

HOUSTON COUNTY SUBDIVISION REGULATIONS

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Acting pursuant to Section 232.003, Texas Local Government Code, the Commissioners Court of Houston County, Texas hereby adopts the following regulations governing the subdivision of land. These regulations shall be known as the Houston County Subdivision Regulations.

1. Purpose

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

- 1.2 To furnish the developer with guidance and assistance in the expedient preparation and approval of his or her plat.
- 1.3 To protect the citizens of Houston County by insuring minimum subdivision and development guidelines for residential commercial and industrial subdivisions.
- 1.4 To provide for the welfare of the public by providing guidelines for the location, design, and construction of roadways, roadway intersections, drainage, water and waste water improvements and other features that provide for the safety of the general public.
 - 11.1 To prevent the county road system from being burdened with substandard streets or roads in the future.
 - 11.2 To regulate on-site sewage facilities and to protect rights of owners of interest in groundwater.
 - 11.3 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.
 - 11.4 To fulfill the obligations mandated upon Houston County as dictated by state law, in particular Texas Local Government Code Section 232.003.

2. Definition of Terms

- 2.1 Subdivision:
Defined by Section 232.001, 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 a addition; (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 the purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts."
The Houston County Commissioners' Court has adopted 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 terms "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.
- 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 that 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 that are existing county roads, and carry a numerical designation.

- 2 2.4 Collector street or roads:
3 Collector streets or roads are those that connect arterial streets or roads with local
4 streets or roads.
- 5 2.5 Local Streets or Roads:
6 Local streets or roads are those that principally provide direct access to lots in
7 a subdivision.
- 8 2.6 Urban Street:
9 For the purposes of this ordinance, an urban street is any street situated such that
10 the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile.
11 This distance does not apply to a subdivision using curb and gutter. Any curb and
12 gutter street will be considered an urban street.
- 13 2.7 Rural Street:
14 For the purposes of this ordinance, a rural street is any street situated such that
15 spacing of driveways is greater than 100 feet apart.
- 16 2.8 Major Highway or Road:
17 All roads maintained by the Texas Department of Transportation are considered
18 major highways or roads.
- 19 2.9 Precinct Commissioner:
20 All references in these Regulations to a "Precinct Commissioner" shall be
21 construed to refer to the Houston County Commissioner in whose precinct
22 the subdivision is located. If the subdivision is located in more than one precinct,
23 approvals affecting the subdivision as a whole shall be obtained from each of the
24 affected Precinct Commissioners.
- 25 2.10 Subdivision Coordinator:
26 All references in these Regulations to a "Subdivision Coordinator" shall be
27 construed to refer to the Houston County Commissioner in whose precinct
28 the subdivision is located, and/or the Commissioner's designated authority. (Such
29 as another county employee).
- 30 2.11 Minimum Requirement:
31 Requirements when defined as minimum shall be the minimum acceptable
32 requirements. The county may, due to issues pertaining to each unique sub-
33 division, increase such requirements.
- 34 2.12 Owner:
35 All references in these Regulations to an "Owner" shall be construed to refer to
36 the person or persons possessing title and/or lienholder to the property within the
37 subdivision. This can also refer to the owner's surveyor, engineer, attorney, or
38 planner who has been given written authority to represent the owner.
- 39 2.13 Developer:
40 Persons, corporations, organizations, governmental or governmental subdivision
41 or agency, estates, trust, partnerships, associates, incorporations or other entities,
42 which undertake the activities covered by these regulations.
- 43 2.14 Preliminary Plat:
44 A map or drawing of a proposed subdivision meeting the requirements of Section
45 3.2.
- 46 2.15 Final Plat:
47 A map or drawing of a proposed subdivision prepared in a manner suitable for
48 recording in the County records and prepared in conformance with the conditions
49 of preliminary approval previously granted by the Commissioners' Court and
50 meeting the requirements of Section 3.3.
- 51 2.16 Parent Tract:
52 The original tract prior to any division.
- 53 2.17 Daughter Tract:
54 Any of the tracts created by divisions of a parent tract, including the remainder of
55 the parent tract itself.

3. Platting Procedure

- 2 3.1 The preliminary and final platting procedure for subdivisions within Houston
3 County will be as follows:
- 4 3.1.1 Prior to any subdivision of land and any official submittal of a plat for
5 review, the Owner shall set a meeting with the Precinct Commissioner.
6 The Owner shall present a preliminary plat showing the street alignments
7 and the lots. The Precinct Commissioner will provide general comments
8 and requirements to the Owner. Based upon these comments and
9 requirements the Owner or his representative will submit four (4) copies
10 of the revised preliminary plat of the subdivision to the Precinct
11 Commissioners office.
- 12 3.1.2 The Precinct Commissioner and/or the Subdivision Coordinator will
13 review the plat for compliance with the Houston County Subdivision
14 Regulations.
- 15 3.1.3 The Precinct Commissioner and/or the Subdivision Coordinator will
16 return comments and recommendations to the Owner or his agent.
- 17 3.1.4 The Owner will address the comments and recommendations and set a
18 meeting with the Precinct Commissioner to resolve the comments.
- 19 3.1.5 The Precinct Commissioner will request placement of the plat on the
20 Commissioners' Court agenda for approval if all comments have been
21 addressed or placement of a variance request on the Commissioners Court
22 agenda.
- 23 3.1.6 If the property to be platted lies within the extraterritorial jurisdiction
24 (ETJ) of a city, then, in that event, the procedure for approval of
25 subdivision plats is hereby exclusively delegated to the city exercising the
26 extraterritorial jurisdiction.
- 27 Preliminary Plat
- 28 3.2 The preliminary plat shall be drawn to a scale of one hundred (100) feet to one(1)
29 inch or larger and shall include the following:
- 30 3.2.1 Proposed name of the recorded subdivision, which shall not have the
31 same spelling as or be pronounced similar to the name of any other sub-
32 division located within Houston County.
- 33 3.2.2 Total acreage and the number of lots within the subdivision.
- 34 3.2.3 A transmittal letter containing the name, address, telephone number and
35 fax number and e-mail address for the subdivision owner.
- 36 3.2.4 Names of contiguous recorded subdivisions and the owners of contiguous
37 parcels of unsubdivided land, and whether or not contiguous properties
38 are platted.
- 39 3.2.5 Date of preparation, scale of plat and north arrow.
- 40 3.2.6 Vicinity sketch map that shall show the relation of the subdivision to well
41 known streets, railroads, and water courses in all directions to a distance
42 at least one (1) mile.
- 43 3.2.7 Topographical information shall include contour lines on a basis of five
44 (5) vertical feet in terrain with a slope of two (2) percent or more, and on
45 a basis of two (2) vertical feet in terrain with a slope of less than two (2)
46 percent. All of the foregoing can be obtained from public sources.
47 Topographical information is not required for final plat.
- 48 3.2.8 Tangent lengths, centerline radii, names, and right-of-way dimensions for
49 all proposed and existing roads and streets. Names of all proposed roads
50 or streets shall not have the same spelling or be pronounced similar to the
51 name of any other street located within Houston County unless such
52 proposed road or street is an extension of an existing road or street, in
53 which case it shall be named the same as the existing road or street.
- 54 3.2.9 Proposed easements, existing easements and detention ponds.
- 55 3.2.10 Proposed approximate property line dimensions.

3.2.11 A statement whether the property is in the extraterritorial jurisdiction (ETJ) of a city or not.

Final Plat

3.3 Since the county must approve or reject the submission within 60 days, it is the obligation of the owner or 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. Every final plat submission must include all of the following:

3.3.1 Owners and any lien holder's dedication, and restrictions, if any, duly acknowledged in the manner required for acknowledgment of deeds. The landowners shall dedicate the fee ownership in the land for street, drainage and utility purposes. ("Street or Road" definition, section 2.2). 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 a road or drainage improvements are actually constructed on the property.

The plat must also contain the note as found in Section C.2

3.3.2 A plat note as found in 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 field notes certified by a Registered Professional Land Surveyor. 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 and visible and apparent that have a designated route shall be shown on the plat. The owner and/or developer will be responsible for coordinating with all utility providers so that the location(s) of all public utility easements that are shown on the final plat.

3.3.5 The plat shall have a statement indicating if all or any portion of the property falls within a flood hazard boundary area as identified on the most current Houston County Flood Hazard Boundary Map (FHBM) published by the Federal Emergency Management Agency.

3.3.6 A plat note as found in Section C.4 for Commissioners' Court approval, including authorization for the County Clerk to file the plat for record as found in 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 total length of all streets in the proposed subdivision.

3.3.8 Approval of the incorporated city when the subdivision is within the extraterritorial jurisdiction (ETJ) of that city. The owner must obtain approval by the city before approval by Commissioners' Court.

3.3.9 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.

3.3.10 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 indicating that no delinquent ad valorem taxes, including roll back taxes, are owed on the real property.

3.3.11 A statement from the owner acknowledging that it is the responsibility of the owner, not the County, to assure compliance with the provision of all applicable state, federal, and local laws and regulations relating to the environment. This shall be part of the owner's dedication statement on the face of the plat.

- 1 3.3.12 Certification by an engineer registered to practice in this state under his or
2 her professional seal that all engineering for roads and drainage within the
3 subdivision have been completed in compliance with these Regulations
4 (including the Engineering Guidelines incorporated as Appendix B) and
5 with all generally accepted engineering standards. The owner may defer
6 this certification by meeting the security requirements of Section 5.2 or
7 Section 5.3.
- 8 3.3.13 A signature block as found in Section C.6 on the plat for approval by the
9 Houston County On-Site Sewage Facilities Inspector, showing that they
10 have examined the plat and that the plat is in compliance with the
11 Houston County Private Sewage Facility Regulations, Construction
12 Standards for On Site Sewage Facility Regulations (TNRCC). A
13 representative of the Houston County On-Site Sewage Facilities Inspector,
14 prior to final plat approval, must sign this signature block. This signature
15 block must be incorporated into the plat during the draft stage.
- 16 3.3.14 It is the responsibility of the Owner to assure that the proposed name of
17 the subdivision and all road and street names are not duplicated. The
18 Owner shall check with the County Clerk's records for verification.
- 19 3.4 Until the owner meets every subdivision requirement, no approval shall be
20 granted by the Commissioners' Court with regard or concern to any subdivision.
- 21 3.5 At least one week before the date of the Commissioners' Court's meeting for final
22 plat approval, the owner shall submit to the county clerk the original plat and one
23 identical copy. The final plat shall be drawn in permanent ink on reproducible
24 film sheets twenty-four (24) inches wide and thirty-six (36) inches long, with
25 margins of not less than one (1) inch on all sides. The plat shall be drawn at a
26 scale of one hundred (100) feet to one (1) inch or larger. Where more than one
27 sheet is necessary to accommodate the entire area, an index showing the entire
28 subdivision at an appropriate scale shall be attached to the plat. The County
29 Judge's approval and the County Clerk's approval shall be located on the last plat
30 page on the lower right hand corner with the County Clerk's approval being last.
- 31 3.6 Following final approval of the subdivision, the County Clerk will record the plat
32 in the Plat Records of Houston County, Texas, and return the copy to the
33 owner with approval and recording information. The Clerk will retain the
34 original of the plat for the county's files.
- 35 3.7 Unless the preliminary plat approval is followed by a final plat approval within
36 one year, the preliminary plat lapses and the subdivision must be resubmitted for
37 approval.
- 38 3.8 The final plat must be recorded within six (6) months of approval by the
39 Houston County Commissioners' Court. The Commissioners' Court may
40 grant a single six (6) month extension.
- 41 4. Resubdivisions
- 42 4.1 Once the owner of an existing lot or lots in a legally platted subdivision has
43 followed the procedure as found in Sections 3.1 and 3.3, the owner of an existing
44 lot or lots in a legally platted subdivision may initiate a resubdivision by notifying
45 the Precinct Commissioner. The Commissioner will place the plat on a
46 Commissioners' Court agenda in order to set a public hearing on the proposed
47 resubdivision.
- 48 4.2 The person proposing the resubdivision must publish notice of the hearing in a
49 local newspaper of general circulation, at private expense. Notice of public
50 hearing signs shall be placed next to all adjacent streets. The signs will be placed
51 on 300-foot intervals. Whoever places the signs will be required to verify in
52 writing at the public hearing that the signs remained in place during the previous
53 21 days. This will give other owners within the subdivision the opportunity to
54 assert any legal claims against the proposed subdivision.

- 2 4.3 A proposed plat meeting the requirements of these Regulations must be submitted
3 to the Court signed by each owner (including lien-holders) of the property to be
4 resubdivided. The owners of property elsewhere in the subdivision need not give
5 specific written consent.
- 6 4.4 If the Court finds after the public hearing that the resubdivision will affect no
7 established legal rights, it will enter its order partially vacating the original plat
8 and approving the plat of the resubdivision. If the Court finds that the
9 resubdivision will affect established legal rights, it shall not approve the
10 resubdivision without the consent of all affected parties.
- 11 4.5 A public hearing will not be required if a public hearing for the proposed
12 resubdivision was held by a municipality.

13 5. Road and Drainage Construction

- 14 5.1 To protect the public interest, the Commissioners' Court of Houston County
15 hereby decrees under the provision of Chapter 232 Local Government Code, that
16 the owner of any tract of land that desires to obtain approval of a subdivision plat
17 for recording a plat in the county records shall construct all streets, roads and
18 drainage in said subdivision to the standards and specifications set forth by the
19 Houston Commissioners Court.
- 20 5.2 If the owner desires to have the plat placed on record before completion of
21 construction of the streets, roads and drainage, then the owner shall give a good
22 and sufficient bond, cash, or letter of credit. This security must be payable to the
23 County Judge, or his/her successors in office, of Houston County, Texas, the
24 estimated cost of construction according to the calculations of an engineer
25 registered to practice in this state. The security shall be conditioned on the
26 completion (in compliance with the road and drainage standards and
27 specifications set forth by the Houston County Commissioners' Court) of all
28 the roads, streets and drainage shown on the plat, and such streets, roads and
29 drainage are accepted by the Commissioners' Court.
- 30 5.3 The developer may request partial reductions of the security requirement upon
31 approval by the County Commissioners' Court, upon partial completion of
32 construction of said road and/or drainage.
- 33 5.4 The owner shall submit construction plans for streets, roads and drainage and
34 utilities within a platted subdivision to the County Commissioners' Court for
35 approval prior to beginning construction. These plans shall show the location all
36 utilities and easements.
- 37 5.5 If landscaping and/or irrigation are proposed within the right-of-way, the owner
38 shall create a body (home-owners association, neighborhood association) that
39 will be responsible for the maintenance and liability of the landscaping and/or
40 irrigation system. This body shall have assessment authority to insure the proper
41 funding for maintenance.
- 42 5.6 Once the construction has been completed and the Houston County Commis-
43 sioners Court has approved the construction, the Owner shall file with the County
44 Clerk a set of "As Built" plans to be attached and recorded with the original plat.
45 These plans are to show the improvements as they were actually built.
- 46 5.7 If the County determines that the plat contains flag lots that are a detriment to the
47 public interest, welfare and/or safety, the County may require internal road
48 construction at the sole discretion of the Commissioners' Court.
- 49 5.8 All postal mailboxes shall meet current U.S. Postal Service and Texas
50 Department of Transportation standards.
- 51 6. Road Maintenance
- 52 6.1 By accepting a subdivision plat for filing, the Commissioners' Court does not
53 thereby accept the streets in the subdivision for ownership or maintenance by the
54 County. The owner or owners of the platted lots are responsible for maintenance

of all streets or roads within the subdivision until such time as the construction of the roads have been accepted by the Commissioners' Court.

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

6.2.1 A dedication for the public use of an easement or fee interest in the entire roadway to Houston County.

6.2.2 Written certification from an engineer registered to practice in this state that the road was constructed in accordance with the road and drainage standards and specifications set forth by the Houston County Commissioners' Court 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 platted, it must meet the current guidelines.

6.2.3 Written certification from an engineer registered to practice in this state 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.

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

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

7. 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 variance has been granted by the 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 roads and 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 and streets affect access by public services such as police, fire and EMS.

7.5 All arterial and major collector streets required by 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 The owner and/or developer will place a sign at the entrance of the subdivision clearly stating that the roads are private roads.

7.7 The owner and/or developer will form a homeowners association with assessment authority. Membership in the association will be mandatory for each lot owner of the private subdivision. The association will be responsible for the maintenance of the roads in the subdivision.

7.8 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 the affected emergency response agencies stating their approval of full time access to the subdivision.

8. Building Setbacks

54 8.1 The setback line on major highways and roads is set at 50 feet from the edge of
55 the right-of-way.

1 8.2 The setback line on all public roads other than major highways and roads is set at
2 a minimal of 25 feet from the edge of the right-of-way.

3 9. Variances

4 9.1 The Houston County Commissioners' Court shall have the authority to grant
5 variances from these Regulations when the public interest or the requirements of
6 justice demands relaxation of the strict requirements of the rules.

7 9.2 Any person who wishes to receive a variance should apply to the Precinct
8 Commissioner, who will place it on the agenda of the Court and present it with
9 his or her recommendation whether the variance should be granted.

10 9.3 The decision of the Court whether to grant or deny a variance is at its complete
11 discretion, and will be final.

12 10. Penalties

13 10.1 Section 232.005 of the Texas Local Government Code provides for the
14 enforcement of the state subdivision laws and of these Regulations.

15 10.2 A person commits an offense if the person knowingly or intentionally violates a
16 requirement of these Regulations, including the attached appendices. That
17 offense is a Class B Misdemeanor (punishable by a \$2000 fine and up to six (6)
18 months in jail).

19 10.3 Under Texas law, a person may be jointly responsible as a party to an offense if
20 the person (acting with intent to promote or assist the commission of the offense)
21 solicits, encourages, directs, aids, or attempts to aid another person to commit the
22 offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an
23 engineer, a title insurer, or any other person who assists in violating these
24 Regulations may also face criminal penalties.

25 10.4 Besides prosecuting a criminal complaint, the County Attorney may file a civil
26 action in a court of competent jurisdiction to enjoin any violation or threatened
27 violation of these Regulations, and to recover damages.

28 11.1 A tract that has been subdivided without compliance with these Regulations will
29 be ineligible to obtain a permit for the construction or modifications of a Private
30 Sewage Facility located on the tract.

31 11. Savings Clause

32 11.1 If any specific section of these regulations be deemed unenforceable and/or void,
33 said determination will have no adverse effect on the enforceability of the
34 Houston County Subdivision Regulations as a whole.
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Appendix A Platting Guidelines

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

9 A1. Form of Sale

10 A 1.1 If a plat is required under these guidelines, it is immaterial that the sale of
11 daughter tracts is by contract, option, long-term lease (60 months or more), or
12 lease-purchase, rather than by deed, or that the daughter tracts are described by
13 metes and bounds rather than lot and block.

14 A2. Commercial Development

15 A2.1 Unless otherwise specifically exempted, a plat is always required when a parent
16 tract is divided into two or more daughter tracts for sale as part of a unified plan
17 for development of the property. The existence of such a plan may be inferred
18 from circumstances, such as the form of advertising or the sale of multiple tracts
19 within a one-year period.

20 A3. Resubdivision

21 A3.1 A plat is always required to divide a parent tract that is already located within a
22 subdivision, even if one of the following exemptions would otherwise apply. In
23 addition, partial vacation of any existing subdivision plat will be required
24 simultaneously to resubdivision.

25 A4. Size of Lots

26 A4.1 Lots will be a minimum of 1/2 acre per single family resident or one (1) acre if a
27 private water well is to be placed on land.

28 A4.2 A plat is required if any daughter tract will be less than 10 acres in area. If any
29 daughter tract is out of compliance with this requirement, the owner and/or
30 developer must plat the entire subdivision (including any tracts that do have 10
31 acres or more).

32 A5. Adjacent Lots

33 A5.1 A plat is not required when the owner of two or more distinct adjacent tracts sells
34 one or more of them, so long as all existing tracts remain intact. To be distinct
35 the tracts must have a history of separate use.

36 A6. Family Grants

37 A6.1 A plat is not required when a person makes a conveyance of four or fewer tracts,
38 each of which is sold, conveyed, given, or otherwise transferred to persons who
39 are related to the owner within the third degree of blood relation (parent, child,
40 grandparent, grandchild, sister, brother, great-grandparent, great-grandchild,

41 aunt,

42 uncle, niece, nephew) or affinity (the spouse of anyone listed above, or so related
43 to the owner's spouse for their personal use; provided, however, that each
44 daughter tract is either located on a public road or has access to such a road by a
45 private easement. However, if the family members sell the land to a non-family
46 member within two years, it will be presumed that the conveyance was not for
47 personal use.

48 A7. Phased Subdivisions

49 A7.1 A plat is not required when daughter tracts are created solely for purposes of
50 platting them as individual subdivisions in their own right. The owner and/or
51 developer must submit to the Court the preliminary plat for the project as a whole
52 before claiming this exception.

53 A7.2 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

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another person who will further subdivide the tract subject to the platting requirements herein.

A8. Property-Line Adjustments

.1 A8.1 A plat is not required when two adjacent landowners adjust or change the
property
3 lines which separate their respective tracts, so long as there are the same number
4 of tracts and owners after the transaction as existed before it. This exemption
5 applies whether the transaction requires an exchange of land by either owners, or
6 only a transfer of land from one owner to the other, and whether the transaction
7 takes the form of a sale or of an exchange in kind. However, any land added to a
8 tract through such a transaction shall become an integral part of that tract, and
9 may, not be separately conveyed except in compliance with the subdivision laws.
10 Each resulting tract shall, of course, be subject to the minimum lot size
11 requirements of these Regulations and other applicable laws. This exception does
12 not apply if the adjustment will change the boundary between two legally platted
13 lots, or subtract land from a legally platted subdivision.

A9. Partial Financing

15 A9.1 A plat is not required when a smaller tract is surveyed out of the parent tract
16 solely for the purposes of obtaining financing for purchase or improvement of
that
17 part of the property, provided that possession and primary beneficial ownership
of
18 the entire parent tract are intended to remain unified, as provided that each tract
19 has 50 feet of frontage on a public road.

A10. Foreclosure

21 A10.1.1 A plat is not required when a smaller tract is created by the legitimate
foreclosure
22 of a valid lien on a part of the parent tract. This provision does not exempt sham
23 transactions or foreclosures staged to avoid the platting requirement.

A11. Partition

25 A11.1 A plat is not required if the property has been divided by the final decree of a
26 court of record with appropriate jurisdiction.
27 A11.2 A plat is not required if all parts of the parent tract are transferred to persons who
28 own an undivided interest in the original tract, and each tract created has direct
29 access to a public road. A plat must be filed in accordance with these regulations
30 before any further development of any part of the tract.

A12. Agricultural Use

32 A12.1 A plat is not required if every daughter tract is to be used primarily for
33 agricultural use, as defined by Art. VII, Sec. 10, Texas Constitution, or for farm,
34 ranch, wildlife management, or timber production use within the meaning of Art.
35 VIII, Sec. 1-d-1, Texas Constitution. If a tract of land ceases to be used primarily
36 for these uses, the owner will be required to comply with these regulations on the
37 same basis as any newly divided tract.

A13. Sale to Veterans

39 A13.1 A plat is not required if all daughter tracts are to be sold to veterans through the
40 Veteran's Land Board Program.

A14. Sale by State Government

42 A14.1 A plat is not required if the owner of the land is the State of Texas, an agency,
43 board or commission of the State of Texas, or a permanent school fund or other
44 dedicated fund of the state, and the owner does not lay out any part of the tract
for
45 roads, parks, or other areas for the common use of two or more tracts or for the
46 use of the public.

A15. Sale of Floodplain by Government

48 A15.1 A plat is not required if the owner is a political subdivision of the State of Texas,
49 the land is situated in a floodplain, and all lots are sold to adjoining landowners.

A16. Documentation

50

51 A16.1 Any owner who claims to be entitled to any exclusion to platting set out in these
52 Guidelines must provide the following prior to the issuance of any development
53 permits:
54 (a) An affidavit claiming the exemption and setting out the detailed basis for exclusion from the
55 platting requirement, subject to penalties of perjury.
56 (b) A copy of the deeds or other instruments creating the daughter tracts referenced in the
affidavit.

Appendix B Engineering Guidelines

B1. Lot Size

B 1.1 Minimum lot size shall be one acre for lots that have a private water well and septic system. Drainage easements and road widening easements are to be excluded from the one-acre calculation. There shall be a 100-foot radius between the well and any septic system drainfield. The Houston County or other federal, state, or local laws or regulations may impose further lot restrictions.

B2. Road Alignments

B2.1 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 construction roads or bridges.

B2.2 When two (2) or more arterial streets are in a subdivision, 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.

B2.3 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 feet) with "Dead End" or "No Outlet" street signs, at private expense, placed over the street name sign.

B2.4 The County may require an internal street system that minimizes road cuts to existing County or other public roadways.

B3. Minimum Road Requirements

B3.1 As of the date of the submission of the plat application, the minimum road requirements of a subdivision shall be of the same standard as those imposed upon Houston County concerning the construction of streets and roads with a similar amount of traffic. (Minimum standards shall be attached hereto marked Exhibit A and incorporated herein by reference; provided, however, the county will not assume the maintenance of the roads and designated streets of any subdivision until three years after the subdivision has been completed, unless, at the option of the Commissioners Court, it can be assured at an earlier date that the roads or streets meet or exceed county standards. It is further provided that unless an order of the Commissioners Court of Houston County, Texas is entered accepting the maintenance of the roads after said three year period, the county shall not assume the maintenance of the roads or streets until ten years expire from the date of the entry of the order approving the plat in the Commissioners Court of Houston County, Texas.)

B4. Street Names and Markers

B4.1 All streets and roads to be dedicated to the public with a subdivision shall be named or numbered. The street names shall be displayed on standard intersection street markers erected by the owner, at private expense, at each street intersection. All houses shall be numbered, as approved by Houston County coordinator and/or the Commissioners' Court designated authority.

B4.2 Traffic control signs (such as stop, yield, and speed limit signs) as approved by the Commissioners' Court, shall be installed, at private expense, by the owner and or developer of the 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 construction costs shall be included in the security. The placement of these signs shall be shown in the construction plans.

B4.3 The speed limit shall be set by the Houston County Commissioners' Court.

B4.4 The streets or roads in any subdivision will not be accepted for final maintenance by the Commissioners' Court until all of the aforesaid requirements and

conditions regarding street names or numbers, street signs and traffic control signs have been complied with.

- 57 B4.5 A street name sign shall be placed, at owner's expense, at the end of all streets
58 that are proposed to be extended at some time in the future. The sign will state
59 the following: "Future Extension of <name of street>."
60

Appendix C Plat Notes

C1. Road Widening Easements

C1.1 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.

C2. Owner's Responsibility

C2.1 In approving this plat the Commissioner's 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 in the subdivision is the responsibility of the owners of the tract of land covered by this plat in accordance with the plan and specifications prescribed by the Commissioner's Court of Houston County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or to construct any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets.

C2.2 The County assumes no responsibility for the accuracy of representations by other parties in this plat. It is further understood that the owners of the tract of land covered by this plat must install at their own private expense all traffic control devices and signage that may be required before the streets in the subdivision are finally accepted for maintenance by the County.

C3. Certificate of Ownership and Dedication

C3.1. The following statement shall be placed on the final plat of all subdivisions:

STATE OF TEXAS

COUNTY OF Houston

I (or We), (Name of owner or name of owners), owner (or owners) Of 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, parks, and easements therein shown, and designate said subdivision as (Name of Subdivision), in the (Name of Surve), Houston County, Texas; and dedicate to public use, as such, the streets, 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 dedicated, or occasioned by alteration of the surface of any portion of streets to conform to such grades; and do hereby bind myself (or ourselves,), my (or our,) heirs and assigns to warrant and forever defend the title to the land so dedicated

C3.2. The following statement 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 owners and holders) of a lien (or liens, against the above described property, lien (or liens) being evidenced by an instrument of record in Volume __ Page __ of the mortgage 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 owners (or owners,.) of said lien (or liens,.) and have not assigned the same nor any part thereof

C3.3 The following paragraph is not required except when there are to be overhead lines in easements:

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

- 2 C3.4. The following statement shall be placed on the final plat of all subdivisions:
 3 *FURTHER, I (or We.), do hereby dedicate forever to the public a strip of land*
 4 *fifteen (15) feet wide on each side of the center line of any and all gullies, draws,*
 5 *ravines, sloughs, or other natural drainage courses located in said subdivision*
 6 *easements for drainage purposes, giving Houston County and/or any other*
 7 *public agency the right to enter upon said easement at any and all times for the*
 8 *purpose of construction and/or for maintaining drainage work and/or structures.*
 9 *FURTHER, all of the property subdivided in the above and foregoing map shall*
 10 *be restricted in its use, which restrictions shall run with the title of the property,*
 11 *and shall be enforceable, at the option of Houston County and any citizen*
 12 *thereof by injunction, as follows:*
- 13 *1. The drainage of septic tanks into road, street, or other public ditches, either*
 14 *directly or indirectly, is strictly prohibited.*
 - 15 *2. Drainage structures under private driveways shall have net drainage opening*
 16 *area of sufficient size to permit the free flow of water without backwater, and*
 17 *shall be a minimum of one and three quarters (1-3/4) square feet. Culverts or*
 18 *bridges must be used for driveways and/or walks.*
- 19 C3.5. The following statement shall be placed on the final plat of all subdivisions:
 20 *I (or We.) hereby covenant and agree that all lots within the boundaries of this*
 21 *subdivision are for residential purposes unless otherwise noted.*
- 22 C3.6. The following statement shall be placed on the final plat of all subdivisions where
 23 a city sanitary sewer system is not to be installed along with the development of
 24 the subdivision nor prior to the occupancy of any lot or building site in the
 25 subdivision:
 26 *I (or We.) hereby covenant and agree with Houston County and/or any*
 27 *property owner that no dwelling unit shall be constructed an/or that no dwelling*
 28 *unit shall be constructed and/or occupied on any lot having an area of less than*
 29 *eight thousand two hundred fifty (8,250) square feet. A sanitary sewer system or*
 30 *septic tank system meeting the approval of the County and State Health*
 31 *authorities shall first have been extended to the lot, plot or site.*
- 32 C3.7. The following statement may be placed on the final plat of all subdivisions to be
 33 used as a dedication clause preventing rear driveway access to any street and side
 34 driveway to a major street:
 35 *I (or We.) hereby covenant and agree with Houston County that lots backing*
 36 *or siding on (name of street or highway) shall not have direct driveway access to*
 37 *said street.*
- 38 C3.8. The following statement shall be placed on the final plat of all subdivisions:
 39 *WITNESS my (or our.) hand in Houston County, Texas this __ day of*
 40 *_____ 20*
 41 *(Signature of Owner or Owners)*
 42 *STATE OF TEXAS*
 43 *COUNTY OF Houston*
 44 *BEFORE ME, the undersigned authority, on this day personally appeared (Name*
 45 *of owner or names of owners), known to be to be the person (or persons,) whose*
 46 *name (or names,) is (or are,) subscribed to the foregoing instrument, and*
 47 *acknowledge to me that he (or they,) executed the same for the purposes and*
 48 *considerations therein set forth.*
 49 *GIVEN UNDER MY HAND AND SEAL OF OFFICE, this __ day of _____*
 50 *20*
 51 _____

Notary Public in and for _____ County, Texas

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C3.9. The following statement shall be placed on the final plat of all subdivisions:

CERTIFICATE OF REGISTERED ENGINEER

This is to certify that I, (Name of Engineer), a Registered Engineer (or Registered Professional 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, and that this plat correctly represents that survey made by me.

Engineer Texas Registration No. _____

(SEAL)

C3.10. The following statement shall be placed on the final plat of all subdivisions:

STATE OF TEXAS

~ KNOW ALL MEN BY THESE

PRESENTS COUNTY OF Houston ~

I, (Name of Current County Judge, County Judge of Houston County, Texas, do hereby certify that this map or plat, with field notes hereon, that a subdivision having been fully presented to the Commissioners' Court of Houston County, Texas, and by the said court duly considered~ were on this day approved and plat is authorized to be registered and recorded in the proper records of the County Clerk of Houston County, Texas

*(Name of Current County Judge), County Judge Date
Houston County, Texas*

C3.11. The following statement shall be placed on the final plat of all subdivisions:

STATE OF TEXAS

COUNTY OF HOUSTON ~

KNOW ALL MEN BY THESE PRESENTS

I, (Name of Current County Clerk, County Clerk of Houston County, Texas, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed and duly recorded in my office on the day of _____ 20 A.D., at _____ o'clock, A.M. in

Volume Page of record of _____ or said County.

WITNESS my hand and seal of office, at Houston, the day and date last above written.

(Name of County Clerk), County Clerk

*Houston County, Texas
(SEAL) By
Deputy*

*(Name of Current Director)
Director, Environmental
Services
Houston County, Texas*

EXHIBIT "A"

MINIMUM REQUIREMENTS FOR THE CONSTRUCTION OF NEW SUBDIVISION
ROADS IN HOUSTON COUNTY, TEXAS

1. All roads shall be a minimum of 40 feet in width.
2. All roads shall be crowned and sloped to an open ditch to allow for proper drainage.
3. When fill is necessary, a non-expansive select fill shall be used which has Atterberg Plasticity Index between 4 and 12, with a liquid limit of 35% or less and a maximum of 45% passing the No. 200 Sieve.
4. All fill shall be placed in 6" lifts and compacted to at least 95% of the maximum density determined by ASTM D 698.
5. Upon placement of fill material roads shall be topped with 6" crushed limestone base and compacted. The base material shall comply with the requirements of Type A, Grade 2 crushed stone, Item 247 of the TxDOT 1993 Standard Specifications for Construction of Highways, Streets and Bridges.

ADOPTED IN OPEN COURT by the Commissioners Court of Houston County, Texas
on the 26th day of March, 2002.

SIGNED:



R. C. (CHRIS) VON DOENHOFF, COUNTY JUDGE



JERRY MC LEOD, COMMISSIONER PCT #1



WILLIE KITCHEN, COMMISSIONER PCT #2

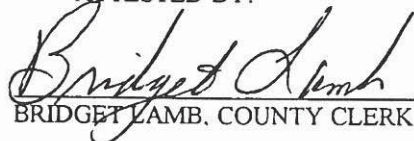


PAT PERRY, COMMISSIONER PCT #3



BILLY RAY DUREN, COMMISSIONER PCT #4

ATTESTED BY:



BRIDGET LAMB, COUNTY CLERK