

## City by the Sea Property Owner's Association

### Enforcement of Disabled Vehicles Policy

Approved by the Board of Directors  
June 14, 2014

The City by the Sea Property Owner's approved and adopted changes to the Property Owners Association's Deed Restrictions in August 2013. These ballots were received, tabulated, and verified on September 14, 2013. The Amended and Restated Deed Restrictions were recorded in the Real Property Records of Aransas County, Texas in County Clerk File No. 331440 on September 16, 2013.

The 2013 changes to the City by the Sea Property Owner's Association Deed Restrictions are as follows:

1. **Section 23, Disabled Vehicles.** Section 23 is newly added and provides as follows:

Vehicles that are disabled, not currently licensed or registered, or are otherwise inoperable on a public street, may not be stored at a location visible at ground level from any street or adjacent property. Periodic movement of the vehicle for the purpose of circumventing this requirement does not comply with this standard.

Open storage of one unused car, van or pick-up truck is permitted if that vehicle is not disabled. Open storage of 2 or more unused motor vehicles is prohibited. Storage means placement on the lot for a period of more than 30 days.

All vehicles parked on a lot must be parked on concrete or other approved hard surface material. Parking on lawns, ditches, open space areas, or other dirt, gravel or grassy areas is prohibited except on a temporary basis (14 days or less).

Upon written notice of a violation, the property owner will be given 60 days to remedy the situation. After that 60-day period, the owner will be subject to a \$100 monthly fine, plus all administrative and legal expenses and interest until the vehicle is compliant with this restriction.

The City by the Sea Property Owner Association's Board of Directors, (the POA) considered, approved and adopted the following Disabled Vehicles Fine Policy during it's regularly scheduled

meeting held on June 14, 2014.

**1. Violations.** An action is initiated under this policy when an owner or a member of the POA's Board of Directors notes a violation of the Deed Restrictions and reports such violation to the board.

- a. The POA must advise the owner in writing delivered by email or regular mail of the alleged disabled vehicle violation.
- b. Owner has the right to a hearing before the POA Board of Directors or a committee established by the board. This hearing shall occur within thirty (30) days of the violation notice.
- c. If the hearing is held before a designated committee, owner has the right to appeal that decision to the entire Board of Directors by written notice to the board within 10 days of receiving the committee's decision. All requests for hearing must be in writing and may be mailed to City by the Sea Property Owner's Association at P.O. Box 13, Aransas Pass, Texas 78335-0013.
- d. If owner is ultimately found guilty of the Disabled Vehicles violation, the fine is due within thirty days (30) of the board's final decision.
- e. Any owner's Disabled Vehicles fine unpaid after thirty days (30) days will be considered delinquent and subject to the POA's Delinquent Account Policy.

**3. Non-Exclusive Remedies.** The imposition of monetary penalties, interest, and other charges and fees provided by this policy shall not be construed to be an exclusive remedy, and shall be in addition to all rights and remedies to which the POA may otherwise be entitled including, without limitation, the filing of an Affidavit of Non-Compliance in the Real Property Records of Aransas County, Texas, and/or the limitation of legal proceedings seeking injunctive relief and/or damages, attorneys fees, court costs and all other remedies, at law or in equity, to which the POA is entitled.

The Board of Directors of the City by the Sea Property Owners' Association duly adopted this policy on the 14<sup>th</sup> day of June 2014.

City by the Sea Property Owner's Association

By: Stacy M Cordes

Stacy M. Cordes, President

**Effective July 1, 2014  
Disabled Vehicles Policy**

CERTIFICATION

"I the undersigned, being the Secretary of the City by the Sea Property Owner's Association, Inc. hereby certify that the foregoing Disabled Vehicles Policy was adopted by at least a majority of the City by the Sea Property Owner's Association's Board of Directors."

*Beth A Moore*

Beth A Moore, Secretary  
City by the Sea Property Owner's Association

THE STATE OF TEXAS

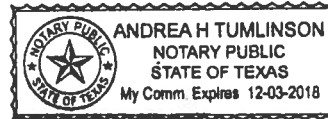
COUNTY OF ARANSAS

This instrument was acknowledged before me on the 23<sup>rd</sup> day of January 2015, by Beth A. Moore, Secretary of CBTS Property owner's Association, Inc, on behalf of said.

*Andrea H Tumlison*

Notary Public, State of Texas

My Commission Expires:



**AFTER FILING, RETURN TO:**

✓ Beth Moore, Secretary  
CBTS Property Owner's Association  
P.O. Box 13  
Aransas Pass, Texas 78335

3/29

**FILED FOR RECORD IN  
OFFICIAL PUBLIC RECORDS**

AT 2:29 P.M. (4)  
JAN 23 2015



STATE OF TEXAS - COUNTY OF ARANSAS  
I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of ARANSAS COUNTY, TEXAS, as stamped hereon by me.



*Valerie K. Amason*  
VALERIE K. AMASON, COUNTY CLERK,  
ARANSAS COUNTY, TEXAS