6965 El Camino Real, Ste. 105-428
Carlsbad, CA 92009

Lot 315

Robert H. and Kumchu August
1504 Mount Bear
Canyon Lake, TX 78133

Lot 323
Lot 324R

Jeffrey W. and Jana Owen
1511 Mount Bear
Canyon Lake, TX 78133

Lot 317

Aurora Pichardo
27852 Servela
Mission Viejo, CA 92626

Lot 322

Keith A. Seguin & Heliane V. Santos Seguin
20540 Hwy. 46W, Ste. 115-176
Spring Branch, TX 78070

Lot 318

Ernesto I., Jr. and Madia G. Garza
1522 Mount Bear
Canyon Lake, TX 78133

Lot 321

David K. and Tina L. Frick
1523 Mount Bear
Canyon Lake, TX 78133

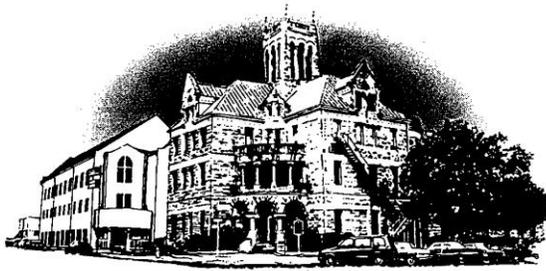
Lot 319

Olga Madrigal – Davis
1529 Mount Bear
Canyon Lake, TX 78133

Lot 320

THE ESTATES AT MOUNTAIN SPRINGS RANCH PRO RATA ASSESSMENT

LOT #	PROPERTY OWNER	\$\$ PER YEAR	\$\$ TOTAL PER TRACT
307R	Stachiw RVCBL DCLRTN Trust	\$268.52	\$805.56
308R	Stachiw RVCBL DCLRTN Trust	\$268.52	\$805.56
309	Douglas M. and Jane E. Anderson	\$268.52	\$805.56
310	Douglas M. and Jane E. Anderson	\$268.52	\$805.56
311	Douglas M. and Jane E. Anderson	\$268.52	\$805.56
312	Seong H. and Jose M. Pluguez	\$268.52	\$805.56
313	Phyllis B. Bohan	\$268.52	\$805.56
314	Phyllis B. Bohan	\$268.52	\$805.56
315	Rahim Akhondzadeh	\$268.52	\$805.56
316R	Lyndon D Landry	\$268.52	\$805.56
317	Jeffrey W. and Jana Owen	\$268.52	\$805.56
318	Keith A. Seguin and Heliane V. Santos Seguin	\$268.52	\$805.56
319	David K. and Tina L. Frick	\$268.52	\$805.56
320	Olga Madrigal – Davis	\$268.52	\$805.56
321	Ernesto I., Jr. and Madia G. Garza	\$268.52	\$805.56
322	Aurora Pichardo	\$268.52	\$805.56
323	Robert H. and Kumchu August	\$268.52	\$805.56
324R	Robert H. and Kumchu August	\$268.52	\$805.56
	TOTALS	\$4,833.36	\$14,500.08



Comal County
OFFICE OF COMAL COUNTY ENGINEER

December 30, 2015

Olga Madrigal – Davis
1529 Mount Bear
Canyon Lake, TX 78133

Re: Public hearing pertaining to a proposal for Comal County to maintain Holland Springs and Mount Bear, within The Estates at Mountain Springs Ranch, Comal County, Texas

Dear Property Owner(s):

A public hearing will be held during a regular meeting of Comal County Commissioners Court on Thursday, January 14, 2016, at 8:30 a.m. in the Commissioners Courtroom located at 100 Main Plaza, New Braunfels, Texas. The purpose of this hearing is to evaluate a road maintenance proposal submitted to Comal County by The Mountain Springs Ranch Property Owners Association (MSRPOA), and to request input from the residents affected by this proposal. Commissioners Court will then determine if proceeding with the election process is appropriate for this proposal for Comal County to maintain the roads within The Estates at Mountain Springs Ranch, Comal County, Texas.

Enclosed please find the proposal provided by MSRPOA, as well as the County's construction cost estimate (Exhibits "A" – "D").

If you have any questions, please feel free to contact us.

Sincerely,

Thomas H. Hornseth, P.E.
Comal County Engineer

xc: Commissioner Donna Eccleston, Pct. 1