



## **REVISED ORDER ESTABLISHING REGULATIONS FOR SUBDIVISION PLATS, STREET CONSTRUCTION AND DRAINAGE - August 14, 1989**

ON THIS THE 14TH DAY OF AUGUST, 1989, came to be considered by the Commissioners' Court of Trinity County, Texas a proposal to amend regulations over the subdivision of land located in unincorporated areas of Trinity County and the Court, having heard argument on said proposal, is of the opinion that certain regulations are needed in order to accommodate more easily the amount and kind of traffic over all streets and roads within subdivisions in unincorporated areas of the County, and to provide adequate drainage and waste disposal within said subdivisions and to facilitate the identification of land within said subdivisions for purposes of placement on the tax roll; therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Commissioners' Court, of Trinity County, Texas, on this 14th day of August, 1989, that the following REGULATIONS are established pursuant to Arts. 6702-1, V.A.C.S. and Chapter 232 Local Government Code concerning the division of land in Trinity County, Texas situated outside of the corporate limits of any city or town, said regulations become effective on the 15th day of August 1989.

### ***ARTICLE I. PLATS***

***SECTION 1.01.*** Every owner of any tract of land situated without the corporate limits of any city of Trinity County, Texas, who divides the same into two (2) or more parts for the purpose of laying out any subdivision of any such tract of land, or any addition without the corporate limits of any town, or city, or for laying out suburban lots or building lots, and for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers, owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and located the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof on said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

***SECTION 1.02.*** Every such plat shall be duly acknowledged by owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for acknowledgment of deeds.

***SECTION 1.03.*** The plat shall be prepared by a licensed engineer or licensed land surveyor and shall be based on a scale of not more than two hundred (200) feet per inch and certified to as to accuracy by the engineer or surveyor preparing the plat of the Subdivision, showing in reasonable detail the

**SECTION 1.03. (CON'T)** location of and width of existing streets, lots, and alleys and similar details regarding all property immediately adjacent thereto.

**SECTION 1.04.** The plat shall be drawn on Mylar or similar type of permanent quality material, consisting of one or more sheets measuring eighteen (18) inches wide and twenty-four (24) inches long. If two or more sheets are used, a key map showing the entire area shall be drawn on the first sheet or on a separate sheet.

**SECTION 1.05.** The subdivision plat must be made from an actual survey on the ground by or under the supervision of either a registered professional engineer or a licensed land surveyor, and his certificate to that effect must appear on said plat.

**SECTION 1.06.** The boundary lines must be shown by bearings and distances, calling for the lines of established surveys, land marks, hospital districts, school districts, election and commissioners' precincts, and other data furnished, sufficient to locate the property on the ground, and within a taxing authority; and must, in addition, establish whether or not said subdivision is within the extraterritorial jurisdiction of any city, town, or village incorporated under the laws of the State of Texas. The names of the taxing authorities and relevant municipalities must appear on the plats.

**SECTION 1.07.** The names of the proposed subdivision and any of the physical features (such as streets and parks), must not be so similar in spelling or in pronunciation to the names of any similar features in Trinity County, as to cause confusion.

**SECTION 1.08.** Lot, section and block numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.

**SECTION 1.09.** The exact location, dimensions, description and flow line of existing drainage structures and drainage structures proposed to be installed by the owner or owners or sub-divider or sub-dividers and location, flow line and flood plain of existing water sources within the proposed subdivision must be shown on said plat.

**SECTION 1.10.** Location of all flowage easements taken in connection with reservoir projects must be accurately shown; and the 100-year flood plain shall also be clearly delineated on the plat.

**SECTION 1.11.** The plat shall further show the existing topography of the proposed subdivision by use of contour lines, and indicate by use of contour lines any changes in the existing topography proposed by the landowner or sub-divider. And, the vertical interval of the contour lines shall be indicated on the plat and shall be no less than ten (10) feet.

**SECTION 1.12.** The plat must contain an arrow indicating the direction on the North point of the compass, and the scale must be prominently shown.

**SECTION 1.13.** A certificate of approval to be filled out by the Commissioners' Court shall be provided on the plat; and, if the subdivision is located within the extraterritorial jurisdiction of an incorporated city, town, or village, a certificate of approval is to be filled out by the appropriate city officer and shall be provided for on the plat.

**SECTION 1.14.** Also prominently displayed upon the plat shall be the disclaimer: "The County is not responsible for road maintenance in this subdivision, but it is the responsibility of the property owners."

## **ARTICLE II. ROADS**

**SECTION 2.01.** All main artery streets or roads within subdivisions covered by this order must have a right-of-way of not less than fifty (50) feet nor more than one hundred (100) feet in width.

**SECTION 2.02.** The shoulder-to-shoulder width on such main artery streets or roads must be not less than thirty-two (32) feet or more than fifty-six (56) feet and the street must be crowned with pavement or twelve (12) inch compact gravel, or other suitable material to make an all-weather road.

**SECTION 2.03.** All other streets or roads in such subdivisions must have a right-of-way of not less than forty (40) feet nor more than seventy (70) feet.

**SECTION 2.04.** The shoulder-to-shoulder width on such other streets or roads or alley streets must be not less than twenty-five (25) feet nor more than thirty-five (35) feet in width, and the street must be crowned with pavement or four (4) or six (6) inch compact gravel, or other suitable material to make an all-weather road.

**SECTION 2.05.** Notwithstanding the provisions of any other section in this Article, a variance on street surface, width and base (consistent with state law) may be authorized by the County Commissioners' if an application for a variance is filed with the proposed subdivision plat and noted on the agenda; and provided, further, that if the said subdivision is located within extraterritorial jurisdiction of any incorporated city, town, or village, that the variance has been approved by the appropriate city authority prior to the submission to the Commissioners' Court for the approval; provided, further, if the applicant has not complied with the foregoing conditions, then approval of the subdivision plat will be reset on the agenda for the next Com-missioners' Court meeting for consideration.

**SECTION 2.06.** The designation of a street or road as a main artery street or road shall be made by the Commissioners' Court in its order granting or denying preliminary authorization of the plat.

**SECTION 2.07.** All permanent dead-end streets or roads shall have a turnaround with a right-of-way diameter of one hundred (100) feet.

**SECTION 2.08.** Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivisions shall be constructed so as to allow continuation and extension of said existing streets in said adjoining subdivisions. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.

**SECTION 2.09.** Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by said construction must be removed and dumped at an authorized refuse and/or fill site.

**SECTION 2.10.** The County will not assume the maintenance of any road in which a public interest has not been established, acquired, or received by the County. The County does not acquire any

**SECTION 2.10. (CON'T)** public interest in a private road, street, or alley except by purchase, condemnation, dedication or adverse possession. The term "dedication" means the explicitly, written communication to the Commissioners' Court of this County regarding land located in this County of a voluntary grant of the use of a private road for public purposes; furthermore, the dedication must be accepted by the County Commissioners' Court and recorded in the minutes of the Commissioners' County before the dedication can become effective; neither verbal dedication nor intent to dedicate by overt act is sufficient to establish a public interest in a private road; nor shall any action of any individual County Commissioner with regard to road maintenance establish a public interest in a private road; nor shall any action by any individual County Commissioner with regard to road maintenance constitute acceptance of the County Commissioners' of the dedication of any road to the County. Neither the use of a private road by the public with the permission of the owner nor the maintenance with public funds of a private road in which no public interest has been established and recorded as provided herein is sufficient to establish adverse possession.

**SECTION 2.11.** If the County accepts the dedication or public interest has been established in accordance with Section 2.10 hereinabove, the Commissioners' Court will stipulate when the County will assume the maintenance of the roads in which it has acquired a public interest and will order the disclaimer concerning road maintenance struck from the plat. Provided, however, the County will not assume the maintenance of the roads and designated streets of any subdivision until three years after the subdivision has been completed, including all roads, unless the same be assumed at an earlier date at the option of the Commissioners' Court on the date entered in the minutes of the Court. Provided, further, if no date is set for the assumption and the maintenance of County Roads by the Commissioners' Court, but an order accepting the dedication of the roads shall have been noted in the minutes of the Commissioners' Court, the County will assume the maintenance of the roads and designated streets ten years after the date of the entry in the Commissioners' Court minutes.

**SECTION 2.12.** All paved streets and roads must have a flexible base. The flexible base material for all streets and roads in every subdivision shall conform to the requirements of the specifications found in item Number 242 of the "Texas Highway Department 1972 Standard Specifications for Construction of Highways, Streets and Bridges" and its amendments. The flexible base shall have a minimum thickness of nine (9) inches after compaction of the authorized base material unless variance is given. The standards for streets set out in Section 2.15 below shall be used as guidelines for construction under the supervision of the Commissioner.

**SECTION 2.13.** All the grading and gravel must meet the inspection and approval of the Commissioner in whose precinct such addition or development is located, or his designated representative.

The landowner or Developer will be required to contact the Commissioner in whose precinct the addition and/or development is located, for an on-site inspection prior to the commencement of any work in the development or addition, in order that the Commissioner or his designated representative may make specific recommendations as to any drainage structures or road construction that may be required for the addition, or other recommendations concerning the subdivision.

The landowner or Developer will be required to install culverts on all entrances and across drainage areas of sufficient size to permit proper drainage, and shall consult with the Commissioner on the size and installation. Culverts shall be a minimum of twenty-four (24) feet long at lot entrances and thirty (30) feet long on streets and at the entrances to the subdivision and shall be graveled at least six (6) inches in depth.

**SECTION 2.14.** Each subdivision must contain provision for continued road maintenance and include on the plat or in the deed restriction an assessment chargeable as a lien against properties for maintenance of roads, streets, sewers, drains and ditches in addition to other utilities and amenities owned by the Developer and or the property owners in common. The absence of such a provision is grounds for rejection of the plat.

**SECTION 2.15.** If the Subdivision does not conform to minimum lot size of one-half (1/2) acre, all streets shall be paved and the following shall be the standards for street construction:

- a. **CURB & GUTTER SECTIONS.** Streets or Roads with Curb and Gutter Sections shall be constructed of Portland cement concrete or asphaltic surfaced flexible base sections.
  1. Minimum width for residential street pavement in a 50' R.O.W. width shall not be less than 22 feet for collector streets and 18 feet for cul-de-sac and minor residential loop streets back to back of curb for divided major thoroughfares the developer will be required to build a minimum of a 24 foot street section and dedicate the ultimate rights-of-way. If, however, lot size is less than 15,000 square feet on the smallest lot platted, the minimum width of pavement shall be extended 10 additional feet.
  2. Minimum thickness shall be 6" uniform thickness for Portland cement concrete construction.
  3. Expansion joints. All slabs shall be provided with an acceptance load transmission device at expansion joint, with expansion joints at approximately eighty (80') foot intervals. Expansion joints shall be redwood or equal material.
  4. Contraction joints (dummy joints) shall have an approximate spacing of twenty-six (26') feet.
  5. Construction joints (transverse), when not placed at an expansion or contraction joints, shall not be closer than ten (10') feet to an expansion or contraction joint. Longitudinal construction joints shall be at the center-line of 22-foot pavement and at approved locations for greater width pavements.
  6. Re-enforcing steel. Concrete pavement shall be re-enforced with 3/8 inch round deformed steel bars spaced not more than twenty-four (24) inch center to center each way.
  7. Curbs shall be constructed monolithic, or shall be dowelled to the pavement.
  8. Minimum gutter gradients and inlet spacing shall be in accordance with drainage requirements.
  9. Hot-poured asphaltic-joint sealing compound or equivalent shall be used at all expansion joints, construction joints and contract joints. Expansion joints made with 3/4 inch (Crowned Section) asphalt saturated fiber boards shall have hot poured asphaltic joint sealing or its equivalent in top one (1)-inch.

b. STREETS OR ROAD WITHOUT CURB AND GUTTER.

1. GENERAL. Streets or roads with an open ditch section shall have a roadway base crown and surface with the following minimum widths.

a. Residential streets and major thoroughfares shall have a minimum base width of 22 feet, a minimum paved surface of 18 feet and a minimum cross slope of 1/4 inch per foot provided, however, if lot size is less than 15,000 square feet on the smallest lot platted, the minimum width of base and pavement shall be extended 10 additional feet.

b. Commercial and heavy industrial streets shall have a minimum base width of 32 feet, a minimum paved surface of 22 feet and a minimum cross slope of 1/4 inch per foot provided, however, if lot size is less than 15,000 square feet on the smallest lot platted, the minimum width of base and pavement shall be extended 10 additional feet.

The roadway shall be constructed of concrete pavement, cement, lime or asphalt stabilized aggregates; with wearing the roadway shall be constructed of either concrete pavement, cement, lime or asphalt stabilized aggregates with wearing surface: or flexible base with wearing surface. Bar ditches shall have side slopes not steeper than 3:1 front slope, or 2:1 back slope.

2. CONCRETE PAVEMENT. The slab thickness shall be of the six (6") inch types, with the same re-enforcing, expansion joints, contraction joints and construction joints as recommended for six (6") inch pavements with curb and gutter.

3. STABILIZED BASES. The bases constructed of stabilized select aggregate shall be six (6") inches compacted thickness on all streets and roads, residential or thoroughfares. Commercial and heavy industrial shall have eight (8") inches compacted thickness.

4. FLEXIBLE BASE. Flexible base roads shall be constructed of either processed gravel, crushed stone, crushed slag, iron ore gravel, or pug-mill mixed sand shell (or approved equal) and shall be 8" compacted thickness on thoroughfares, commercial and heavy industrial and 6" compacted thickness on residential streets.

i. Flexible Base (Iron Ore) shall consist of a foundation course for surface course, composed of iron ore material and shall be constructed as herein specified and in conformity with the plans submitted to Trinity County for approval. The material shall be approved by the County. Material containing gravel or had pieces of ore exceeding the maximum specified size in their larger dimension shall be broken up and uniformly mixed with the remainder of the material.

(1) When properly slaked and tested by Standards Texas State Department of Highways (STSDH) and Public Transportation laboratory methods, the flexible base material shall meet the following requirements:

Retained on 2 1/2 in. sieve – 0%

Retained on No. 40 sieve - 40% to 85% as approved by the Commissioners Court

- (2) Material passing the No. 40 sieve shall be known as soil binder and shall meet the following requirements when prepared in accordance with test method Tex-101-E procedure:

The Liquid limit shall not exceed – 35

The plasticity index shall not exceed – 12

ii. Flexible Base (Shell with Sand Admixture) shall consist of a foundation course for surface course composed of shell and binder, and shall be constructed as herein specified in conformity with the plans submitted to Trinity County.

- (1) Shell - Shell shall consist of durable particles of shell with or without its natural binder material and may be washed, partially washed or unwashed.
- (2) Sand – Sand shall consist of fine sand or sandy loam and shall be free from roots, grass and other foreign materials.
- (3) All materials shall be approved by Trinity County. Both the shell and sand shall be of such quality that when properly proportioned and mixed a satisfactory flexible base will be produced. Samples for testing shall be taken prior to compaction operations. The mixture shall consist of 70% shell and 30% sand as approved by Trinity County.

iii. Flexible Base (Processed Gravel, Crushed Limestone or Crushed Slag) shall be material as approved by the County Commissioner and meeting the minimum gradation requirement as established by the SDHPT testing manual.

5. BOTH STABILIZED BASES AND FLEXIBLE BASES shall be tested by an approved commercial laboratory a minimum of every 500 feet for density, thickness and gradation.

- c. FINISH GRADE. The finished grade to all roads shall not be less than the 50-year flood plain elevation
- d. ASPHALT PAVING SEASON. Asphalt season shall be from April 1 to October 31 or as approved by the County Commissioner.
- e. COMPACTION OF BASE. All flexible base and cement stabilized sand-shell pavements shall be compacted to 95% Standard Proctor density. Compaction is to be accomplished by the use of approved and acceptable compaction equipment.

f. WEARING SURFACES.

1. Hot mix asphaltic concrete material approved by Trinity County may be applied to both stabilized and flexible bases at a depth of 1 1/2 inches, except for commercial and heavy industrial which shall be applied at two (2) inches.
2. Asphalt hot-mix cold laid material approved by Trinity County may be applied to both stabilized and flexible bases at a depth of two (2) inches.
3. One course surface treatment material approved by Trinity County may be applied to both stabilized and flexible bases. All aggregates shall be pre-coated and applied at the rate of 1 cubic yard per 80 square yard. Asphalt shall be AC-5 or RC-10 or emulsified asphalt applied at the rate of 30 gallons per square yard. An additional two (2) inches of base will be required to compensate for depth.
4. Road mix of asphalt may be applied only to iron ore flexible base. An additional two (2) inches of base will be required to compensate for depth. Asphalt shall be MC-800 or equivalent as approved by the County Commissioner.

**SECTION 2.16.** If a plat submitted as an addition or revision of an existing subdivision contain lots which are less than one-half acre, the main street or streets leading from the additional or revised lots to a public road or highway shall be paved in accordance with Section 2.12 above.

**ARTICLE III. DRAINAGE**

**SECTION 3.01.** Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible. Roads and streets shall not be used as drainage courses.

**SECTION 3.02.** All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads.

**SECTION 3.03.** All drainage pipes or culverts must be installed and be of adequate size to accommodate the flow of water.

**SECTION 3.04.** The County will not assume any responsibility for construction, maintenance, or liability for any structure used to impound water.

**SECTION 3.05.** The Developer shall exercise every precaution to avoid significant or substantial alteration of natural drainage which would damage property or endanger the public health.

**ARTICLE IV. UTILITIES**

**SECTION 4.01.** Buried utility lines, pipes and cables shall conform to State and Federal Safety Standards, and:

- a) be marked at the site and on the plat where they cross roads, streets, ditches and alleys and marked on the plats where they traverse lots.

**SECTION 4.01 (CON'T)**

- (b) cross road, streets, ditches and alleys as near to perpendicular as practical:
- (c) cross road, streets, ditches and alleys at a depth of:
  - (i) 30 inches for encased low pressure gas, water, sanitary sewer, electrical and telephone lines:
  - (ii) 36 inches for encased high pressure gas and liquid petroleum lines:
  - (iii) 48 inches for encased high pressed gas and liquid petroleum lines: and
- (d) not be located under any building or other structure, except branch lines that service that structure or building.

**SECTION 4.02.** All main water lines, gas lines or any lines of any nature must be in the rear of the home or other buildings, or not in excess of three (3) feet from the front lot lines adjacent to streets or as approved by the County Commissioners' Court.

**SECTION 4.03.** All utility poles must be not in excess of three (3) feet from the lot lines adjacent to streets.

**SECTION 4.04.** County will not assume any liability for damage to lines when maintaining dedicated and accepted roads.

**SECTION 4.05.** Location of all existing easements, pipelines, electric transmission, etc. must be accurately shown.

**ARTICLE V. WATER SEWAGE AND GARBAGE**

**SECTION 5.01.** Each subdivision shall be designed so that there be some provision for sewage treatment, if no sewage treatment plant or facility is proposed or planned, then the size of the lots in the subdivision shall be sufficient as to allow the use of septic tanks as a means of water treatment and disposal, but in no case shall the size of any lot in said subdivision contain an area of less than one-half (1/2) acre if the lots are supplied with community water or one (1) acre if the lots supply their own water from individual wells and if the subdivision is to use an existing municipal sewage system or sanitary sewer system to be approved and licensed by the Texas Water Quality Board, Trinity :River Authority, or any other regulatory body of competent jurisdiction, not lot shall contain an area of less than eight thousand (8,000) square feet; provided that camper lots of at least three thousand (3,000) square feet for temporary, transient use and occupied not more than 30 days annually may be platted if approved waste disposal systems are provided and certified by the Trinity River Authority or Texas Water Quality Board. The Commissioners' Court may in its discretion grant a variance on lot sizes only if the lot is served by an installed, inspected and approved sewage system or a variance has been granted in writing by the State Health Department.

**SECTION 5.02.** No septic tank drainage shall drain, directly or indirectly, into any ditches or streets that need or require maintenance, or directly into any public waters or waterways of the State of Texas, or into any reservoirs used for drinking water or swimming.

**SECTION 5.03.** All septic tank construction will meet approval of state statutes, county septic tank regulations, if any, or have the approval of the County Health Officer, Trinity River Authority, Texas Water Quality Board, State Health Officer, whichever shall have paramount jurisdiction. The model septic tank and sewage disposal regulations promulgated by the State Health Department shall be enforced by Trinity County, its agents and contractors.

**SECTION 5.04.** Each subdivision shall be designed so that there is adequate provision for water supplies to the lots in the subdivision. If individual wells are to be used to supply water to said lots, no lot shall contain an area of less than one (1) acre.

**SECTION 5.05.** Each subdivision shall make provisions for the disposal of garbage and solid waste either in its plat or in its subdivision restrictions filed with this County.

#### **ARTICLE VI. BONDING PROCEDURES**

**SECTION 6.01.** If the owner or owners of any tract of land to be subdivided shall propose to dedicate the roads and streets to the public, and if the Commissioners' Court, in its preliminary orders, indicate that it shall accept said dedication, the owner or owners of said tract of land shall give a good and sufficient bond for the proper construction of the streets and roads in the said subdivision. Such bond may be either a performance bond executive by a surety company authorized to do business in the State of Texas or an irrevocable letter of credit from an acceptable Texas bank.

**SECTION 6.02.** Such performance bond or letter of credit shall be made payable to "County Judge or his Successors in Office," conditioned that the owner or owners of any such tract of land to be subdivided will construct all roads and streets within such subdivision in accordance with these Regulations.

**SECTION 6.03.** The performance bond or letter of credit shall be in an amount equal to the actual cost of constructing such streets and roads, as determined by the Commissioners' Court in its order granting or denying preliminary authorization of the plat.

**SECTION 6.04.** The performance bond or letter of credit, in the amount as established in Section 6.03 herein, shall be presented to the Commissioners' Court when the subdivision plat and plans are presented to the Court for final approval. The County Attorney must have approved, in writing, of the form of said bond or letter of credit prior to the date of submission to the Commissioners' Court. No subdivision plat or plans can receive final authorization without being accompanied by a performance bond or letter of credit meeting the requirement of this Article.

**SECTION 6.05.** The performance bond or letter of credit shall go into effect on the day the subdivision plat and plans receive final authorization and must remain in full force and effect until after all streets and roads in the subdivision have been completed in accordance with these Regulations, as certified by the Commissioners' Court.

**SECTION 6.05.** When the owner or owners of any tract of land to be subdivided has or have finished constructing all of the streets or roads in said subdivision in accordance with these Regulations, the owner or owners shall give written notice of this fact to the Commissioners' Court by giving said notice to the County Judge.

**SECTION 6.07.** Within forty (40) days of the receipt of said notice by the County Judge, the Commissioners' Court shall pass an order granting or denying certification that the streets and roads in said subdivisions have been constructed in compliance with these Regulations. An order denying certification shall be based on substantial evidence. The failure to pass such an order shall be deemed as certification of the streets and roads.

**SECTION 6.08.** In the event said certification is denied, the performance bond or letter of credit posted by the owner or owners of the subdivision land shall immediately be forfeited in favor of Trinity County. The County Treasurer is hereby directed to collect all sums owed on such forfeited bonds or letters of credit and to deposit said sums into the County Treasury.

#### **ARTICLE VII. AUTHORIZATION PROCEDURES**

**SECTION 7.01.** All subdivision plats and plans for drainage and street construction must be submitted to the Commissioners Court by submitting them with a copy of the HUD-Report, Commissioner's Inspection Report, and deed restrictions for the proposed subdivision, if any, to the County Attorney on or before the first day of the month in which the plat is to be considered by the Commissioners' Court for an order granting or denying preliminary authorization of the plats and plans. The County Attorney shall notify the subdivision developer whether or not, in his opinion, the plans conform to the State statutes and these regulations within a week after submission to him and within four (4) days prior to the meeting of Commissioners' Court. If the plat or plans do not conform with the State's statutes or these regulations, the County Attorney shall so advise sub-developer and state in what respects the plat does not conform to the aforesaid standards. The sub-developer shall have the opportunity to resubmit it to the County Attorney, with the changes, for the placement on the agenda on the next Commissioners' Court meeting. Provided, however, that the sub-developer may request that the County Attorney's determination to be overruled by requesting that the County Judge place the plat and plans on the agenda on the next Commissioners' Court meeting more than three (3) days after the notification of nonconformity.

**SECTION 7.02.** The Court shall vote on whether to grant or deny preliminary authorization of the subdivision plat and plans within forty-five (45) days after receipt of said plat and plans by the County Attorney and certified as conforming to these regulations.

**SECTION 7.03.** The Court shall deny preliminary authorization of said plat and plans unless they conform to the requirements of Articles 6702-1, Sec. 2.401, Texas Road and Bridge Act and 6812h, Texas Revised Civil Statutes, Chapter 232 Local Government Code and these Regulations.

**SECTION 7.04.** In its order granting or denying preliminary authorization of the plat and plans the Court may impose further requirements which must be met by the owner, owners, sub-divider, or sub-dividers and reflected in the plat and plans before said plat and plans receive final authorization by the Court. Said requirements are those provided for herein.

**SECTION 7.05.** In its order granting or denying authorization of a subdivision plat and plans the Court may also establish regulations and details with reference to individual subdivisions. Such regulations and details are those specified herein.

**SECTION 7.06.** If the subdivision plat and plans are not given preliminary approval, or receive preliminary approval and the Commissioners' Court also acts to impose additional regulations or to specify certain details concerning the subdivision, as provided in Secs. 7.04 and 7.05 herein, the sub-divider shall prepare a new plat and new subdivision plans in conformity with said additional

**SECTION 7.06 (CON'T)** regulations and specifications as well as with the other requirements of these Regulations and of Articles 6702-1, Sec. 2.401, Texas Road and Bridge Act, and 6812h, Texas Revised Civil Statutes and Chapter 232 Local Government Code. The sub-divider shall then present the new plat and plans to the Commissioners' Court by submitting them to the County Attorney at least ten (10) days before the Court adopts an order granting or denying final authorization of said plat and plans.

**SECTION 7.07.** The Court shall vote on whether to grant or deny final authorization of said subdivision plat and plans within forty-five (45) days after receipt of said plat and plans by the County Attorney. Failure to vote on said authorization shall be deemed to constitute final approval of the subdivision plat and plans, and in such event no bond shall be required of the landowner or landowners, notwithstanding any provision herein to the contrary, if said plat conforms to state law and regulations.

**SECTION 7.08.** The Court shall deny final authorization of the plat and plans unless they meet all the requirements of Articles 6702-1, Sec. 2.401, Texas Road and Bridge Act, and 6812h, Texas Revised Civil Statutes, Chapter 232 Local Government Code and these Regulations, including those additional regulations and specification provided for in Sec. 7.04 and 7.05 herein.

**SECTION 7.09.** If the subdivision plat and plans receive preliminary authorization and the Commissioners' Court does not at the same time impose additional requirements or specify additional details, the Court order granting preliminary authorization to said plat and plans shall act as final authorization and the Court order and the minutes of the Commissioners' court meeting shall so reflect.

**SECTION 7.10.** No sales or construction of any kind in any subdivision affected by this order is to begin until the subdivision plat and plans have received final authorization by the Commissioners' Court and have been filed with the County Clerk.

**SECTION 7.11.** Authorization by the Commissioners' Court under this article of plat and plans for subdivisions located in areas governed by the provisions of Chapter 212 Local Government Code is required. Construction in these areas can begin without such authorization, but all construction, drainage and bonding requirements of these Regulations apply to said subdivision.

**SECTION 7.12.** If the developer should vary from the plat and the standards and provisions of these regulations during construction or sale without first receiving legal waiver by the Commissioners Court, the Court may withdraw approval of the plat and order the developer enjoined from further activity.

#### **ARTICLE VIII. GENERAL PROVISIONS**

**SECTION 8.01.** These rules, regulations and requirements are subject to change, amendment or alteration without notice other than that provided by law, whenever the Court in its judgment deems it to be in the best interest of the public.

**SECTION 8.02.** Certificates from the County Tax Assessor-Collector and from all other taxing entities must accompany the plat to be recorded, showing that all taxes owing to the State and County and other taxing entities have been paid in full to date.


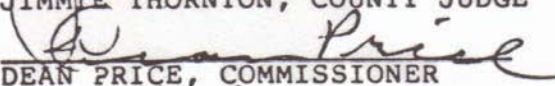
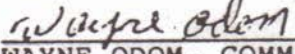
**SECTION 8.03.** Certificates from an abstractor or written opinion from the attorney of the developer must be attached, showing ownership of property and all liens against same, certifying that property is subject to the purchase of an insured Title Policy, if so desired.



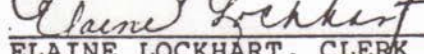
**SECTION 8.04.** If the subdivision is located within the extraterritorial jurisdiction of an incorporated city, town, or village, and if the plat does not have a place located on it for approval by the appropriate city authority, a certificate of approval by said authority must accompany the plat.

**SECTION 8.05.** All developers and their successors in interest shall conform to State and Federal Law and to these Regulations, shall enforce the restrictions under which the plat was approved, and shall prevent any public nuisances or threat to public health or safety from arising within their subdivisions. And the District and County Attorney of this County and the Attorney General are authorized and requested to take any and all legal actions pursuant to Section 232.005 Local Government Code and any other statute to enforce these regulations and State law and regulations and to prevent public nuisances, public health violations, and illegal and deceptive sales and promotions.

**ARTICLE IX. SEVERABILITY**

**Section 9.01.** If any one or more of the articles, sections, provisions, clauses, or words of this order, or the application thereof to any situation or circumstances, shall for any reason be held invalid or unconstitutional, such invalidity or unconstitutionality shall not; affect any other articles, sections, provisions, clauses, or words of this order, or the application thereof to any other situation or circumstances and it is intended that his order shall be severable and shall be construed and applied as if any such invalid or unconstitutional article, section, provision, clause, or words had not been included herein

  
JIMMIE THORNTON, COUNTY JUDGE  
  
DEAN PRICE, COMMISSIONER  
  
WAYNE ODOM, COMMISSIONER

  
LYNN REYNOLDS, COMMISSIONER  
  
CECIL WEBB, COMMISSIONER  
  
ELAINE LOCKHART, CLERK