

**HOUSTON COUNTY SUBDIVISION RULES AND REGULATIONS
AS ADOPTED BY THE HOUSTON COUNTY COMMISSIONERS COURT
OF HOUSTON COUNTY, TEXAS ON _____, 2008**

THE STATE OF TEXAS §
 §
COUNTY OF HOUSTON §

WHEREAS, the Commissioners Court of Houston County, Texas, is authorized to enter an Order adopting regulations governing the subdivision of land by the provisions of Chapter 232 of the Texas Local Government Code; and

WHEREAS, the current Houston County Subdivision Rules and Regulations were adopted on March 26, 2002; and

WHEREAS, the Commissioners Court of Houston County deems it necessary to adopt a revised set of rules and regulations stipulating the conditions under which the Court will approve plats of subdivisions for recording, in order to assist the County in providing for the safety of the public, in protecting the health of the public, and in overseeing the welfare of the public;

NOW, THEREFORE BE IT ORDERED BY THE COMMISSIONERS COURT OF HOUSTON COUNTY that the following rules and regulations be adopted as conditions precedent to the Court approving plats of subdivision for recording effective this date.

1. These rules, regulations and requirements are subject to changes, amendment, or alteration without notice, whenever the Court in its judgment deems it to be in the best interest of the public. In those cases where it is not practical to meet these requirements, the developer will submit necessary data so that consideration may be given by the Commissioners Court in regular or called meeting in order to consider a waiver of specific requirements.

2. These rules, regulations and requirements, and any and all future additions thereto and changes thereof, will be binding on all new subdivisions or re-subdivisions in Houston County that are not within the legal jurisdiction of any incorporated city or town in Houston County. Said rules, regulations and requirements shall apply in any subdivision, whether dedications therein are intended for private or public use. Subdivisions and re-subdivisions located within the statutory extraterritorial jurisdiction of cities, towns, and villages are subject to Interlocal Agreements with Houston County. Copies of these Interlocal Agreements may be obtained from the Office of the County Judge, Houston County, Texas..
3. The procedure for receiving approval for, and the filing of, subdivision and re-subdivision plats, and for acceptance of the subdivision, shall be as outlined in the attached "Houston County Subdivision Regulations."

Adopted this _____ day of _____, 2008, by a vote of _____
ayes and _____ nays.

County Judge

ATTEST:

County Clerk

HOUSTON COUNTY SUBDIVISION REGULATIONS

I. PURPOSE

These regulations have been prepared in general to aid in the orderly development of Houston County, Texas, and provide guidelines which will lead to a desirable environment. Specifically they have been prepared for the following purposes:

1.1 To furnish the developer with guidance and assistance in the expedient preparation and approval of his or her plat;

1.2. To protect the citizens of Houston County by insuring minimum subdivision and development guidelines for residential, commercial and industrial subdivisions;

1.3. To provide for the welfare of the public by providing guidelines for the location, design, and improvements and other features that provide for the safety of the general public;

1.4. To prevent the Houston County road system from being burdened with substandard streets or roads in the future.

1.5 To regulate on-site sewage facilities and to protect rights of owners of interest in groundwater.

1.6 To respond to real and substantial threat to public health and safety and to significantly advance the health and safety purpose overall, and not to impose a greater burden than is necessary to achieve the health and safety purposes for the general public.

1.7 To fulfill the obligations mandated upon Houston County as dictated by state law, in particular Texas Local Government Code Section 232.003.

II. DEFINITIONS

2.1 Subdivision – Defined by Section 232.001 of the Texas Local Government Code as “The division of a tract of land into two or more parts to lay out: (1) a subdivision of the tract,

including additions; (2) lots; or (3) streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.” The Houston County Commissioners Court has adopted platting guidelines, incorporated in these regulations as Appendix A, stating when they require owners to file a plat for a subdivision.

- 2.2 Street or Road – The term “street” or “road” are interchangeable and mean a vehicular way or a way for vehicular traffic and are used to describe all vehicular ways regardless of any other designation they may have. Streets and roads shall be dedicated to the public except as indicated in Section 7. The landowner may dedicate either the fee ownership in the land or an easement for street, drainage, and utility purposes, at the landowners option.
- 2.3 Arterial Streets or Roads – Arterial streets or roads are those that are principally regional in nature and are used for through or heavy traffic and shall be divided into two classifications;
 - 2.3.1 Streets or roads which will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.
 - 2.3.2 Streets or roads which are existing county roads, are at least one mile in length, and carry a numerical designation.
- 2.4 Collector streets and roads- are those which connect arterial streets or roads with local streets or roads.
- 2.5 Local streets or roads – are those which principally provide direct access to lots within the subdivision.

- 2.6 Urban street - For the purpose of these Regulations, an urban street is any street situated such that the spacing of driveways is less than 100 feet apart for a distance of $\frac{1}{4}$ of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.
- 2.7 Rural Street- For the purpose of these Regulations, a rural street is any street situated such that the spacing of driveways is greater than 100 feet apart.
- 2.8 Precinct Commissioner- All references in these regulations to a “Precinct Commissioner” shall be construed to refer to the Houston County Commissioner in whose precinct the subdivision is located or the Subdivision Coordinator designated by the County Commissioner. If the subdivision is located in more than one precinct, approvals affecting the subdivision as a whole shall be obtained from all affected commissioners.
- 2.9 Minimum Requirement- Requirements when defined as minimum shall be the minimum acceptable requirements. Such requirements may be increased by the county due to issues pertaining to each unique subdivision.
- 2.10 Owner- All references in these regulations to an “Owner” shall be construed to refer to the person or persons possessing title and/or lien to the property to be subdivided. This can also refer to the owner’s surveyor, engineer, lawyer, or planner who has been given authority to represent the owner.
- 2.11 Preliminary Plat – A map or drawing of a proposed subdivision meeting the requirements of Section 3.2. This map, at the discretion of the county, is to show the proposed improvements to all the owner’s adjacent property.
- 2.12 Final Plat – A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of

preliminary approval previously granted by the Commissioners' Court and meeting the requirements of Section 3.3.

- 2.13 Developer – any owner of property who wishes to divide it into two or more smaller tracts.
- 2.14 Parent Tract – The original tract owned by the developer prior to any division of the property.
- 2.15 Daughter Tract – Any of the tracts created by division of a parent tract, including the remainder of the parent tract itself.
- 2.16 County Engineer – All references in these regulations to the “County Engineer” shall be construed to refer to the Houston County Engineer or any County Employee designated by the Houston County Commissioners Court.

III. PLATTING PROCEDURE

- 3.1 The platting procedure for subdivisions within Houston County will be as follows:
 - 3.1.1 Prior to any subdivision of land and any official submittal of a plat for review, it is recommended that the Owner set a meeting with the Precinct Commissioner and the County Engineer. The Owner shall present a preliminary plat showing the street alignments and the lots. The Precinct Commissioner and the County Engineer will provide general comments and requirements to the Owner. Based upon these comments and requirements, the owner or his representative will submit one copy of the revised preliminary plat of the subdivision to the Precinct Commissioner's office and seven copies to the County Engineer's Office.
 - 3.1.2 The County Commissioner will review the plat for Houston County and may submit any additional comments and recommendations to the County Engineer.

3.1.3 The County Engineer will review plans for compliance with the Houston County Subdivision Regulations.

3.1.4 The County Engineer will return his and the Commissioner's comments and recommendations to the Owner or his agent.

3.1.5 The Owner will address the comments and recommendations and set a meeting with the County Engineer to resolve the comments.

3.1.6 The County Engineer will contact the County Judge's Office to request placement of the plat on the next Commissioners' Court agenda for approval if all comments have been addressed or placement of a variance request on the next Commissioners' Court agenda. The County Judge's Office will verify with the proper Commissioner for his concurrence of placement.

3.1.7 Prior to approval of the plat, the Owner shall pay a scanning fee of \$75.00/sheet to the County Engineer. This fee will be waived if the Owner supplies the County Engineer with a digital file of the final plat. The digital file shall be in a .DWG format.

3.1.8 If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished as provided by Interlocal Agreement between the city and the County.

3.1.9 The final plat procedure will be the same as the preliminary plat procedure.

3.2 Every preliminary plat submission must include all of the following:

3.2.1 Proposed name of the recorded subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within Houston County.

3.2.2 Total acreage and the number of lots within the subdivision.

3.2.3 Existing topographic contours at two-foot intervals for subdivision where lots are less than five acres, and 10-foot intervals for all other subdivisions.

3.2.4 Tangent lengths, centerline radii, names, and right-of-way dimensions for all proposed and existing streets. Names of all proposed roads or streets shall not have the same spelling or be pronounced similar to the name of any other street located within Houston County unless such proposed road or street is an extension fo an existing road or street, in which case it shall be named the same as the existing road or street.

3.2.5 Proposed easements, existing easements and detention ponds.

3.2.6 Proposed approximate property line dimensions.

3.2.7 Adjacent property, owner's name, address, deed record, or subdivision name, block and lot number.

3.2.8 A transmittal letter containing the name, address, telephone number and fax number for the subdivision owner and engineer.

3.2.9 City limits, surveys, section, and county boundaries.

3.2.10 Date of preparation, scale of plat and north arrow.

3.2.11 Vicinity sketch map that shall show the relation of the subdivision to well known streets, railroads, and water courses in all directions to a distance at least one (1) mile.

3.3 Every final plat submission must include all of the following. Since the County must approve or reject the submission within 60 days, it is the obligation of the developer to submit information, provide notices, and schedule hearings in adequate time to permit proper review by the County. If this is not done, the submission will be rejected and a new application must be filed:

3.3.1 Owners and any lien holder's dedication, and restrictions if any duly acknowledged in the manner required for acknowledgement of deeds. For road widening and drainage purposes the landowner may dedicate either the fee interest in the property or a right-of-way easement for road widening and drainage improvements at the landowners' option. Right-of-way easements for widening roadways or improving drainage must be accompanied by a plat note as found in Section C.1 placing the burden of maintaining the property upon the landowner until road or drainage improvements are actually constructed on the property. The plat must also contain the note as found in Appendix C, Section C.2.

3.3.2 A plat note as found in Appendix C, Section C.3 stating that dedication of all public roadways and easements shall be accomplished free of liens except those liens stated in Section 5.2. Any required release of liens shall be provided to the Commissioners' Court.

3.3.3 Perimeter filed notes certified by a Registered Professional Land Surveyor, beginning point to recite approximate bearings and distances to a corner of the original land grant survey of which the subdivision is a part (according to the best available data.) All lot and block monumentations will be set by a registered professional surveyor before recordation of the plat.

3.3.4 All easements of record that have a designated route shall be shown on the plat. The developer will be responsible for coordinating with all utility providers the location of all public utility easements that are shown on the final plat.

3.3.5 The plat shall show the location of the 100 year floodplain as identified on the most current Houston County Flood Hazard Boundary Map (FHBM), published by the

Federal Emergency Management Agency. In addition the plat shall either show the location of special flood hazard areas identified by an engineering study under the seal of a Registered Professional Engineer for those water courses whose basin is larger than 64 acres or show a 100 foot building setback from the centerline of the water course or a building line on the O.S.S.F. setback as required by the County which ever is greater. Additionally, the plat shall designate all easements of public record.

The placement of an elevation benchmark with the location, description and elevation of the benchmark is required to be identified on the face of the plat. The elevation of this benchmark shall be tied into a benchmark shown on the FIRM panel. Minimum first floor elevations for buildings shall be identified on each lot that is adjacent to the 100 year floodplain.

3.3.6 A plat note as found in Appendix C, Section C.4 for Commissioners' Court approval, including authorization for the County Clerk to file the plat for record as found in Appendix C, Section C.5. These notes are to be located in the lower right hand corner of the last sheet of the plat.

3.3.7 A statement of the length of each street in the proposed subdivision and its design speed.

3.3.8 A letter of serviceability from an entity or entities providing water service or if no service is available within 300 feet of the subdivision the Owner shall provide documentation prepared by an engineer registered to practice in this state, certifying that adequate groundwater is available for the subdivision and that lots are suitable for private wells.

3.3.9 A person may not file for record or have recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indication that no delinquent ad valorem taxes are owed on the real property. The person must also execute an affidavit that the property described in the plat is within the tract described in the certificates.

3.3.10 A statement from the owner acknowledging that it is the responsibility of the owner, not the County, to assure compliance with the provisions of all applicable state, federal and local laws and regulations relating to the environment, including but not limited to, the Endangered Species Act, Aquifer Regulations, and municipal watershed ordinances. This shall be part of the owner's dedication statement on the face of the plat.

3.3.11 Certification by a Registered Professional Engineer under his or her professional seal that all engineering for road and drainage within the subdivision have been completed in compliance with these Regulations, including the Engineering Guidelines incorporated as Appendix B, and with all generally accepted engineering standards. The owner may defer this certification by meeting the security requirements of Section 5.2 or Section 5.3.

3.3.12 Lots will be a minimum of 30 feet in width as measured 25 feet from the front property line and front on a public street. Any lot that could potentially be re-subdivided shall have a minimum frontage of 50 feet. All parcels within the boundary of the subdivision will have a block and lot number.

3.3.13 A signature block as found in Appendix C, Section C.6 on the plat for approval by Houston County and all applicable authorities, showing that they have examined the plat

and that it is in compliance with the Houston County Standards for On Site Sewage Facility Regulations (TCEQ), Floodplain Management Regulations for Houston County, Groundwater Regulations, and any other applicable Regulations.

This signature block must be signed by the appropriate representatives prior to final plat approval. The signature block must be incorporated into the plat during draft stage.

3.3.14 Survey ties across all existing right-of-way located adjacent to the boundary of the subdivision. Each tie shall show the bearing and distance from a proposed property pin to an existing property pin or fence if a pin cannot be found. Based upon this tie, an approximate right-of-way width shall be shown.

3.3.15 A signature block on the plat for street name and addressing approval by the Houston County 911 Addressing Coordinator.

3.3.16 It is the responsibility of the Owner to assure that the proposed name of the subdivision is not duplicated. The Owner shall check with the County Clerk's records for verification.

3.4 No approval in the form of the Judge's signature, verbal Commissioners' Court action, or otherwise shall be given on any subdivision until the Owner meets every subdivision requirement, including signature, letters of credit, linen copies, paper copies, etc.

3.5 At least one week before the date of the Commissioners' Court meeting, the owner shall submit to the county clerk the original plat and one identical copy. The copy must be 24"X36" on permanent black on white print on photographic mylar for permanent record. The plat must be typed in eight point or larger so that all writing and printing is easily readable. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger. Where more than one sheet is necessary to accommodate the entire area, an index showing the entire subdivision at an

appropriate scale shall be attached to the plat. Photocopies are not acceptable. The County Judge's approval and the County Clerk's approval shall be located on the last plat page on the lower right hand corner with the County Clerk's approval being last.

3.6 Following final approval of the subdivision, the County Clerk will record the plat in the Plat Records of Houston County, Texas, and return a copy to the Owner with approval and recording information. The Clerk will retain the original of the plat for the county's files.

3.7 Unless the preliminary plat is followed by a final plat approval within one year, the preliminary plat lapses and the subdivision must be re-submitted for approval.

3.8 The final plat must be recorded by the Owner upon approval by the Commissioners' Court. A single six month extension may be granted by the Commissioners' Court.

IV. RE-SUBDIVISIONS

4.1 Once the owner of an existing lot or lots in a legally platted subdivision has followed the procedure as found in Sections 3.1 and 3.3, the Owner of an existing lot or lots in a legally platted subdivision may initiate a re-subdivision by notifying the County Engineer. The County Engineer will contact the Commissioner's Office to request placement of the plat on the next Commissioners' Court agenda in order to set a public hearing on the proposed re-subdivision.

4.2 The person proposing the re-subdivision must send notice of the hearing by Certified Mail, Return Receipt Requested at private expense, to each owner of real property within 400 feet of the re-subdivided property. An additional copy of this letter is to be sent to the County Engineer. Notice of public hearing signs will be purchased from the County Engineer and placed next to all adjacent streets. The signs will be placed by 300 foot intervals. Whoever places the signs will be required to verify in writing at the public hearing that the signs remained in place

during the previous 21 days. This will give other owners within the subdivision the opportunity to assert any legal claims against the proposed subdivision.

4.3 A proposed plat meeting the requirements of these Regulations must be submitted to the Court signed by each owner, including lien holders, of the property to be re-subdivided. The owners of property elsewhere in the subdivision need not give specific written consent.

4.4 If the Court finds after the public hearing that the re-subdivision will affect no established legal rights, it will enter its order partially vacating the original plat and approving the plat of the re-subdivision. If the Court finds that the re-subdivision will affect established legal rights, it may not approve the re-subdivision without the consent of all affected parties.

4.5 A public hearing will not be required if a public hearing for the proposed re-subdivision was held by a municipality.

V. ROAD AND DRAINAGE CONTRUCTION

5.1 To protect the public interest, the Commissioners' Court of Houston County hereby decrees under the provisions of Chapter 232, Local Government Code, that the owner of any tract of land that desires to obtain approval of a subdivision plat for recording a plat in the county records shall construct all streets, road and drainage in said subdivision to the standards and specifications set forth in the Engineering Guidelines incorporated as Appendix B of these Regulations before offering said plat for approval, unless exempted by the Houston County Commissioners Court or other provision in these Subdivision Regulations.

5.2 If the subdivision is required to provide detention, then surety will be required for the construction of the detention facility prior to beginning construction of the subdivision improvements. This surety will be released upon the construction of the detention facility and acceptance of the construction by the County Engineer.

If the owner desires to have the plat placed on record before completion of construction of the streets, roads and drainage, then the owner shall give a good and sufficient bond, cash or letter of credit. This security must be payable to the County Judge, or his successors in office, of Houston County, Texas, for the estimated cost of construction according to the calculations of a Registered Professional Engineer. The security shall be conditioned on the completion, in compliance with Appendix B, the Engineering Guidelines, of all the roads, streets and drainage shown on the plat.

5.3 The developer may request partial reductions of his security requirement upon written approval by the County Engineer and the Commissioners Court.

5.4 The owner shall submit construction plans for streets, roads and drainage, traffic signage, landscaping, irrigation, and utilities within a platted subdivision to the County Engineer for approval prior to beginning construction. These plans shall show the location of all underground utilities, including water, sewage, cable television, electric gas, telephone, and storm sewers. These plans shall include the design issues as described in Appendix B Engineering Guidelines.

5.5 Upon approval of the construction plans, the owner shall pay an inspection fee in the amount of 1.5% of the construction cost for the roads and drainage.

5.6 If landscaping and/or irrigation are proposed within the right-of-way, the owner shall create a body (municipal utility district, home owners association, neighborhood association, etc.), that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance. A landscape maintenance agreement will be executed between Houston County and the body prior to acceptance of the construction.

5.7 Once the construction has been completed and the County Engineer has approved the construction, the Owner shall provide the County Engineer with a set of “As Built” plans. These plans are to show the improvements as they were actually built. In addition to the plans, the Owner shall pay a scanning fee of \$75.00 per sheet to the County Engineer. This fee will be waived if the Owner supplies the County Engineer with a digital file of the “As Built” plans. The digital file shall be in a format that can be viewed by the current version of AutoCADD. After the “As Built” plans are received, the County Engineer will provide the owner a letter approving the construction of the subdivision.

5.8 The County may determine plats containing flag lots to be a detriment to the public interest, welfare and/or safety, and may require internal road construction at the sole discretion of the Commissioners’ Court.

5.9 When traffic signal lights will be required for the entrance of traffic generated by subdivisions at the principal thoroughfares, such signal lights shall be the responsibility of the owner and the construction cost shall be included in the security.

5.10 All postal mailboxes shall meet current U.S. Postal Service and Texas Department of Transportation Standards.

VI. ROAD MAINTENANCE

6.1 By accepting a subdivision plat for filing, the Commissioners’ Court does not thereby accept the streets in the subdivision for ownership or maintenance by the County. The owner or owners of the platted lots are responsible for maintenance of all streets or roads within subdivision until such time as the construction of the roads have been accepted by the County. By a separate Order, the Commissioners Court may accept a street or road for county maintenance.

6.2 The County will not accept a road for maintenance without the following preconditions:

A dedication to the public of an easement or fee interest in the entire roadway;

Written certification from a Registered Professional Engineer that the road was constructed in accordance with the Engineering Guidelines in effect when the subdivision was legally platted (or has been upgraded to those standards). If the subdivision where the road is located was never legally platted, it must meet the current Guideline;

Written certification from a Registered Professional Engineer that the road is currently in compliance with the applicable Guidelines. The cost of any improvements, maintenance, or repairs required to reach that standard shall be borne by the developer or current landowners, not by the County; and

An executed form for dedication must be filed meeting the specific requirements of forms as described herein in Appendix C, Section C.8 or C.9.

6.3 If the subdivision was or will be constructed under provisions other than Section 5.2, the owner will provide Houston County with a warranty bond in the amount of 100% of the cost of construction of the streets, roads and drainage of the subdivision prior to offering the plat for approval. This security must be payable to the County Judge, or his successors in office, of Houston County, Texas, and may be provided by the contractor. The surety will be released two years from the date of the letters stated in Sections 6.2.2 and 6.2.3 unless failure of workmanship or materials has occurred.

6.4 If the subdivision was constructed under the provisions of Section 5.2, the owner will be allowed to make monthly draws or reductions to the surety. Houston County will release 90% of the approved draw. At the end of construction, the owner may substitute a warranty bond in the

amount of 10% of the cost of construction of the streets and drainage of the subdivision. This security must be payable to the County Judge, or his successors in office, of Houston County, Texas and may be provided by the contractor. The surety will be released two years from the date that the plat was recorded unless failure of workmanship or materials has occurred.

6.5 The enforcement of plat restrictions is the responsibility of the developer and other owners in the subdivision.

6.6 The County will assume no responsibility for drainage ways or easements in the subdivision, other than those running on or along streets and roads accepted for county maintenance. Maintenance and liability of landscaped areas within the right-of-way will be the responsibility of the developer, the municipal utility district, neighborhood association, or other owner entity.

VII. PRIVATE SUBDIVISIONS

If a developer wishes to create a subdivision utilizing private roads, it must meet the following requirements:

7.1 The roads must meet all county road standards, except where specific variances have been granted by Commissioners Court for adequate cause in each case;

7.2 The subdivision plat and restrictions must contain a statement that Houston County will never accept or maintain the roads unless they meet the county standards in effect on the date of acceptance;

7.3 The subdivision plat must contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance;

7.4 The plat must contain a requirement that every deed contain notice to the grantee

that all streets are private, that the owners will be perpetually liable for maintenance, that the county will never accept it for maintenance, and that the quality of the roads may affect access by public services such as police, fire, and emergency medical services (EMS);

7.5 All arterial and major collector streets required by Appendix B, Section B.2.1 must be dedicated to the public and constructed to county standards. Other streets will be dedicated to the homeowners association for the use of the property owners, their assigns and successors, and emergency response individuals.

7.6 A sign will be placed at the entrance of the subdivision clearly stating that the roads in this subdivision are private roads.

7.7 A homeowners association with assessment authority will be formed. Membership in the association will be mandatory for each lot owner. The association will be responsible for the maintenance of the roads in the subdivision.

7.8 The owner shall provide a maintenance schedule for the roads to the County Engineer. The schedule will include the maintenance activities, their cycle of occurrence, and the current cost of providing the maintenance activity. The total cost of the activities along with a rate of inflation will be used to determine the annual assessment per lot.

7.9 Any owner that gates the entrances to the subdivision shall provide either a crash gate or a lock box and a letter of approval from all of the affected emergency response agencies stating their approval of full time access to the subdivision.

VIII. BUILDING SETBACKS

8.1 The setback line on major highways and roads is set at 50 feet from the edge of the right-of-way.

8.2 The setback line on all public roads other than major highways and roads is set at

25 feet from the edge of the right-of-way.

8.3 The following roads are designed as major highways and roads:

All Texas Department of Transportation maintained roads and County Roads.

8.4 A map designating in a general manner these set back lines is filed with the County Clerk.

IX. FIRE SUPPRESSION SYSTEM

If a subdivision is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality as meeting minimum standards for water utility service, the developer shall construct a limited fire suppression system as follows:

- 1) for a subdivision of fewer than 50 houses, 2,500 gallons of storage; or
- 2) for a subdivision of 50 or more houses, 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage.

X. VARIANCES

9.1 The Commissioners' Court of Houston County shall have the authority to grant variances from these regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the rules.

9.2 Any person who wishes to receive a variance should apply to the Precinct Commissioner, who will place it on the agenda of the Court and present it with his or her recommendation whether the variance should be granted.

9.3 The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

XI. PENALTIES

10.1 Section 232.005 of the Texas Local Government Code provides for the enforcement of the state subdivision laws and of these regulations.

10.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Platting and Engineering Guidelines incorporated as appendices. That offense is a Class B Misdemeanor punishable by a \$2,000 fine and up to 6 months in jail.

10.3 Under Texas law, a person may be jointly responsible as a party to an offense if the person, acting with intent to promote or assist the commission of the offense, solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.

10.4 Besides prosecuting a criminal complaint, the County Attorney may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, and to recover damages.

10.5 A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for the construction or modification of a Private Sewage Facility located on the tract.

XII. SAVINGS CLAUSE

11.1 If any specific section of these regulations shall be deemed unenforceable and/or void, said determination will have no adverse effect on the enforceability of the Houston County Subdivision Regulations as a whole or any remaining provisions.

APPENDIX A – PLATTING GUIDELINES

As a guide to the public in determining when it is necessary to file a plat and comply with these Regulations, the Houston County Commissioners' Court, as an incident of its power to enforce the subdivision laws and regulations under Section 232.003, Texas Local Government Code, and with the specific authority of Section 232.0015, has adopted the following policy guidelines stating when the division of an existing tract will be considered by the Court to be a subdivision requiring the filing of a plat by law, and thus requiring compliance with these regulations:

A.1 Form of Sale

If a plat is required under these guidelines, it is immaterial that the sale of daughter tracts is by contract, option, long-term lease (60 months or more), or lease-purchase, rather than by deed, or that the daughter tracts are described by metes and bounds rather than lot and block.

A.2

Commercial Development

Unless otherwise specifically exempted, a plat is always required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

A.3 Resubdivision

A plat is always required to divide a parent tract that is already located within a subdivision, even if one of the following exemptions would otherwise apply. In addition, partial vacation of any existing subdivision plat will be required simultaneously to resubdivision.

A.5 Access to Public Road/Restriction on Private Roads

Except as provided in Section A.8, a plat is always required, even if all lots are more than **10 acres** in size or are to be used for agricultural or veteran's tracts, if any daughter tract is created that does not have at least 30 feet of frontage on, and direct access to, a public road, or if any streets, alleys, squares, parks, or other parts of the tract are to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to such parts. Private roads and easements are not public roads; rights-of-way that have been dedicated to the public remain private until accepted by the county for maintenance. A "driveway" that is owned or used in common with other tracts is a private road.

This Section requires each separate tract to have 30 feet of separate frontage on a public road, to be used for access by that tract alone. If any daughter tract is out of compliance with this requirement, the subdivider must plat the entire subdivision, including any tracts that do have frontage. Any tract that has less than 50 feet of frontage to a public road must be restricted from any further subdivision. The creation of a subdivision with private roads requires the grant of an explicit variance by the Houston County Commissioners Court.

A.6 Size of Lot

Lots will be a minimum of ½ acre per single family resident or one (1) acre if a private water well is to be placed on land.

A plat is required if any daughter tract does not exceed **10 acres** in area. If any daughter tract is out of compliance with this requirement, the subdivider must plat the entire subdivision, including any tracts that do have more than **10 acres**.

A.7 Adjacent Lots

A plat is not required when the owner of two or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be “distinct,” the tracts must have a history of separate use and meet the requirements of Section A.2.

A.8 Family Grants

A plat is not required when a person makes a conveyance of four or fewer tracts, each of which is sold, conveyed, given, or otherwise transferred, to persons who are related to the owner within the third degree of consanguinity (parent, child, grandparent, grandchild, sister, brother, great-grandparent, great-grandchild, aunt, uncle, niece, nephew) or affinity (the spouse of anyone listed above, or so related to the owner’s spouse) for their personal use; provided, however, that each daughter tract is either located on a public road or has access to such a road by a private easement. However, if the family member sells the land to a non-family member within two years, it will be presumed that the conveyance was not for personal use.

A.9 Phased Subdivisions

(a) A plat is not required when daughter tracts are created solely for purposes of platting them as individual subdivisions in their own right. The developer must submit to the Court the preliminary plat for the project as a whole before claiming this exception.

(b) A plat is not required when the owner retains title to a lot or portion of the land with direct access to a public road, and the other lot or portion is transferred to another person who will further subdivide the tract subject to the platting requirements herein.

A.10 Property-line Adjustments

A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there are the same number of tracts and owners after the transaction as existed before it. This exemption applies whether the transaction requires

an exchange of land by both owners, or only a transfer of land from one owner to the other, and whether the transaction takes the form of a sale or of an exchange in kind. However, any land added to a tract through such a transaction shall become an integral part of the tract, and may not be separately conveyed except in compliance with the subdivision laws. Each resulting tract shall, of course, be subject to the minimum lot size requirements of these Regulations and other applicable laws. This exception does not apply if the adjustment will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision.

A.11 Partial Financing

A plat is not required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase of improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified, and provided that each tract has **50 feet** of frontage on a public road.

A.12 Foreclosure

A plat is not required when a smaller tract is created by the legitimate foreclosure of a valid lien on a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirement.

A.13 Partition

(a) A plat is not required if the property has been divided by the final decree of a court of record with appropriate jurisdiction.

(b) A plat is not required if all parts of the parent tract are transferred to persons who own an undivided interest in the original tract, and each tract created has direct access to a public road. A plat must be filed in accordance with these regulations before any further development of any part of the tract.

A.14 Agricultural Use

A plat is not required if every daughter tract is to be used primarily for agricultural use, as defined by Art. VIII, Section 1d, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Art. VIII, Section 1-d-1, Texas Constitution. If a tract of land ceases to be used primarily for these uses, the owner will be required to comply with these regulations on the same basis as any newly divided tract.

A.15 Sale to Veterans

A plat is not required if all daughter tracts are to be sold to veterans through the Veteran's Land Board Program.

A.16 Sale by State Government

A plat is not required if the owner of the land is the State of Texas, an agency, board or commission of the State of Texas, or a permanent school fund or other dedicated fund of the State, and the owner does not lay out any part of the tract for roads, parks, or other areas for the common use of two or more tracts or for the use of the public.

A.17 Sale of Floodplain by Government

A plat is not required if the owner is a political subdivision of the State of Texas, the land is situated in a floodplain, and all lots are sold to adjoining landowners.

A.18 Documentation

Any owner who claims to be entitled to any exclusions to platting set out in these Guidelines must provide the following prior to the issuance of any development permits:

- (a) An affidavit claiming the exemption and setting out the detailed basis for exclusion from the platting requirement, subject to penalties of perjury.

- (b) A copy of the deeds or other instruments creating the daughter tracts referenced in the affidavit.

APPENDIX B – ENGINEERING GUIDELINES

B.1 Lot Size

Minimum lot size shall be one acre for lots which have a private water well and septic system. Drainage easements and road widening easements are to be excluded from the acre calculation. There shall be a 100 foot radius between the well and any septic system drain-field. The Rules of Houston County for On-Site Sewage Facilities or other federal, state, or local laws or regulations may impose further lot restrictions.

B.2 Road Alignments

B.2.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting such subdivisions with a minimum of road construction. No voids may be left within the subdivision with the intent of avoiding responsibility for constructing roads or bridges, nor along the subdivision boundary to avoid connecting with adjacent subdivisions or roads.

B.2.2 Cross-Streets at a maximum spacing of 1500 feet shall be provided to facilitate the movement of emergency vehicles such as fire trucks and ambulances. More frequent spacing for urban roads may be required, depending on traffic conditions and density.

B.2.3 Dead end streets that end at undeveloped property may remain as dead end streets, but must be extended to the property lines. Dead end streets which shall remain as dead end streets shall have a cul-de-sac with a minimum right-of-way radius of 100 feet (minimum base radius to be 50 foot) with “Dead End” or “No Outlet” street signs placed over the street name sign.

B.2.4 The County may require an internal street system that minimizes road cuts to existing County or other public roadways.

B.2.5 Streets that have homes taking direct access onto them should not exceed 1500 feet.

B.3 Minimum Road Requirements

B.3.1 Arterial streets shall be designed as follows:

- (a) If the arterial is included in a roadway or transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
- (b) The minimum right-of-way shall be 80 feet.
- (c) The pavement cross section in a rural subdivision shall be 24 feet of travel way with paved eight foot shoulders.
- (d) The pavement cross section in an urban subdivision shall be two 24 foot travel ways (LOG-LOG) with a 19 foot median (LOG-LOG).
- (e) The minimum design speed shall be 40 MPH.

B.3.2 Collector streets shall be designed as follows:

- (a) If the collector is included in a roadway or transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
- (b) The minimum right-of-way shall be 60 feet.
- (c) The pavement cross section in a rural subdivision shall be 22 feet of travel way with paved four foot shoulders whose average daily trip (ADT) is less than 2000, 22 feet of travel way with paved six foot shoulders whose ADT is less than 4000, 22 feet of travel way with paved eight foot shoulders whose ADT is greater than 4000.
- (d) The pavement cross section in an urban subdivision shall be a 37 foot travel way (LOG-LOG) whose ADT is less than 2000, a 41 foot travel way (LOG-LOG) whose ADT is less than 4000, and a 45 foot travel way (LOG-LOG) whose ADT is greater than 4000.
- (e) The minimum design speed shall be 30 MPH.

B.3.3 Local streets shall be designed as follows:

- (a) The minimum right-of-way shall be 50 feet for urban subdivisions and 60 feet for rural subdivisions.
- (b) The pavement cross section in a rural subdivision shall be 20 feet of travel way with paved four foot shoulders or an 18" ribbon curb whose average daily trip (ADT) is less than 1000.
- (c) The pavement cross section in an urban subdivision shall be a 30 foot travel way (LOG-LOG) whose ADT is less than 1000.
- (d) The minimum design speed shall be 25 MPH.

B.3.4 The following standards apply to all streets:

- (a) It will be assumed for planning purposes that land adjacent to a street will produce 32 ADT/acre unless there is a plat note prohibiting the resubdivision of the adjacent property in which case it will be assumed that each lot will produce 8 ADT.
- (b) The standard for curbs, where installed, shall be 18 inches, with 18 inches of base beyond the curb.

B.3.5 Additional Right-of-Way for Existing Roads:

- (a) Where the subdivision affects a county road, the Commissioners' Court shall determine the right-of-way width which will be necessary for the maintenance and improvement of the road. This right-of-way requirement may be as wide as 100 feet if the county road is a potential major artery.
- (b) Where the subdivision affects only one side of a county road, adequate right-of-way shall be provided to obtain one-half the total proposed width to provide right-of-way as prescribed by the Commissioners' Court. More than one-half of the total proposed width may be required by the Commissioners' Court under unusual circumstances.

(c) Where the development is on both sides of the existing county road, right-of-way for the total prescribed width shall be provided.

(d) Any improvements proposed by the developer along an existing county road shall:

(1) Comply with the standards set in Paragraph B.3.1;

(2) Be included in the construction plans as approved by the **County Engineer/County Commissioner**; and

(3) Where it is an improved facility, it must be equal to the existing road, in the sole judgment of the Commissioners' Court.

B.3.6 Unless otherwise stated in these regulations, all roads and streets shall be designed in accordance with the latest version of the American Association of State Highway and Transportation Officials (**AASHTO**) "A Policy on Geometric Design of Highways and Streets" and **City's Transportation Criteria Manual**. Should there be a conflict between the two publications, the AASHTO publication will overrule. All references to "**mountainous terrain**" **shall not apply to Houston County**.

B.4 Construction: General

B.4.1 A preconstruction meeting will be scheduled prior to the start of construction. The Design Engineer, Owner, Contractor, Subcontractors, and County Engineer shall attend this meeting. All streets and roads are to be constructed according to specification found in the current version of the Texas Department of Transportation Manual Standard Specifications for Construction of Highways, Streets, and Bridges unless otherwise stated in these guidelines.

B.4.2 All streets, roads, and concrete structures shall be tested by an independent testing laboratory. The subgrade will be tested for Plasticity Index, percent of lime if lime is to be added, and Proctor density. The each base course will be tested for Proctor density and depth.

The two course surface treatment will have certification of distribution of AC-5 or HFRS-2 asphalt and of the cover stone. The HMAC course will be tested for Proctor density and depth. All Proctor density test reports will include a copy of the work sheet showing 100% Proctor. Concrete will be tested for compressive strength. A test will be placed at intervals no greater than 500 feet and will be determined by the County Engineer. The developer will pay for all testing and will furnish the County Engineer with certified copies of these tests. The number and location of all subgrade, base, and HMAC test samples shall be determined by the County Engineer. The County Engineer must approve the test results prior to construction the next course of the pavement.

B.4.3 All underground nonferrous utilities within a right-of-way or easement must be accompanied by ferrous metal lines to aid in the location of said utilities through the use of a metal detector except for electrical lines.

B.4.4 All pavement is to be designed by a professional engineer. The design is to be based upon a soils report of samples taken along the proposed roadways. Test holes will be placed at a maximum spacing of 500 feet. The County Engineer shall review the report along with the street and drainage construction plans for the subdivision.

B.5 Subgrade

B.5.1 The preparation of the subgrade shall follow good engineering practices as directed by the County Engineer. When the PI is greater than 20, then a sufficient amount of lime shall be added as described in TXDOT Item 260.4 "Construction Methods for Lime Treated Subgrade" until the PI is less than 20. If Item 260.4 is not feasible, an alternate stabilizing design will be required. The subgrade will be prepared and allowed to reach a Proctor Density of 95%.

B.5.2 The subgrade must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the County Engineer, who must approve the report in prior to application of the base.

B.6 Base Material

B.6.1 Base material shall conform to TXDOT Item 247 “Flexible Base”. The base material shall be Type A Grade 2.

B.6.2 The base will be prepared and allowed to reach a Proctor density of 98%. The final lift of base will be prepared and allowed to reach a Proctor density of 100%. The maximum lift shall not exceed 5 inches. The base must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the County Engineer for approval.

B.7 Wearing Surface

B.7.1 Urban street require a minimum 1-1/2” layer of HMAC Type D. The mix shall be from a TXDOT certified plant. The mix design shall be submitted to the County Engineer prior to placement of the material. Contractor’s Quality Control (CQC) test reports shall be submitted to the engineer on a daily basis. As a minimum, daily CQC testing on the produced mix shall include: Sieve Analysis TEX-200-F, Asphalt Content TEX-210-F, Hveem Stability TEX-208-F, Laboratory Compacted Density TEX-207-F, and Maximum Specific Gravity TEX-227-F. The number of cores required shall be as found in Section B.4.2 with a minimum of three or six inch diameter field cores will be secured and tested by the contractor from each day’s paving. Pay factors will be calculated by the Engineer in accordance with the following schedule:

DENSITY ACCEPTANCE SCHEDULE (TEX-207-F/TEX-227-F)
PERCENT OF CONTRACT REDUCTION

PERCENT DENSITY*	1.5 OR GREATER THICKNESS	THICKNESS LESS THAN 1.5
Above 96	100; Remove and Replace	100; Remove and Replace
91 to 96	0	0

90.9 to 88.1	0.625 per 0.10% deficiency	0.5 per .010% deficiency
Less than 88.1	100; Remove and Replace	100; Remove and Replace

* Core bulk density divided by the maximum theoretical density.

B.7.2 Rural streets may use either HMAC or a two course surface treatment. The type and rate of asphalt and aggregate will be determined at the preconstruction conference. Aggregate used in the mix shall be on the TXDOT Quality Monitoring Schedule. Aggregate shall be Type B Grade 4 and conform to TXDOT Item 302 except that 98.8 – 100 be retained on No. 10 sieve provided that the decantion test does not exceed 1.0% as found in Section 302.4. Gradation tests will be required for each 300 CY with a minimum of two test per each grade per each project. Test results shall be received by the County Engineer prior to application of the material. The type of asphalt will be determined at the preconstruction meeting.

B.7.3 Paving material shall be applied only as directed in the Texas Department of Transportation Manual as to temperatures, etc.

B.8 Concrete

B.8.1 Design Engineer shall determine class of concrete for each structure. Aggregate used in the mix shall be on the TXDOT Quality Monitoring Schedule. Batch design will be required for each class of concrete. Test beams will be required for each 50 CY or a minimum of one beam for each class of concrete. A slump test will be required with each set of test beams. Air entraining and retarding agents used shall be from approved TXDOT list. Fly ash may be used if the batch design is approved by the County Engineer and the minimum compressive strength test is met.

B.9 Street Names and Markers

B.9.1 All streets and roads to be dedicated to the public with a subdivision shall be named, with prior approval for said name from the Houston County 911 Addressing Coordinator. The

developer shall provide the Coordinator with two copies of the plat. The street names shall be displayed on standard intersection street markers erected by the owner at each street intersection.

All houses shall be numbered.

B.9.2 Traffic control signs (such as stop, yield, and speed limit signs) as approved by Commissioners' Court, shall be installed by the owner or owners of said subdivision at all intersections. Other traffic control signs shall be installed to indicate any unusual traffic or road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with the current standards of the Texas Department of Transportation and the construction cost shall be included in the security. The placement of these signs shall be shown in the construction plans.

B.9.3 A speed limit of 25 MPH for local streets, 30 MPH for collector streets, and 40 MPH for arterial streets within all platted subdivisions is hereby adopted. This limit may be changed only by Commissioners' Court upon the basis of an engineering and traffic investigation showing that the prima facie maximum reasonable and prudent speed for a particular street (or part of a street) should be different. Placement of a stop sign on the minor street at all tee intersections is hereby adopted.

B.9.4 No streets or roads in any subdivision will be accepted for final maintenance by the Commissioners' Court until all of the aforesaid requirements and conditions regarding street names, street signs and traffic control signs have been complied with.

B.9.5 A street name sign shall be placed at the end of all streets that are proposed to be extended at some time in the future. The sign will state the following: Future Extension of <name of street>.

B.10 Drainage and Flood Control

B.10.1 Detention ponds, when needed, shall be supplied with a view to restricting drainage from the platted area to rate of drainage of the land in its natural state. When a development shall have several sections, the ultimate detention area must be dedicated if not located in the first platted section. Each development is required to detain runoff water on each developed tract so that the peak discharge rate is equal or less than when the property was in its natural state. Detention is to be designed by a Registered Professional Engineer according to the 2, 10 and 100 year storm. Exceptions may be allowed when the engineer can show that downstream property shall not be adversely affected.

B.10.2 Drainage calculation shall be made using the drainage criteria manual or other methods satisfactory to the County Engineer. All data and calculations must be presented to the County Engineer as part of the construction plans.

B.10.3 Flood-Handling Requirements

(a) Drainage for arterial streets, roads, and bridges shall be designed to convey the 25 year storm.

(b) Drainage for local and collector streets, roads, and bridges shall be designed to convey the 10 year storm.

B.10.4 All drainage structures and appurtenances shall be designed by a registered professional engineer. All culverts shall be shown in profile except driveway culverts. Each profile shall show the design flow, velocity, depth, and headwater.

B.10.5 Some point within the first 10 feet of the edge of the gutter, the driveway shall have the same or greater elevation as the top of the curb across the entire width of the driveway.

B.10.6 Responsibility for drainage is not to be accepted by the County other than that accepted in connection with draining or protecting the road system and streets.

B.10.7 All roadside ditches shall have a minimum depth equal to the diameter of the driveway culvert pipe plus six inches and a bottom width equal to the diameter of the driveway culvert pipe. The side slope of the ditches is to be 3:1 or flatter.

B.10.8 Roadside ditches may be eliminated within a rural subdivision provided that the road has 18 inch ribbon curbs, the street has a minimum of two per cent (2%) cross slope, and that the drainage patterns in the subdivision remain as in an undeveloped state.

B.11 Driveways

B.11.1 Minimum driveway spacing on arterial roads without curb and gutter shall be 100 feet.

B.11.2 The use of concrete “dip type” driveways is encouraged. The maximum grade break at each vertical point of intersection shall be 15%. Concrete will be 3000 PSI with a minimum thickness of four inches. Minimum reinforcement shall be #3 at 18” OCEW.

B.11.3 No driveway drainpipe will be accepted unless it has a minimum drain of 18” or equal in diameter and a minimum length of 22 ft. Larger or longer drain-pipes shall be installed if necessary to handle drainage based upon a 25 year flow frequency. Use of “dip type” driveways are permitted as long as the grade breaks are less than 15%.

B.11.4 Certification of a registered professional engineer as to the size or type of driveway drainage pipes for each lot in a subdivision shall be shown on the plat. A plat note stating that all driveways onto rural county roads whose lot is served by a septic system shall be required to obtain a permit from **the Houston County** prior to construction. The county shall regrade the roadside ditch within 14 days of notification by the owner. This will be done prior to the engineer sizing the pipes.

B.11.5 Notice of these drainpipe placement requirements shall be placed in all deed restrictions by the developer.

APPENDIX C – PLAT NOTES

C.1 Road Widening Easements

Right-of-way easements for widening roadways or improving drainage shall be maintained by the landowner until a road or drainage improvements are actually constructed on the property. The County has the right at any time to take possession of any road widening easement for the construction, improvement or maintenance of the adjacent road.

The landowner assumes all risks associated with improvements located in the right-of-way or road widening easements. By placing anything in the right-of-way or road widening easements, the landowner indemnifies and holds the County, its officers, and employees harmless from any liability owing to property defects or negligence not attributable to them and acknowledges that the improvements may be removed by the County and that the owner of the improvement will be responsible for the relocation and/or replacement of the improvement.

C.2 Owner's Responsibilities

In approving this plat by the Commissioners' Court of Houston County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Houston County, Texas. Said Commissioners' Court assumes no obligation to build any streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County assumes no responsibility for the accuracy of representations by other parties in this plat. Flood plain data, in particular, may change depending on subsequent development. It is further

complies with the **Water Regulations, The Houston County Flood Plain Regulations, and the Rules of Houston County for On-Site Sewage Facilities**. This certification is made solely upon such representations and should not be relied upon for verifications of the facts alleged. Houston County disclaims any responsibility to any member of the public for independent verification of the representations, factual or otherwise, contained in this plat and the documents associated within it.

Director

C.7 Mailboxes

Where rural route mailboxes are in use, such boxes shall be set three feet from the edge of the pavement or behind curbs, when used. All mailboxes within county arterial right-of-way shall meet the current TXDOT standards. Any mailbox that does not meet this requirement may be removed by Houston County.

C.8 Form of Dedication for Individual or Individuals

STATE OF TEXAS §

COUNTY OF HOUSTON §

I, (or We), (Name of owner or names of owners), owner (or owners) or the property subdivided in the above and foregoing map of the (Name of Subdivision), do hereby make subdivision of said property according to the lines, streets, lots, alleys, parks, building lines, and easements therein shown, and designate said subdivision as (Name of Subdivision) in the _____ Survey, _____ County, Texas; and dedicate to public use, as such, the streets, alleys, parks and easements shown thereon forever, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind myself (or ourselves) my (or our) heirs and assigns to warrant forever defend the title to the land so dedicated.

a. The following paragraph is to be used for all subdivisions:

This is to certify that I (or we), (Name of owner or owners) owner (or owners) of the property subdivided in the above and foregoing map of (Name of Subdivision) have complied or will comply with the regulations heretofore on file with Houston County.

b.* The following paragraph is to be used where there is a lien against the property, or a separate instrument may be filed:

“I (or We), (Name of mortgagee or names of mortgagees) owner and holder (or wondrous and holders) of a lien (or liens) against the above described property, said lien

(or liens) being evidenced by an instrument of record in Volume __, Page _____, of Real Property Records of Houston County, Texas, do hereby in all things subordinate to said subdivision and dedication said lien (or liens), and I (or We) here by confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.”

* When this paragraph is used, the mortgagee or mortgagees shall sign his (or their) names, have them attested, and notarized.

c. The following paragraph is not required but is necessary for overhead lines in easements:

“There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upHouston located adjacent to all easements shown hereon”.

d. The following paragraphs are to be used for drainage purposes.

FURTHER, I (or We), do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all gullies, ravines, draws, sloughs, or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Houston County and/or any other public agency the right to enter upon said easement at any and all times for the purpose of construction and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, at the option of Houston County, by Houston County, or any citizen thereof, by injunction, as follows:

- (1) The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.
- (2) Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert). Culverts or bridges must be used for driveways and/or walks.

e. The following paragraph is to be used for all subdivisions:

I (or We) hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

f. The following paragraph is to be used for all subdivisions where a sanitary sewer system is not to be installed along with the development of the subdivision and prior to the occupancy of any lot or building site in the subdivision:

“I (or We) hereby covenant and agree with Houston County and/or any property owner that no dwelling unit shall be constructed and/or occupied on any lot having an area of less than fifteen thousand (15,000) square feet unless a sanitary sewer system meeting the approval of the County and State Health Authorities shall first have been extended to the lot, plot, or site; and in no case shall any dwelling be constructed upon a lot, plot or site of less area than five thousand (5000) square feet or with less street building line frontage than fifty (50) feet.

g. WITNESS MY (OR OUR) HAND IN CROCKETT, HOUSTON COUNTY, TEXAS, this the _____ day of _____, 200_____.

 (Signature of Owner)
 (Print Name)

(Or Signatures of Owners)
(Print Name)

h. STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared (name of owner or names of owners), known to me to be the person (or persons) whose name (or names) is (or are) subscribed to the foregoing instrument, and acknowledge to me that he (or they) executed the same of the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 200____.

(Print Name)
Notary Public in and for _____
County, Texas.

(SEAL)

a. This is to certify that I, (name of Engineer), a registered engineer (or Licensed surveyor) of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, angle pints, and points of curve are properly marked with iron pipes (here specify diameter and length of states, which should be 1: G.I. pipe 3; long or equivalent).

(Print Name) Engineer
Texas Registration No. _____

(SEAL)

j. The following paragraph is to be used for all subdivisions in Houston County.

APPROVED BY THE Commissioners' Court of Houston County, Texas, this ____
day of _____, 200__.

COMMISSIONER, PRECINCT #1

COMMISSIONER, PRECINCT #2

COUNTY JUDGE

COMMISSIONER, PRECINCT #3

COMMISSIONER, PRECINCT #4

k. STATE OF TEXAS

COUNTY OF HOUSTON

I, (NAME OF CLERK), Clerk of the County Court of Houston County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 200____, at _____ o'clock, _____.M., and duly recorded on _____, 200____, at _____ o'clock _____.M., and in Volume _____, Page _____, of record of _____ for said county.

WITNESS my hand and seal of office, at Crockett, Texas the date last above written.

(Name of Clerk) Clerk, County Court of Houston County, Texas

By: _____
Deputy

C.9 Form of Dedication to be Utilized on Subdivision and Resubdivision Plats For Corporations

STATE OF TEXAS §
COUNTY OF HOUSTON §

We, (Name of President) and (Name of Secretary), President and Secretary respectively of (Name of Company), owner of the property subdivided in the above and foregoing map of (Name of subdivision), do hereby make subdivision of said property for and on behalf of said (name of company), according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown and designate said subdivision as (Name of Subdivision), located in the _____, Survey _____ Houston County, Texas, and on behalf of said (Name of Company); and dedicate to public use, as such, the streets, alleys, parks, and easement shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

a. The following paragraph is to be used for all subdivisions:

This is to certify that (Name of President), and (Name of Secretary), President and Secretary respectively of (Name of Company), owner of the property subdivided in the above and foregoing map of (Name of Subdivision) have complied or will comply with the regulations heretofore on file with Houston County.

b.* The following paragraph is to be used when there is a lien against the property or a separate instrument may be filed:

I, (or we), (Name of Mortgagee or Names of Mortgagees), owner and holder (or owners and holders) of a lien (or Liens) against the above described property, said lien (or liens) being evidenced by

*When this paragraph is used, the mortgagee or mortgagees shall sign his (or their) names, have them attested, and notarized an instrument of record in Volume _____, Page _____, of the Real Property Records of Houston County, Texas, do hereby in all things subordinate to said subdivision and dedication said lien (or Liens), and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

c. The following paragraph is not required but is necessary for overhead lines in easements:

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.

d. The following paragraphs are to be used for drainage purposes, FURTHER, We, or (Name of Company), do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all gullies ravines, draws, sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Houston County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Houston County, by Houston County or any citizen thereof, by injunction, as follows:

(1) That drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.

(2) Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1 $\frac{3}{4}$) square feet (18" diameter pipe culvert). Culverts or bridges must be used for driveways and/or walks.

e. The following paragraph is to be used for all subdivisions:

We hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

f. The following paragraph is to be used for all subdivisions where a sanitary sewer system is not to be installed along with the development of the subdivision and prior to the occupancy of any lot or building site in the subdivision:

I (or we) hereby covenant and agree with Houston County and/or any property owner that no dwelling unit shall be constructed and/or occupied on any lot having an area of less than fifteen thousand (15,000) square feet unless a sanitary sewer system meeting the approval of County and State Health authorities shall first have been extended to the lot, plot, or site; and in no case shall any dwelling be constructed upon a lot, plot, or site of less area than five thousand (5,000) square feet or with less street building line frontage than fifty (50) feet.

g. IN TESTIMONY WHEREOF, the (Name of Company) has caused these presents to be signed by (Name of President), its President, thereunto authorized, attested, by its Secretary, (Name of Secretary), and its common seal hereunto affixed this _____ day of _____, 20_____.

(Print Name of Company)

By: (Signature of President)
(Print Name)
(President)

ATTEST: (Signature of Secretary)
(Print Name)
(Secretary)

h. STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared (Name of President), President and (Name of Secretary), known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 200____.

(SEAL)

NOTARY PUBLIC IN AND FOR _____
COUNTY OF TEXAS

i. This is to certify that I, (Name of Engineer), a registered engineer (or Licensed surveyor) of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, angle points, and points of curve are properly marked with iron pipes (here specify diameter and length of stakes, which should be 1” G.I. pipe 3’ long or equivalent).

(Print Name)

Engineer

Texas Registration No. _____

(SEAL)

j. The following paragraph is to be used for all subdivisions.

APPROVED by the Commissioners’ Court of Houston County, Texas, this ____ day of _____, 200____.

COMMISSIONER, PRECINCT #1

COMMISSIONER, PRECINCT #2

COUNTY JUDGE

COMMISSIONER, PRECINCT #3

COMMISSIONER, PRECINCT #4

k. STATE OF TEXAS
COUNTY OF HOUSTON

I, (Name of Clerk), Clerk of the County Court of Houston County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 200____, at

_____ o'clock, ____m., and duly recorded on _____,
200____, _____ o'clock, ____m., Vol. _____, Page _____, of record of
_____ of said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Crockett, Texas, the day and
date last above written.

(Name of Clerk), Clerk, County Clerk,
Houston County, Texas

By: _____
Deputy