

Sec. 251.010. GATES ON THIRD-CLASS AND NEIGHBORHOOD ROADS; OFFENSES. (a) A person, including a neighborhood association, who owns or controls real property on which a third-class road or a neighborhood road established under Section 251.053 is located for which the right-of-way was obtained without cost to the county may erect a gate across the road when necessary. The person shall place a permanent hitching post and stile block on each side of the gate within 60 feet of the gate. The gate must be:

- (1) at least 10 feet wide;
- (2) free of obstructions above the gate;
- (3) constructed so that opening and shutting the gate will not cause unnecessary delay to persons, including emergency personnel, using the road; and
- (4) constructed with a fastening to hold the gate open until a person using the gate passes through it.

(b) The property owner shall keep the gate and the approaches to the gate in good order.

(c) A person who erects a gate across a road specified by Subsection (a) and who wilfully or negligently fails to comply with a requirement of this section commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$5 or more than \$20. Each week that the person fails to comply with this section constitutes a separate offense.

(d) A person who wilfully or negligently leaves open a gate on a road specified by Subsection (a) commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$5 or more than \$20.

(e) A person may not erect a gate under this section unless the gate is approved by the commissioners court of the county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1123, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1032, Sec. 1, eff. September 1, 2007.

Mr. Jose Pena
R.O.W Director Hidalgo County,

Mr. Pena,

I would like this letter to serve as a request that our subdivision, The Estates at Westhaven, located in Weslaco, Texas on mile 10 3/4 north and mile 6 west, be allowed to have a security gate at the main entrance which happens to be an ingress/egress entrance. Several residents in our subdivision have been victims of theft as well as acts of vandalism numerous times. One particular resident has been victimized over 6 times in as little as a 6 month period. Therefore, we, the residents of Westhaven, feel a security gate will lessen if not eliminate these acts of crime and mischief.

It is my understanding that the R.O.W. of our street is in compliance with the rules and regulations that allow for such a request. Furthermore, we will comply with all rules and regulations that are warranted to allow for our subdivision to have a security gate; such as allowing entities like EMS911, US Postmaster, and Law enforcement agencies access into our community.

You can reach me by phone at 956 778-6360 or by email at r_car90@hotmail.com. On behalf of all residents of The Estates at Westhaven, thank you for your time and consideration.

Respectfully,

Roel Carreon
President Homeowners Assoc.