



## DEVELOPMENT SERVICES

### RULE INTERPRETATION DETERMINATION

**Determination #:** 2024-003

**Title:** *Legal Declaration Updates*

**Drafted by:** *Land Development Division, Land Entitlements Section*

**Rule in Question:** *35-B121: Subdivision Plat Applications, (f) Certification and Forms (25) Form X: Legal Declaration: Subdivision Common Areas and Facilities*

**Department Action:** *This RID updates Form X: Legal Declaration and proposes a formal amendment to the Unified Development Code (UDC).*

Michael Shannon, PE, CBO  
Development Services Director

Date

**Effective Date of Determination:** *Immediately*

*Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.*

**Staff Analysis:** The current Form X includes language that is overly specific. Staff is proposing this RID to provide greater flexibility to the form.

**Staff Position and Interpretation:** In regard to section (4) staff's position is that a "Homeowners Association" falls under the umbrella of a "Property Owners Association." The proposed change provides greater flexibility without requiring unnecessary information related to the type of property association. This aligns with other sections of Cities Unified Development Code, 35-202(p); Conventional and Enclave Subdivision; Common Areas and Facilities, where is specifically describes the property owners' association.

In section (6), use of “assigns” may inhibit the property owner’s own right of ingress/egress on the property. It is more appropriately granted in the form of a non-exclusive easement.

**Future UDC Amendments:** Staff proposes that the following verbiage changes to the Unified Development Code to provide clarity and consistency regarding the Legal Declaration required when developers are recording an Enclave of PUD (Planned Unit Development) Plat.

*Sec. 35-B121: Subdivision Plat Applications, (f) Certification and Forms (25) Form X: Legal Declaration: Subdivision Common Areas and Facilities*

*(4) That the Declarant and every Owner of a lot by virtue of ownership of such lots shall be a member of the \_\_\_\_\_ ~~Homeowner~~ Property Owner Association hereinafter referred to as the “Association”.*

*(6) That Declarant hereby ~~assigns its~~ grants the non-exclusive right of ingress and egress across and over the property to the City of San Antonio for purposes of conducting official City business; which may include removal of obstructions during emergency situations in which case the City shall not be held liable for its repair, replacement, or any future maintenance.*