

FORMAL NOTICE OF CLAIM

Against the Village of Salado

For Violations of the Texas Constitution, the Americans with Disabilities Act, Unequal Treatment of a Citizen, and Failure to Maintain Control of a Public Amenity

Submitted by:

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November 17th, 2025

To the Village Administrator and Board of Aldermen:

This letter serves as a formal legal claim against the Village of Salado for violations of the Texas Constitution, violations of the Americans with Disabilities Act (ADA), unequal treatment of a disabled resident, and failure to maintain proper authority and control over a publicly represented municipal amenity—the pedestrian bridge connecting Pace Park to the Royal Street business district.

The Village's actions and omissions, including allowing a private business to dictate who may and may not access a publicly promoted safety route, constitute unlawful discrimination, unconstitutional delegation of public assets, and a failure to enforce equal public access.

This claim sets forth the factual basis, legal violations, and required corrective action.

Factual Summary of the Incident Giving Rise to This Claim

On October 15, 2025, I was issued a Criminal Trespass Warning by Salado Police at the request of Greydon Hill while my wife and I were out on a routine evening walk. I had not interacted with the Hills, had not been present on their property in weeks, and had engaged in no conduct that would justify such an action.

This warning was unprovoked and unfounded—and was used to prevent me, specifically, from utilizing a public amenity that was publicly approved, publicly promoted, and physically anchored to Village-owned parkland.

By issuing selective trespass warnings, the Hills have effectively transformed the bridge from a public connector into a privately controlled pathway benefiting their business while excluding selected members of the public. This violates constitutional principles governing the use of public land and violates ADA requirements that public entities ensure equal access to public facilities.

I. Legal Basis for Claim

This claim concerns four primary violations:

1. Violation of Article III, Section 52(a), Texas Constitution

The Village has permitted public resources and public land to be used for private benefit without retaining the control necessary to ensure the public purpose is met.

2. Violation of Article I, Section 3, Texas Constitution

By allowing a private business to selectively exclude me from an amenity presented as public, the Village has enabled unequal and discriminatory treatment.

3. Violations of the Americans with Disabilities Act (ADA)

I am a disabled veteran and meet ADA qualifications. The Village:

- Approved and continues to maintain a pedestrian route that is not ADA compliant;
- Was notified of the ADA deficiency in July 2024 and failed to correct it; and
- Has allowed private property owners to selectively exclude me from the only available safer route, compounding discrimination.

4. Public Safety Failures

The Village has allowed a “safety” bridge—promoted as a pedestrian-protection measure—to become privately controlled, inaccessible, and selectively restricted, defeating the public purpose for which it was approved. The bridge can not be used in its intended stated purpose without crossing private land to Royal Street.

II. Background and Representations by the Village and the Hills

The pedestrian bridge was presented to the Village and to the public as a community connector intended to enhance pedestrian safety and provide access between Pace Park and Royal Street. The Hills publicly stated:

- “The sidewalk on the Main Street bridge is very narrow and creates a dangerous situation for pedestrians... Our solution is a thoughtfully researched temporary pedestrian bridge.”
- The bridge would “provide another way for people to access the businesses across the creek, and create a better and safer experience for Salado residents and visitors.”
- “We don’t require a purchase to be on the property. Pedestrians walking through the grounds are a normal occurrence already.”

At the ribbon cutting, the Hills expressed their desire that “Salado and her visitors enjoy it for years to come.”

One end of the bridge is attached to public parkland owned by the Village. The Village approved its installation on the explicit basis that it served a public purpose.

These statements and approvals induced reasonable public reliance that the bridge—and the land immediately necessary to reach it—was open to all members of the public from Pace Park to Royal Street.

III. The Village’s Failure to Maintain Constitutionally Required Control

(Tex. Const. art. III, §52(a); Barrington v. Cokinos, 338 S.W.2d 133 (Tex. 1960))

Under *Barrington*, a municipality must:

1. Ensure a public purpose,
2. Retain sufficient control to ensure that purpose is met, and
3. Guarantee a return benefit to the public.

The Village has failed all three requirements:

A. Public purpose has been destroyed

Residents may be barred from stepping onto the property where the bridge lands, rendering the structure unusable and eliminating the pedestrian-safety purpose.

B. The Village retains no control

The Hills unilaterally determine when the bridge may be accessed and who may be criminally trespassed for approaching it.

C. Public benefit has been nullified

A public-safety amenity cannot serve its intended purpose if private owners may prohibit its use at will.

By allowing this structure to remain on public land under private control, the Village has effectively converted a publicly supported project into a private business asset in violation of Article III, Section 52(a).

IV. Removal of My Complaint From the Board Agenda

The Village initially informed me that my concerns regarding access and constitutional compliance would be placed on the Board agenda. The Village then removed the item without explanation.

This action:

- Denied transparency,
- Denied equal treatment,
- Denied procedural fairness, and
- Signaled preferential treatment toward Barrow Brewing and the Hills.

Under Article I, Section 3, such selective refusal to hear a citizen complaint while allowing private parties to dictate use of a public amenity violates the constitutional guarantee of equal privileges and protections.

V. Easement-by-Estoppel and Public Reliance

(Lindner v. Hill, 691 S.W.2d 590 (Tex. 1985))

The Hills' own representations satisfy the elements of easement by estoppel:

1. They voluntarily created the access point,
2. Publicly represented it as open for pedestrian travel, and
3. Induced public reliance through repeated statements, Village presentations, and public promotion.

By declining to intervene, the Village has ratified a private party's selective exclusion of the public while continuing to benefit from the bridge's appearance as a public amenity.

VI. The Village's Legally Unsustainable Position Regarding Access

In its recent email, the Village suggested that the criminal trespass warning issued by the Hills “may not apply” if I simply wish to “stand on the pedestrian bridge,” and further stated that the matter may be “civil” because the warning was issued by a private property owner. At the same time, the Village acknowledged that the bridge “was approved... for a public purpose.”

This position is untenable for several reasons:

1. The bridge is no longer accessible as a through-route.

Because the Hills have issued a criminal trespass warning on the Royal Street side, the public can now reach the bridge from only one direction. A bridge that can be accessed from only one side is not a functional pedestrian crossing.

2. The bridge no longer serves its approved purpose.

The bridge was approved and constructed to provide a safer, continuous pedestrian route between Pace Park and the Royal Street business district. If the public cannot legally enter or exit the bridge on the Royal Street side, it cannot perform this function.

3. Placement on public land is unconstitutional if the bridge cannot serve the public.

A structure on public land must serve a public purpose. If the public is barred from using the bridge as intended, its placement violates Article III, Section 52(a) of the Texas Constitution.

4. Public reliance prevents selective revocation of access.

Under *Lindner*, a landowner who induces public reliance on continuous access may not later revoke access for select individuals or groups. The Hills' attempt to selectively prohibit public ingress/egress is legally impermissible once the bridge was represented and used as a public through-way.

The Village's current stance is both legally and practically unworkable: a bridge that is only reachable from one side is no longer a bridge in any meaningful or functional sense and cannot satisfy the public purpose for which it was approved.

VII. Public Safety Implications

The bridge was justified as a necessary public-safety measure after a stroller was reportedly struck on the Main Street bridge.

Yet the Village now allows:

- A public-safety amenity to become selectively restricted,
- Private owners to determine public access, and
- Citizens to be criminally trespassed for attempting to use the “safety” route.

This creates ongoing risk and undermines the public justification for approval.

VIII. Prior Targeting of Claimant by Village Officials

While not the central basis of this claim, the Village’s prior actions toward me are relevant to context and demonstrate a pattern of unequal treatment:

- Former Mayor Michael Coggin served me with a cease and desist letter for exercising my right of freedom of speech.
- While I served as an alderman, the prior Village Administrator conducted an investigation into claims made by K.D. Hill against me that were false and unsubstantiated; it was later revealed the administrator lacked authority to investigate an elected official.

This history indicates the Village has, in the past, permitted or tolerated actions adverse to me—supporting the conclusion that the October 15, 2025 trespass warning and the Village’s unwillingness to hear my concerns regarding the warning’s impact on public access at the BOA meeting may reflect a pattern of selective targeting.

IX. ADA Violations and Discriminatory Access

As a 100% disabled veteran, I rely on reasonably accessible routes. The pathway from Pace Park to the bridge and then on to Royal Street:

- Is unpaved and contains rocks and uneven surfaces,
- Is not traversable by wheelchair users, and

- Poses mobility difficulties for me due to VA confirmed issues in my back, leg, ankle and both feet.

These deficiencies were reported to the Village in July 2024 during a Parks Committee meeting; no remedial action was taken. The route's lack of ADA/TAS compliance denies equal access to disabled residents and violates Title II of the ADA. The Village's ongoing inaction, combined with private exclusion (the trespass warning), results in compounded discrimination: first by providing an inaccessible route, and second by selectively denying access to those who most need a safer option.

X. Damages Suffered as a Result of the Village's Actions

As a direct result of the Village's actions and omissions, including its failure to retain control over the bridge and its allowance of selective exclusion through a criminal trespass warning, I have suffered the following damages:

1. Reputational Damage

The Village's conduct regarding this matter and previous matters has portrayed me as a trespasser or wrongdoer despite the absence of any misconduct. This has damaged my standing in the community and caused personal harm.

2. Loss of Access to a Public Safety Amenity

The trespass warning prevents me from using the only safer pedestrian route available to me as a disabled resident, causing ongoing physical hardship and safety risk.

3. Damages Exacerbated by Prior Adverse Treatment

The Village's history of allowing targeted actions against me—including a baseless cease and desist letter from a former mayor and an unauthorized "investigation"—demonstrates a pattern that magnifies the harm caused by the October 15, 2025 incident.

4. General Damages

I seek all damages recoverable under Texas law, including but not limited to:

- Reputational damages
- Emotional distress damages
- Damages arising from discriminatory treatment
- Damages arising from ADA violations

- Damages resulting from the Village's unconstitutional delegation of public assets
- Any additional damages that will be documented as this matter proceeds

This damage claim is submitted so that the Village's insurance carrier may evaluate liability and coverage arising from these violations.

XI. Required Corrective Action

The Village has only two lawful options:

Option 1 — Restore Full Public Access

The Village must restore full public access to the bridge and the minimal connecting property necessary to reach it, consistent with the representations made and the public purpose approved. It must also ensure full ADA compliance of the "safer" route via the bridge from Pace Park to Royal Street.

Option 2 — Remove the Bridge Immediately

If the Village will not comply with ADA requirements and/or the Village now claims the bridge is not for public use or intends to allow the Hills to determine who may utilize the bridge and its connecting route to and from Pace Park to Royal Street, it no longer serves a public purpose and must be removed from public parkland under Article III, Section 52(a).

XII. Interim Access and ADA Compliance Timeline

Interim Access (3 Days)

Within three (3) calendar days of receiving this claim, the Village must either:

- a. Provide written confirmation that I (and all residents) may access the pedestrian bridge and the connecting public route from Pace Park to Royal Street pending final resolution; or
- b. Remove the bridge and provide written confirmation of the removal until final resolution if the Village will not confirm interim access.

This ensures public safety, maintains public access, and prevents continued unconstitutional or unsafe restrictions.

Final Resolution – Permanent Access and ADA Compliance (90 Days)

The Village must fully implement a permanent corrective action within ninety (90) calendar days of receiving this claim, including:

- a. Restoration of permanent, unrestricted public access to the bridge and the connecting route from Pace Park to Royal Street, consistent with the bridge’s approved public purpose; and
- b. Correction of ADA deficiencies, ensuring full accessibility for persons with disabilities. This includes safe, stable, and navigable pathways to and from the bridge, ramps, railings, signage, or other modifications necessary to comply with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and related federal accessibility standards.
- c. Alternative: If the Village asserts the bridge is no longer for public use or allows the Hills to control who may use the bridge and its connecting route—thereby preventing the bridge from serving its intended public purpose—the bridge must be permanently removed from public parkland in accordance with Article III, Section 52(a) of the Texas Constitution.

Failure to comply with these timelines will demonstrate a lack of intent to resolve the matter in a timely and lawful manner and may compel further legal action.

Conclusion

The Village of Salado’s refusal to assert control over a publicly promoted safety amenity, its allowance of selective exclusion, and its failure to remediate known ADA deficiencies constitute violations of the Texas Constitution, federal disability law, and basic principles of equal access and public safety.

I request immediate formal review, insurance referral, and corrective action consistent with the options and timelines set forth above.

Exhibits (Attached)

Exhibit A: Criminal Trespass Warning – October 15, 2025

Exhibit B: Parks Advisory Board Minutes – July 2, 2024 (ADA complaint)

Exhibit C: Photos – ADA Barriers & Bridge (Nov 14–15, 2025) - Photo 1: Unpaved path from Pace Park - Photo 2: Ramp drop-off/gate - Photo 3: Main St bridge (narrow/dangerous) - Photo 4: Bridge in use (public reliance)

Exhibit D: Village Email re: bridge access

Exhibit E: Medical Summary – 100% VA Disability Rating

Respectfully,

Jason T. Howard

Village of Salado Resident