

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



Comal County

Sherman Krause
County Judge

March 4, 2016

Stachiw RVCBL DCLRTN Trust
4404 Pecan Orchard Dr.
Parker, TX 75002

Re: Proposal and election for County improvement of subdivision roads and assessment of costs within The Estates at Mountain Springs Ranch (as recorded in Document #200506004864 and Document #200606003413 of the Map and Plat Records of Comal County) in accordance with Texas Transportation Code Chapter 253.

Dear Property Owner(s):

The Comal County Commissioners Court has determined that the improvement of roads within The Estates at Mountain Springs Ranch (the Subdivision) is necessary for the public health, safety, or welfare of the residents of the County. The Commissioners Court proposes to improve the roads to comply with county standards for roads and assess all of the costs of the improvement pro rata against the property owners in the Subdivision.

Texas Transportation Code Chapter 253 states that a vote must be taken of the affected record property owners to choose by election to have the County make the road improvements. If a majority of the returned ballots are in favor of the improvements and assessment, all properties within the Subdivision will have an assessment for the cost of said improvements. Such assessment is secured by a lien against the real property of the assessed property owners which would be effective when the Commissioners Court files a written notice for record in the office of the County Clerk of Comal County.

This letter contains a ballot and other associated documents which allow you to cast your vote in favor or against this proposition. Please fill out the enclosed ballot and return it using the return addressed stamped envelope to the Comal County Clerk. **Ballots must be received by the County Clerk no later than 4:30 pm, March 24, 2016. Ballots received after that time will not be counted. Please note that the election will be determined by the majority of the returned votes.**



March 4, 2016

Page No. 2

Pursuant to this election, please find attached the following documents:

Ballot

Ballots may not be duplicated. Please return only the original pink ballot.

Return Envelope

Exhibit "A" - Map of Subdivision

This map shows the roads that are proposed to be improved and, additionally, the properties within The Estates at Mountain Springs Ranch (recorded) which are proposed to be assessed for the road improvements.

Exhibit "B" - Construction Cost Estimate and Schedule

This document shows the County's determination of the total construction cost of the proposed improvements and the proposed construction schedule.

Exhibit "C" - Voter List

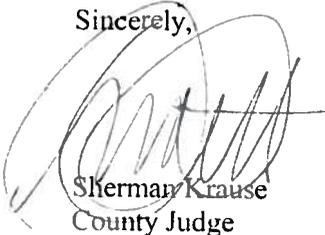
This document lists the affected properties and owners within the subdivision. Each separate lot within the boundary of the Subdivision has been allotted one vote. The lots have been identified according to Exhibit "A", the map of the subdivision. Multiple owners of a lot must share their vote and may only cast a single ballot for their lot.

Exhibit "D" - Pro Rata Assessment

This document lists the assessment of the cost of the improvement pro rata against the property owners of real property of the subdivision.

If you have any questions concerning this election please feel free to contact myself or any member of the Comal County Commissioners Court at the address and phone number listed on the letterhead of this letter. Thank you for your time and consideration of this matter.

Sincerely,



Sherman Krause
County Judge

Special Election

The Estates at Mountain Springs Ranch
Comal County, Texas

Ballot for Lot 307R

A majority of returned votes of the property owners of lots located within the area identified on the attached Exhibit "A" who indicate that they are in favor of this proposition would result in:

- 1) the improvement of the roads identified on the attached Exhibit "A" to the County standard, and
- 2) an assessment against all the property owners of lots located within the area identified on the attached Exhibit "A" for the cost of the improvements to be provided by the County, and;
- 3) the designation of said roads as County roads to be maintained by the County.

Maximum Total Assessment per Property Owner is computed as follows:

\$ 268.52 per year multiplied by 3 years

Maximum Annual Assessment for this lot equals \$ 268.52

Maximum Total Assessment for this lot equals \$ 805.56

FOR PROPOSITION _____

Place an "X" on appropriate line

AGAINST PROPOSITION _____

Signature of Property Owner representing Lot307R

(This signature is necessary for validation purposes. Only vote totals will be published.)

Please note that the right-of-way for the proposed roads has not yet been dedicated to the public. If the election results indicate that the majority of the returned ballots are in favor of the proposition, the County shall proceed with the proposed improvements and the proposed assessments **after** the right-of-way for the roads has been properly dedicated to the public and certain improvements are removed, modified, and permitted ("conditions"). These conditions that Mountain Springs Ranch Property Owners Association will be responsible for are as follows:

1. Dedication of right-of-way to the public;
2. Having electrical controls for gates professionally removed;
3. Apply 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;
4. Removing the gates and gate box at the entrance; and
5. Removing fencing and stonework around the entrance.

If the above conditions are not completed by December 31, 2016, this proposition is null and void.

THE ESTATES AT MOUNTAIN SPRINGS RANCH

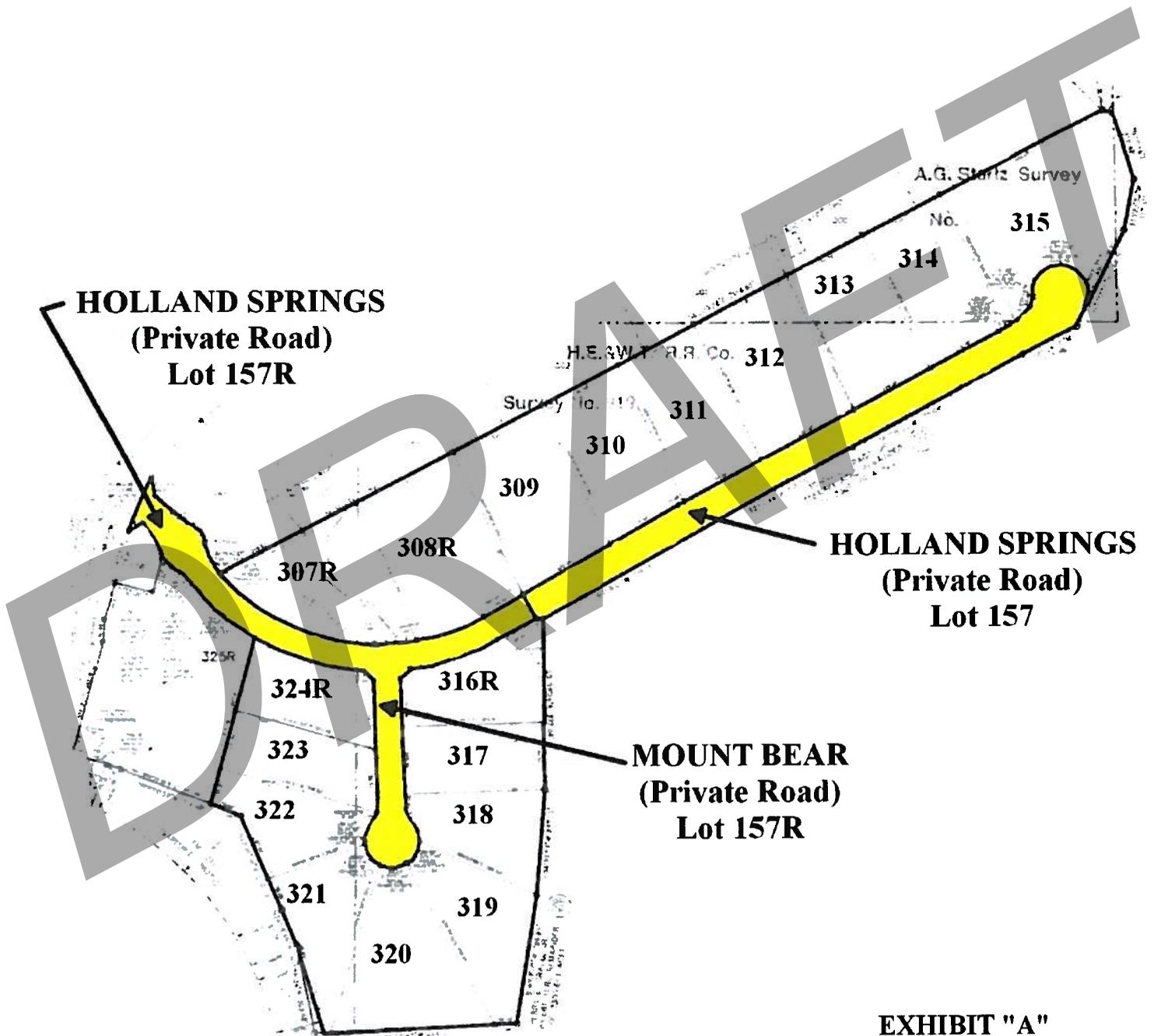


EXHIBIT "A"

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

COUNTY ENGINEER'S PROPOSED SCHEDULE

The County anticipates completing the roadway improvements by October, 2017.

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 Heiliane 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

1. Remove fence segment
2. Remove gate and operator
3. Remove column
4. Remove boulder



Existing
Improvements
to be removed

Go

Image Date: 1/19/2015 29:46:52.46 N 98:29:13.16 W

- A. Permit fence segment
- B. Permit island and improvements
- C. Permit irrigation



Existing
Improvements
to be Permitted

GO

© 2018 Google