

RESOLUTION

STATE OF TEXAS

COUNTY OF BEXAR

Through this RESOLUTION, the Board of Directors of the Oakland Heights Owners Association, Inc. have outlined a policy to assist in the enforcement of the six (6) hour street parking limitation as listed in Section 2.11.1 of the Declaration of Covenant, Conditions and Restrictions (DCCR) for Oakland Heights. This policy is as follows:

- In accordance with Texas Occupation Code Section 2308.252(a)(1), signs will be provided by Bexar Towing to be installed in accordance with the law in all three front entrances of Oakland Heights.
- Inspections will occur at random across the entire neighborhood and if a vehicle found on the street is noted to be over six (6) hours a Parking Notice will be left on the windshield. This event will be recorded by the inspector.
- If the same vehicle has received three windshield Parking Notices, a Courtesy Violation Letter will be sent by Home Owner's Association (HOA), via email, to the Owner of the property for which the vehicle is parking in front of. It is the Owner's responsibility to notify HOA if this vehicle does not belong to the residents of their household.
- If the same vehicle receives two more windshield Parking Notices, a second Courtesy Violation Letter will be sent via email by HOA.
- If the same vehicle receives two more windshield Parking Notices, the inspector will have provided before and after photos of the six-hour period along with the tires chalked and submit this to HOA. HOA will then send a Certified Violation Letter via mail and email.
- If the same vehicle receives two more windshield Parking Notices, the inspector will provide before and after photos of the six-hour period along with the tires chalked and submit this to HOA. HOA will then send a Certified Violation Letter with a tow warning via mail and email. The license plate on the vehicle will be included in the letter. At HOAs discretion they may also do a vehicle registration verification.
- If the same vehicle is found again to be in violation, the inspector will provide before and after photos of the six-hour period along with the tires chalked and submit this to HOA. Bexar Towing will be notified and the vehicle will be towed in accordance to Bexar Towing's agreement with Oakland Heights.

Towing rates vary by the weight of the vehicle ranging from over \$200 to greater than \$900 plus storage fees. For updated information please consult with the Texas Department of Licensing & Regulation website on towing: <https://www.tdlr.texas.gov/towing/consumerinfo.htm>

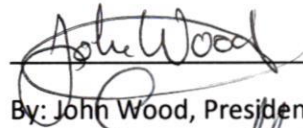
This RESOLUTION will remain in full effect without expiration until rescinded by the Board of Directors.

We, the undersigned President and Secretary of Oakland Heights Owners Association, Inc. do, by our signatures below hereby certify this RESOLUTION on behalf of the vote of the Board of Directors.

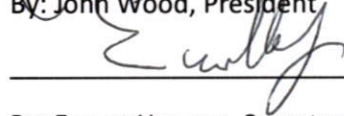
Signed on 13 day of February, 2023

OAKLAND HEIGHTS OWNERS ASSOCIATION, INC.

a Texas non-profit corporation



By: John Wood, President



By: Ernest Herrera, Secretary

ALLEN, STEIN & DURBIN, P.C.

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OF COUNSEL:

SHARON D. HOBBS
TAMMY BRUCH CLICK

June 17, 2024

Board of Directors
Oakland Heights Owners Association, Inc.
c/o Diamond Association Management & Consulting
14603 Huebner Road, Building 40
San Antonio, TX 78230

Re: Towing of Vehicles from Private Streets
Our file no. 4012 001

Dear Members of the Board:

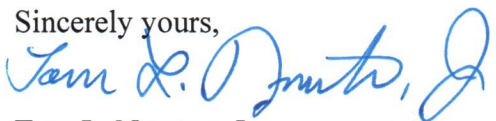
We have been asked to a legal opinion to the Board of Directors about the accuracy of a statement by an owner that the Association does not have the legal right to tow vehicles parked on the private streets of the Oakland Heights subdivision in excess of the maximum six-hour street parking limit established in Section 2.11.1 of the Declaration. The owner is wrong. Our explanation follows.

The Association owns the streets in the Oakland Height Subdivision. The Association's regulation of parking on the subdivision streets is authorized by Chapter 2308, Texas Occupations Code, entitled the "Texas Towing and Booting Act". Specifically, the Association is a "parking facility owner" because it is "a property owners' association having control under a dedicatory instrument, as that term is defined in Section 202.001, Property Code, over assigned or unassigned parking areas". Section 2308.002(8)(B), Texas Occupations Code.

Towing vehicles parked in unauthorized locations from a parking facility is subject to statutory notice requirements. Section 2308.252, Texas Occupations Code. Notice may be given in any of several independently sufficient ways, the most common and sensible of which is the posting of the required signs. *See generally* Section 2308.301, Texas Occupations Code. Property owners' associations that own private streets are not required by law to adopt or publish parking or towing policies.

We hope this is helpful. Let us know if there are any other questions.

Sincerely yours,



Tom L. Newton, Jr.

TLN

4012 001/2591583