

Can Grogan's Point Become a Gated Community?

This is a question that comes up often. People think it's easy to do, but it is not. We have investigated with the Township, the County and other gated communities and HOA's. The following is a summary of findings.

1. Communities are designated as gated/not gated and/or HOA when the community is first developed per The Woodlands Residential Development Standards (Page 8):

F. Initial Land Use Designation

The Initial Land Use Designation (ILUD) limits permissible land uses and sets minimum and maximum building sizes and/or other constraints. It is prepared by the developer of the land at the time original development on that area begins, is recorded in the County Real Property Records as an additional restrictive covenant on the land, and is binding on all future owners. All improvements must comply with the minimum and maximum square feet of living area allowable for that lot as established by the Initial Land Use Designation and the Criteria.

H. Plat

Further limitations on the construction of improvements may be found on the plat. Like the ILUD, the plat is prepared by the developer of the land at the time of original development on that area and recorded in the county real property records. A plat is a map of land divisions within an area (the subdivision) showing individual lots, property lines, setback lines, street rights-of-way, certain easements and other matters.

2. If you are not initially a gated community or HOA, you can change, but there must be 100% household agreement (which is a legal process) because of original designation and current residents did not agree to being gated or HOA when they bought their homes.

a. According to the Grogan's Mill Covenants Office, approval is first needed from Montgomery County because of road and lighting maintenance. The organization must prove that they can financially maintain all roads. If the County approves, then the Woodlands Development Standards Committee would review the project. Since this is an extensive legal process, the Covenants Office recommends hiring a lawyer with this experience.

b. According to East Shore, Carlton Woods, Carlton Woods Creekside and the Enclave at Millpoint, the gated community must pay for **ALL** maintenance behind the gates. Gated communities have HOAs that charge mandatory fees to cover all maintenance which can be very expensive for large communities. Most HOA's end up hiring management companies to run things which adds to the expenses. Average HOA fees in the Woodlands run between \$4K – 6K per year depending on property values.

c. The Township still provides services, but they must have access to collect trash, mow, etc. Postal service must have access to deliver mail every day. Most gated communities have mailbox stations outside of the gates to aid the postal service.

d. Due to the size of Grogan's Point, there may be a requirement to create new emergency access points to become gated. Large gated communities, such as Carlton Woods, had to have multiple emergency access points. This is a Planning Code/Fire Code/Fire Marshall requirement.

e. Gated communities do not prevent residents/visitors from speeding or thefts/crime within the community. Carlton Woods installed speed signs and cameras for this reason. In an already low crime area, there is very little impact to reduce crime.

f. Letting people in/out of the community can cause huge nightmares. Gates must be manned and/or have access codes. Once a gate code is issued, it can easily be given to others which defeats safety protocols. New technology may solve some of these issues, but it still adds expenses to the mix.

3. The major problem for Grogan's Point to become gated is the public property.

The park, pathways, ponds and open space reserves in Grogan's Point were designated as public spaces from inception. The original deeds, covenants and restrictions for those properties mandate that the properties must be available to the general public, all residents and members of the community. It is unclear how these public areas could be transferred to any organization for private, Grogan's Point resident-only use. If it is ever converted to private use space, then Grogan's Point would also have to pay for all of the maintenance.

Information for this notice was gathered from other gated communities and HOAs in the Woodlands, Montgomery County and Mr. John Powers of the Woodlands Township.