



Durham Park Association

Riding Trails Study and Recommendations

Executive Summary

Prepared by: Jerry Parker, President
Durham Park Association
7/1/2016

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Riding Trails Study and Recommendations

Purpose

Several residents have been inquiring about “Riding Trails” and a subsequent lack of access to the riding trails by the residents of the community. There is a long history of such inquiry, culminating in June 2016 with accusations that such inquiries have fallen on “deaf ears” from prior boards for many years. In June 2016, several residents publicly called on the Board to have public discussions about these riding trails and come to an official conclusion.

As a result of my personal pledge for “transparency and accountability”, as well as on behalf of my fellow board members (individually named below), I have done a great deal of research into these riding trails, their locations, legal claims to them, and legal filings of any type that are related to easements, guarantees of access, and placement on maps of any such trails.

This document is intended to place in the historical record the results of such research, as well as recommendations relating to this research.

History

The Deed Restrictions, section 7: EASMENT state (in part) that: “Bridle Path Easements are reserved as shown on the subdivision plat.” **This board has been unable to locate any subdivision plat either official or unofficial that indicates such easements.**

Williamson County Official Records (subdivision plats) make no mention of any Bridle Trail easements. **Any such easements should have been recorded with the county to make them legally binding and official.**

The DPA web site has copies of all plats in the neighborhood available for download or online viewing. These plats are copies of the official record as filed with Williamson

County. **None of these plats make any mention of any riding trails or easements associated with them.**

Early residents claim that they have, recorded on their deeds, mention of such easements for “riding trails”. These residents claim that riding trails used to be available, but that in subsequent years, buildings, fences, and structures have been permitted to block these trails. **At the last several board meetings, the board requested these residents to produce any documentation they have to substantiate their claims. To date no one has provided any such documentation.**

Finally, there may still be some documentation substantiating easements, and these documents, **might have some value if they could be tied to an original plat or legally binding document.**

At the public meeting held in May, 2016, this board **unanimously and publicly pledged to the residents that this board would protect and disapprove of any construction of any type over any riding trail located in the community that any resident could show is/was legally protected by easements.** No such claims have been made to date.

ACTIONS TAKEN

- We made contact with Williamson County several times, most recently on June 5, 2016: Williamson Country Officials stated in part that:
 - They have no record of any easements for Riding Trail Purposes
 - Any easements must be filed with the county to be recognized
- We researched the Plat Maps in our possession
 - They are actual copies of the official documents on file
 - They make no reference to riding trails
- We confirmed that the deed restriction mentions riding trails, but do not specify where they are located, except for the vague mention of “Rear Easements” in Section 7.
- No resident has provided deeds or other official documents specifying the location of any riding trails, despite repeated requests for them.

FINDINGS

There is no official record of riding trails recorded with Williamson County.

No resident has ever presented any member of this board with a legal documents or deeds supporting claim to specific easement for the purposes of riding trails.

No documentation has ever been located or presented to this board supporting any easement claims for the purposes of riding trails.

There is no record of any riding trails or locations of them in any historical information in possession by the HOA Board of Directors

CONCLUSIONS

The Board of Directors can find no evidence of the actual historical existence of riding trails as shared community property. While there may still be some documentation in some resident's possession supporting the existence of these riding trails, at this time the boards official position is that there simply are no riding trails in the community.

Should a resident actually have in their possession supporting documentation proving the existence of these riding trails, the resident may actually wish to present them to their own independent counsel for advice.

This board will not take any action nor institute any claim to any riding trails that have become blocked due to construction, or other means where permission to erect or create such structures that was lawfully granted by boards in the past via ACC Permits.

This board has pledged, unanimously, to protect any such un-encumbered riding trails as may be shown to exist, provided adequate and definitive proof of their existence can be shown.

If, in the future, it can be shown that riding trails exist and are legally binding easements, this board will reverse it's position and endorse riding trails in the future, however enforcement is not reclamation. Reclamation efforts may require civil action brought by one or more residents against property owners directly.

Previous boards have provided written permission to erect structures on their properties.
This board is legally bound by those actions.

Respectfully Submitted

Jerry Parker, President

On behalf of board members:

Virginia Malone, Andrea Aragon-Brown, Pamela Taylor, Jim Stauber, Nancy Young,
Becky Barrett

Durham Park Home Owners Association

7/1/2016



