

9-19-24

BEXAR COUNTY HIGHLANDS RANCH HOMEOWNERS ASSOCIATION, INC.

POLICY ON CHARGES FOR DAMAGE TO GATE STRUCTURES

STATE OF TEXAS §
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COUNTY OF BEXAR §

A. RECITALS

1. WHEREAS, there have been numerous instances of people (“violators”) causing damage to the Association’s (“HOA”) metal gate structure and related equipment and the gate arm and related equipment since these were installed, typically due to such violators attempting to “tail-gate” others entering or exiting through the gates, even though a sign clearly warns against tail-gating;
2. WHEREAS, the HOA’s camera system has generally identified the violators and the HOA has attempted to obtain reimbursement from the identified violators for the actual cost of repairs;
3. WHEREAS, the HOA recently switched from a gate wood arm to a more expensive metal break-away arm in order to reduce the number of wood arms being broken, but such metal arm can be permanently broken after being hit a number of times and, therefore, needs to be replaced;
4. WHEREAS, when the metal arm is hit, someone has to incur time to manually put it back in the proper position;
5. WHEREAS, the Board has the authority under Article IX, Section 3, “Entry Gates, Streets and Security” of the Declaration of Covenants, Conditions and Restrictions of Highlands Ranch Units 4 Through 6 Planned Unit Development to adopt policies/rules governing access to the subdivision and the use of subdivision streets;
6. NOW, therefore, the Board adopts the following Policy on Charges for Damage to Gate Structures.

B. POLICY

1. This Policy shall apply to anyone (“violation”) driving a vehicle that is identified as hitting the metal gate arm and/or causing damage to any other part of the HOA’s gate structures, which include the related motorized gate control units, the metal gates and their control units, the stone wall, etc.
2. For metal gate arm that is hit and/or there is damage to the metal arm and/or related gate structures, the following charges shall apply to the violator:

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- a. If the gate arm is hit with no significant damage and requires someone to put it back in place, the violator shall pay an administrative charge of \$135.
 - b. If the gate arm is hit and broken, requiring repair or a new arm, the violator shall pay for the actual cost to replace or repair the arm and for any damage to the motorized unit, if the arm or motorized unit are otherwise undamaged prior to being hit. If only a new arm is needed and is installed by someone other than the third-party installer, the violator shall pay the actual cost of a new arm and/or an administrative charge of \$135.
3. The HOA's management company shall handle identification of the violator and communications (with first notice being sent by certified mail) with the violator, including providing them with the date of violation, type of violation, evidence of the violation by them, the amount of reimbursement for cost to repair any damage and/or the administrative charge. In addition, the management company shall apply the following:
- a. Violator is an HOA resident: Inform the violator that the assessed reimbursement and/or the administrative charge shall be charged to their account with the HOA: (i) on or about 45 days after the violation if they do not request a hearing per Item 4 below or (ii) on or about 15 days after the hearing if they do request a hearing, but that the assessed reimbursement and/or administrative charge will be based on the decision made at the hearing by the Board.
 - b. Violator is a non-resident: Inform the violator that they shall not be permitted to re-enter the Highlands Ranch subdivision until such reimbursement and/or administrative charge is paid. All homeowners shall be notified (via e-mail, etc.) of the name of the violator (including violation date and type of damage) and of the Board's action against the violator and shall be requested not to allow such violators to re-enter until homeowners are notified that such payment has been made, thereby seeking the help of homeowners in recovering payment for damage to HOA property. **EXCEPTION:** This entry prohibition shall not apply to public emergency vehicles, such as medical, police and fire, although reimbursement for damage (but not the administrative charge) shall apply to these.
4. If the violator is an HOA resident, the HOA's Enforcement Policy (i.e., relating to violations of provisions of the DCCR, Bylaws, and Board policies) shall apply. It requires that the responsible party be sent by certified mail a Notice of Enforcement Action that sets forth the details of the violation and their right to a hearing before the Board.
5. Notwithstanding the foregoing, the Board hereby vests in the HOA's President and/or Treasurer the authority to waive or adjust the amount of the reimbursement for damage and/or the administrative charge based on the circumstances, except where a hearing before the Board is held with a violator who is an HOA resident. For example, if the violator is an emergency vehicle or a resident who is on a medical, police or fire protection trip, any otherwise appropriate charges may be waived or adjusted. The President and/or Treasurer, in their discretion, may consult the entire Board on these decisions.

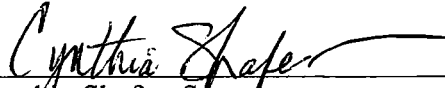
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- 6. The amount of administrative charge stated herein may be changed by the Board by adoption of a Board Resolution, which shall effectively amend the provisions in this Policy relating to the administrative charge, and/or the Board may directly amend or replace this Policy for any reason.

C. CERTIFICATION

I hereby certify that, as Secretary of the Board of Directors of Bexar County Highlands Ranch Homeowners Association, Inc., the foregoing Policy was adopted by majority vote of the Board of the HOA on the 26th day of September, 2024, at a meeting of said Board at which a quorum was present, to be effective upon this Policy being recorded in the Official Public Records of Bexar County, Texas.


 Cynthia Shafer, Secretary

STATE OF TEXAS §
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 COUNTY OF BEXAR §

Before me, the undersigned notary public, on this day personally appeared Cynthia Shafer, Secretary of the Board of Directors of Bexar County Highlands Ranch Homeowners Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed it for the purposes and consideration expressed in it.

Given under my hand and seal of office the 26 day of September, 2024.




 Notary Public State of Texas

AFTER RECORDING RETURN TO:
 Bexar County Highlands Ranch Homeowners Association, Inc.
 C/o Diamond Management Association & Consulting
 14603 Huebner Rd., Bldg. 40
 San Antonio, TX 78230

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 10/29/2024 3:00 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk