

ORDER: REGULATIONS FOR SUBDIVISION PLATS, STREET CONSTRUCTION AND DRAINAGE

On this 10th day of March 2005, came on to be considered by the Commissioners' Court of Freestone County, Texas, a proposal to amend the established regulations over the subdivision of land located in unincorporated areas of Freestone County; and the Court, having heard argument on said proposal, is of the opinion that certain amendments are needed to the Order Establishing Regulations For Subdivision Plats, Street Construction and Drainage, initially passed on June 8, 1981, and as amended. The order being initially passed 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 systems within said subdivisions and to facilitate the identification of land within subdivisions for purposes of placement on the tax roll; therefore,

It is hereby ORDERED, ADJUDGED, and DECREED by the Commissioners' Court of Freestone County, Texas, on this 10th day of March, 2005, that the following REGULATIONS are established concerning the division of land in Freestone County, Texas, located outside the corporate limits of any municipality, said regulations to become effective on March 10, 2005.

ARTICLE I. PLATS

Section 1.01 The owner of a tract of land located outside the limits of any city in Freestone 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, including an addition; lots; or streets, alleys, or parks, or other parts of the tract intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall have a plat made, which shall accurately describe all of the subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof of the subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions 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 the owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the same manner required for acknowledgement 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 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 film or a permanent type of material, consisting of one or more sheets measuring eighteen (18) inches wide and twenty-four (24) inches long. If any two (2) or more sheets are used, a key map showing the entire area shall be drawn on the first sheet or on a separate sheet. The mylar and one copy must be filed with the County Clerk.

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 or her certificate to that effect must appear on said plat.

Section 1.06 Boundary lines must be shown by bearings and distances, calling for the lines of established surveys, landmarks, school districts and other data furnished, sufficient to locate the property on the ground. All block corners and angles in streets and alleys should be marked with one-half (1/2) inch marker. All street centerline intersections shall be monumented with one-half (1/2) inch steel pin or permanent marker set 0.5' minimum below finished surface of roadway.

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 Freestone County, or in any incorporated city or town in Freestone County, as to cause confusion.

Section 1.08 Lot and block numbers are to be arranged in a systematic order as shown on the plat in distinct and legible figures.

Section 1.09 The plat shall also show the approximate location of all existing permanent, man-made structures in the proposed subdivision, including houses, barns, shacks, other buildings, walls, wells, ponds, and stock tanks.

Section 1.10 The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

Section 1.11 The plat must show the location of the 100 year flood plain on the property.

ARTICLE II. STREET CONSTRUCTION

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, but no more than one hundred (100) feet in width. The actual width is to be designated by the Commissioners' Court in its order granting or denying authorization of the plat.

Section 2.02 The actual street cut on such main artery streets or roads must be not less than thirty-two (32) feet or more than fifty-six (56) feet in width.

Section 2.03 All other streets or roads in such subdivisions must have a right-of-way not less than forty (40) or more than seventy (70) feet in width.

Section 2.04 The actual street cut on such other streets or roads must be not less than twenty-five (25) feet or more than thirty-five (35) feet in width.

Section 2.05 The designation of a street or road as a main artery street or road shall be made by the Commissioners' Court in the order granting or denying authorization of the plat.

Section 2.06 All permanent dead end streets or roads shall have a turnaround with a right-of-way diameter of not less than eighty (80) feet or more than one hundred (100) feet.

Section 2.07 No street or road shall be constructed with an abrupt offset or "jog" in it.

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 be a continuation and extension of the existing streets in the adjoining subdivision. All streets and roads shall be designed and constructed as to permit the continuation or extension of the 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 the construction must be removed.

Section 2.10 The Commissioners' Court shall have the power to require that all streets, roads and alleys within the same subdivision remain unpaved.

Section 2.11 All streets and roads must have a flexible base. The subgrade and base material for all streets and roads in every subdivision shall be in accordance with Department of Transportation's "Farm to Market" (FM) road specifications. Base will consist of 1 ½" Grade 1, Limestone. The flexible base shall have a minimum thickness of six (6) inches after compaction of the authorized base material. The surface course shall consist of Oil-Sand compacted to 2".

Section 2.12 The center line of each street in every subdivision shall have an elevation of at least two (2) inches above the elevation of the edge of the street.

Section 2.13 The Commissioners' Court may specify that construction of all streets, roads, and drainage structures must be completed within a reasonable time after the plat and plans of a subdivision have received final authorization from the Court, and the time period must be specified by the Court in its order granting authorization of the plat.

Section 2.14 In conjunction with previous sections, the actual application of base material on all roads shall be twenty (20) feet in width, unless a greater width is required by the Commissioners' Court in its order granting or denying authorization of the plat.

Section 2.15 Street and drainage construction must be inspected and approved by the Commissioner of the Precinct in which the subdivision is located after each of the following:

Preparation of road bed,
Application of the base material and,
Application of the oil sand.

It is the responsibility of the owner of the subdivision to notify the Commissioner and get approval of each of the above listed phases before proceeding to the next phase of construction.

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 Permanent drainage structures, including, but not limited to, culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including, but not limited to, driveways, roads, and streets.

Section 3.04 The minimum dimensions and type of any permanent drainage structures, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by the Commissioners' Court in its order granting or denying authorization of a subdivision plat.

Section 3.05 All roadways subject to flooding and high waters and all roadways crossing streams must have reinforced embankments to prevent erosion of said embankments.

Section 3.06 Any permanent obstacle, such as concrete or rock retards, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners' Court in its order granting or denying authorization to the subdivision plat.

Section 3.07 Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment that will facilitate proper functioning without destructive velocities of drainage waters.

Section 3.08 All drainage easements in the land being authorized for development must be of adequate width, as determined by the Commissioners' Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all land whose natural drainage runs through the property being authorized for development.

Section 3.09 The owner must provide a written drainage assessment for the property with the plat when the plat is presented to the Commissioners Court for approval.

ARTICLE IV. AVAILABILITY OF UTILITIES

Section 4.01 Each purchase contract made between a subdivider and a purchaser of land in the subdivision is required to contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when. This statement is also to be submitted with the plat application.

Section 4.02 If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the plat is required to have attached to it a statement that is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state that certifies that adequate groundwater is available for the subdivision, such certification shall be according to the rules and certification produced by Texas Commission on Environmental Quality.

Section 4.03 UNIMPROVED PROPERTY LOCATED IN A CERTIFICATED SERVICE AREA OF A UTILITY SERVICE PROVIDER: If the Property is located in a certificated service area of a utility service provider and the Property does not receive water or sewer service from the utility service provider on the date the Property is transferred, §13.257, Texas Water Code, requires a notice regarding the cost of providing water or sewer services to the Property. An addendum containing the notice promulgated by TREC or required by the parties must be used.

Section 4.04 An emergency water supply for access by Fire Departments is required if available.

ARTICLE V. AUTHORIZATION PROCEDURES

Approval of a Plat by the Commissioners' Court shall not be deemed an acceptance of the proposed dedications, if any shown thereon, and shall not impose any duty upon the

County concerning maintenance or improvements. The Commissioners' Court determines which dedications will be accepted for County maintenance after the Owner maintenance period has expired.

Section 5.01 The Commissioners' Court shall issue a written list of the documentation and other information that must be submitted with the plat. A plat submitted to the County Judge's Office that contains the documents and other information on the list is considered complete. If the application package is missing any documents or other information the applicant should be notified within 10 days after presented to the County Judge's Office.

Section 5.02 All subdivision plats and plans must be submitted to the Commissioners' Court by submitting them to the County Judge at least fourteen (14) days before the Court adopts an order granting or denying authorization of said plats and plans.

Section 5.03 The Court shall vote on whether to grant or deny authorization of the subdivision plat and plans within sixty (60) days after receipt of a complete application by the County Judge.

Section 5.04 The Court shall deny authorization of the plat and plans unless they conform to the requirements of Section 12.001 and Section 12.002 of the Texas Property Code and these Regulations.

Section 5.05 After review by Commissioners' Court, the Court may impose further requirements which must be met by the owner, owners, sub-divider, or sub-dividers and be reflected in the plat and plans before said plat and plans receive final authorization by the Court.

Section 5.06 If the sub-division plat and plans are not approved as presented and the Commissioners' Court also acts to impose additional regulations or to specify certain details concerning the subdivision, as provided for in Section 5.05 herein, the sub-divider shall prepare a new plat and new subdivision plans in conformity with said additional regulations and specifications as well as with the requirements of these Regulations and of Section 12.001 and Section 12.002 of the Texas Property Code. The sub-divider shall then present the new plat and plans to the Commissioners' Court by submitting them to the County Judge at least ten (10) days before the Court adopts an order granting or denying final authorization of said plat and plans.

Section 5.07 The Court shall vote on whether to grant or deny authorization of the new subdivision plat and plans within fifteen (15) days after receipt of said plat and plans by the County Judge. Failure to vote on said authorization shall be deemed to constitute approval of the subdivision plat and plans, and in such event no bond shall be required of the landowner or landowners, notwithstanding any provision here to the contrary.

Section 5.08 If the sub-division plat and plans receive authorization and the Commissioners' Court does not at the same time impose additional requirements or specify additional details, the Court order granting 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 5.09 No construction of any kind in any subdivision affected by this order is to begin until the subdivision plat and plans have received authorization by the Commissioners' Court and have been filed with the County Clerk.

Section 5.10 Authorization by the Commissioners' Court of plat and plans for subdivisions located in areas governed by the provisions of Chapter 212 of the Texas Local Government Code, is not required. Construction in these areas can begin without such authorization, but all construction and drainage requirements of these Regulations apply to said subdivision.

ARTICLE VI. BOND REQUIREMENTS

Section 6.01 Commissioners' Court requires the owner of the tract to execute a bond before subdividing the tract unless an alternative financial guarantee is provided under Section 232.0045 of the Local Government Code.

Section 6.02 The bond must be payable to the County Judge of Freestone County, be in an amount determined by the Commissioners' Court to be adequate to ensure proper construction of the roads and streets in the sub-division, but not to exceed the estimated cost of construction of the roads and streets. The bond must be executed with sureties as may be approved by the Court or to be executed by a company authorized to do business as a surety in this state if the Court requires a surety bond executed by a corporate surety, and be conditioned that the roads and streets will be constructed in accordance with the specifications adopted by the Court and within a reasonable time set by the Court.

ARTICLE VII. FINANCIAL GUARANTEE IN LIEU OF BOND

Section 7.01 In lieu of the bond, an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.

Section 7.02 If a letter of credit is used, it must list as the sole beneficiary the County Judge and be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision in accordance with the specifications adopted by the Commissioners' Court and within a reasonable time set by the Court.

ARTICLE VIII. ENFORCEMENT PENALTIES

Section 8.01 The County may have an action filed on behalf of the County in a court of competent jurisdiction to enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners' Court under Sections 232.001 – 232.0045 of the Local Government Code.

Section 8.02 The County may recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners' Court under Sections 232.001 – 232.0045 of the Texas Local Government Code.

Section 8.03 A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by, the Commissioners' Court under Chapter 232 of the Local Government Code. An offense under this subsection is a Class B misdemeanor.

ARTICLE IX. DESIGNATION OF STREETS AND ROADS

Section 9.01 If the streets and roads in a subdivision are in compliance with these Regulations, the owner may petition the Commissioners' Court to accept the streets and roads into the County road system. One year after the Commissioners' Court has passed an order granting certification that the street and roads in a subdivision have been constructed in substantial compliance with these Regulations, the Commissioners' Court can consider accepting the streets and roads as County roads if they continue to meet the standards required by these Regulations.

Section 9.02 The Commissioners' Court may in its sole discretion, for good cause shown, waive the one (1) year waiting period requirement of Section 9.01 and may accept streets and roads if properly designated as such in the plat, if properly constructed and upon written petition to the Commissioners' Court. For purposes of this Section, "good cause" will exist where the sub-division construction of the roads has been completed for more than a year.

ARTICLE X. MISCELLANEOUS

Section 10.01 Upon approval of sub-division plats for private subdivisions, proper street or road signing will be required. Signs must be of equivalent or better material than signing used by Freestone County and lettering must be reflective. Installation and maintenance of signs will be the responsibility of the developer.

INTRODUCED, READ AND PASSED by an affirmative vote of the Commissioners' Court of Freestone County, Texas on this the _____ day of _____, 2005.

LUKE WARD
Commissioner, Precinct 1

CRAIG OAKES
Commissioner, Precinct 2

STANLEY GREGORY
Commissioner, Precinct 3

CLYDE RIDGE
Commissioner, Precinct 4

LINDA K. GRANT
Freestone County Judge