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Allen Ross Hightower



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Austin, Texas

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MBJ
file # ML-17834-92
ID# 17834
RECEIVED

October 20, 1992

OCT 29

Opinion

The Honorable Dan Morales
Attorney General, State of Texas
Price Daniel Sr. Building
Austin, Texas 78701

RQ-457

Dear General Morales:

Your office rendered an Opinion Letter No. DM-126 in June, 1992. That Opinion Letter regarded the authority of a county to improve certain subdivision roads and assess the cost of repairs against subdivisions (RQ-330).

As counties have proceeded to look at their ability to improve these roads, it has become apparent that further clarification is needed. Therefore, I am requesting that the following questions be answered:

- a) Is each recorded, plated, subdivision to be treated as an autonomous entity as to the mount of assessment and counting of votes, for or against the assessment?
- b) In the case of a subdivision which has voted to participate in the program; at what point is a lien against the real property recorded, as stated in (h) of Art. 6702-3? (i.e. before work on the improvement is started, 50% completed, or 100% completed and accepted)?
- c) In the event the maximum amount of assessment which is printed on the ballot by the county and approved by the majority of the property owners is not of a sufficient amount to complete the improvements; (1) is the improvement work stopped when the approved funds have been expended and (2) if additional funds are required to complete the improvements how are these funds provided and by whom?

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OCT 28 1992

DISTRICT 18: POLK • SAN JACINTO • TYLER • WALKER

DAN MORALES

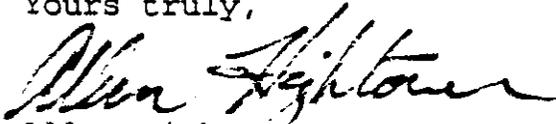
The Honorable Dan Morales

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October 21, 1992

I would very much appreciate your attention to this matter as soon as possible so that our Counties can start to implement the provisions of S.B. 314 should they so choose. Thank you for your assistance.

Yours truly,

A handwritten signature in cursive script that reads "Allen Hightower".

Allen Hightower
State Representative
District 18

AH/jm

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October 29, 1992

The Honorable Dan Morales
Attorney General, State of Texas
Price Daniel Sr. Building
Austin, Texas 78701

MBJ
file # MC-17834-92
ID# 17907

Dear General Morales:

This letter is in addition to my October 20, 1992 letter which requests clarification on an Opinion Letter No. DM-126, ID 17834, regarding the authority of a county to improve certain subdivision roads and assess the cost of repairs against subdivisions (RQ-330).

The following question needs to be answered in addition to the ones stated in the aforementioned letter. It is:

- d) What, if any, costs pertaining to this process (outside of the actual construction of improvements) may be assessed the applicable property owners after a successful election has been held and the improvements have been ordered by the Commissioners Court?

Example: A county intends to borrow the necessary funds for the improvements - paying off the loan with collected assessments. May the amount of interest to accrue on this loan be included in the calculation of the required assessment, along with the costs for engineering services used in determination of required improvements, charges for bid publications, etc?

Thank you for your assistance in attaching this letter to my previous letter of October 20, 1992. Your prompt attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Allen Hightower".

Allen Hightower
State Representative
District 18

AH/jm