TOM GREEN COUNTY ORDER ESTABLISHING REGULATIONS FOR THE DIVISION OF LAND AND THE DEVELOPMENT AND PLATTING OF SUBDIVISIONS AS ADOPTED BY THE TOM GREEN COUNTY COMMISSIONERS COURT OF TOM GREEN COUNTY, TEXAS ON SEPT 15, 2010

THE STATE OF TEXAS §
§
COUNTY OF TOM GREEN §

WHEREAS, the Commissioners Court of Tom Green 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 Commissioners Court of Tom Green County deems it necessary to adopt a 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 TOM GREEN 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, 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 Tom Green County that are not within the legal jurisdiction of any incorporated city or town in Tom Green 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 Tom Green County. Copies of these Interlocal Agreements may be obtained from the Office of the County Clerk, Tom Green 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 "Tom Green County Subdivision Regulations."

Adopted this 15 day of September, 2010, by a vote of 4 ayes and -0- nays.

County Judge

ATTEST:

County Clerk

COMMISSIONERS' COURT, TOM GREEN COUNTY, TEXAS

TOM GREEN COUNTY SUBDIVISION REGULATIONS

I. PURPOSE

These regulations have been prepared in general to aid in the orderly development of Tom Green 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 a plat;

1.2. To protect the citizens of Tom Green County by insuring minimum subdivision and development guidelines for all 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 Tom Green County taxpayers from being burdened with substandard streets or roads in the future.

II. FINDINGS

2.1. These Regulations For The Development Of Subdivisions Have Been Adopted Based On The Following Findings:

(01) The County Commissioners' Court has the authority to regulate the subdivision process pursuant to Local Government Code, §232.001 et.seq.;

(02) The County Commissioners' Court has been designated by the Texas Commission On Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Tom Green County and these Regulations are a necessary component of such regulation;

(03) The County Commissioners' Court has the authority and obligation to exercise general control over the roads, highways, bridges, related drainage structures, drainage ditches, Development, and the division of land within areas of Tom Green County as set forth herein;

(04) The County Commissioners' Court has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain Development

regulations within areas of Tom Green County as set forth herein in which such regulation includes construction and Development;

(05) The County Commissioners' Court has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health;

(06) The County Commissioners' Court has the authority and obligation to protect the public health, safety and welfare of the citizens of Tom Green County;

(07) The County Commissioners' Court has considered the potential burden on landowners and taxpayers of unregulated division of land and substandard Development or poor quality road construction;

(08) These Regulations are enacted to preserve and protect the resources, public health and private property interests of Tom Green County.

2.2 Order Establishing Regulations For The Division Of Land Has Also Been Adopted Based On The Following Findings:

(01) To provide developers and land sub-dividers with a guide to the Division, Development and subdivision of land within the jurisdiction of the County of Tom Green, Texas.

(02) To protect and provide for the public health, safety and general welfare of the County of Tom Green.

(03) To provide for the orderly, safe and efficient development of the County.

(04) To provide streets which insure safe, convenient and functional systems for vehicular circulation.

(05) To assist in guiding the future growth and development of the County in accordance with County plans and requirements.

(06) To provide for a systematic and accurate record of the division of land and Development.

(07) To minimize damage due to flooding, storm water runoff and other environmental constraints.

(08) To insure that every new subdivision is designed and constructed so that it becomes a permanent asset to the County.

(09) To provide for low County maintenance costs and a quality of Development that will retain stable tax values.

(10) To insure that property boundaries created through the division of land, subdivision and Development process are accurately determined, marked on the land, and established on a recorded Final Plat as applicable which is available for public inspection.

(11) To insure that easements, rights-of-way, or dedications are provided for Adequate Drainage and Access.

(12) To insure the proper and efficient layout of Lots and blocks to insure orderly and harmonious Development.

(13) To provide for the extension of streets and highways, where necessary to insure the orderly growth of the County.

(14) To protect the citizens of Tom Green County by insuring adequate division of land and Subdivision regulations;

(15) 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;

(16) To prevent the County Commissioners' Court and taxpayers of Tom Green County from being burdened with substandard streets or roads in the future.

(17) To provide for the extension of streets and highways, where necessary, to insure the orderly growth of the County

2.3 Severability

If a provision of this **Order Establishing Regulations For The Division Of Land** and Development of Subdivisions is held to be invalid or unenforceable in a final judgment of a court of competent jurisdiction, said judgment shall not affect the validity or enforceability in that jurisdiction of any other provisions hereof.

SECTION III Declaration

The Commissioners' Court Of Tom Green County, Texas Following Public Notice, Investigation And Hearing, Has Declared And Hereby Declares These REGULATIONS FOR THE DIVISION OF LAND AND DEVELOPMENT OF SUBDIVISIONS To Be Necessary And Appropriate To Accomplish The Purposes And Goals Enumerated Herein.

SECTION IV General Definitions

Capitalization of a word or words in the various Definitions set forth in these Regulations is for the purpose of clarity and the capitalization of a word or words in these Regulations implies that the definition set forth in these Regulations is precedent to the common meaning of such word or words.

When a definition is set forth in these General Definitions and in a SECTION 0, Definitions the definition set forth in SECTION 0, Definitions for the Chapter shall govern.

(01) Applicant – an Owner or authorized representative who desires Consideration of an Application.

(02) Application – A request for Consideration by an Applicant for approval of a plat or replat, in accordance with these Regulations.

(03) Application Form – A form which is provided to an Applicant by the County Clerk 's Real Estate Section, and is also available on the County Clerk's website,-which shall be completed via the insertion of applicable information by an Applicant, and shall be submitted to the County Clerk's Real Estate Section by an Applicant, and such Application shall be accompanied by attachments as required by these Regulations.

(04) Application Fee – A fee which shall be paid to Tom Green County in the County Clerk's Real Estate Section by an Applicant.

(05) Access – The unimpeded right of entering onto and exiting from a Public Roadway.

(06) Acre – A unit of area equal to 43,560 square feet:

(A) When calculating the acreage of any Lot the gross square footage within the Lot shall be used; provided

(B) any area within a private roadway easement or an easement for a Shared Access Driveway shall be excluded.

(07) Adequate Drainage:

(A) A street will not experience any encumbrance due to storm water runoff during a two year return frequency event; and

(B) An emergency vehicle will be capable of utilizing streets during a one hundred year return frequency event (a maximum of one foot of water on a roadway with maximum velocity of 6 feet per second).

(08) Average Daily Traffic (ADT) - the average number of vehicles two-way passing a specific point in a 24-hour period, normally measured throughout a year. ADT is the

standard measurement for vehicle traffic intensity on a section of road and is the basis for most decisions regarding transport planning,

(09) Berm – A continuous mound of soil of sufficient height in order to accomplish it's intended purpose.

(10) Consider(ed)(ation) – A public meeting or a public hearing during which the County Commissioners' Court:

(A) Reviews an Application; and subsequently

(B) Denies approval of the Application if the County Commissioners' Court finds that the Application does not comply with requirements of these Regulations, other County Regulations, State codes or laws or Federal codes or laws;

(C) Approves the Application; or

(D) Approves the Application with conditions.

(11) County Commissioners' Court – The Commissioners' Court of Tom Green County, Texas.

(12) Contractor – A Person or entity employed by a Subdivider in order to construct a Subdivision.

(13) County – Tom Green County, Texas.

(14) County Clerk – The County Clerk of Tom Green County, Texas or the County Clerk designee.

(15) Daughter Tract – Any of the tracts created by Division of a Parent Tract, including the remainder of the Parent Tract itself: Lots are considered to be Daughter Tracts for the purpose of these Regulations.

(16) Develop(ment) - Conversion of raw land or previously partially developed land into construction ready housing, commercial, or industrial building sites.

(17) Developer – A Person who performs Development in accordance with (16) above and whose land is subject to these Subdivision Regulations.

(18) Divide – The Division of Land.

(19) Division of Land –

(A) The creation of a parcel, Tract, Lot or other applicable descriptor from a Parent Tract, Daughter Tract or a portion or portions thereof;

(B) Whether such creation is via a Final Plat, a Replat, a metes and bounds description, a bounds description or other description; or

(C) In a Warranty Deed, Special Warranty Deed, Quitclaim Deed, Deed of Conveyance, Contract for a Deed, Contract of Sale or other executory contract.

(20) Engineer – A Registered Professional Engineer licensed by the Texas Board of Professional Engineers to practice engineering in the State of Texas.

(21) Fees –

(A) Application fees shall be paid to the County Clerk Real Estate Section and shall be by check payable to Tom Green County;

(B) Filing and recordation fees shall be paid to the County Clerk and shall be by cash or check payable to Tom Green County; and

(C) Other fees shall be paid to the County Clerk and shall be by cash or check payable to Tom Green County.

(22) Final Plat – A map or drawing of a proposed Subdivision of Land prepared in a form suitable for filing in the County Records and processed as described in these Regulations.

(23) Encouraged – Recommended but not mandatory.

(24) Lot – Any Tract to be created of record by the Division of a Parent Tract via a Final Plat in accordance with these Regulations.

(25) Manufactured Home – A movable or portable dwelling or office connected to utilities and constructed to be towed on its own chassis by a motor vehicle over Texas roads or highways. It may consist of two or more units which are separately towable but designed to be joined into one integral unit.

(26) Manufactured Home Rental Community – A plot or Tract of land that is separated into two or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

(27) May – A verb indicating permissive but not mandatory or necessarily desirable.

(28) 9-1-1 Addressing Coordinator – A person who assigns addresses in the unincorporated area of Tom Green County, unless it is a new subdivision or replat located in the Extraterritorial Jurisdiction (ETJ) of the City of San Angelo, Texas in which case the city addressing coordinator shall assign addresses.

(29) Owner – A Person who holds record title to Real Property.

(30) OSSF – An On-Site Sewage Facility which conforms to the requirements of TAC Title 30, Part 1, Chapter 285.

(31) Parent Tract – The original Tract owned by an entity prior to a Division of the Land.

(32) Person - Any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

(33) Plat Reviewer – An Environmental Specialist in the Tom Green County Environmental Health Department.

(34) Preliminary Plat – A map or plat which is a planning document and a preliminary engineering document which is further defined herein at **Chapter C, Specifications For Preliminary Plats, Final Plats And Replats.**

(35) Project Engineer – An Engineer procured by a Subdivider in order to provide Engineering services required by these Regulations.

(36) Public Meeting - An announced meeting designed to facilitate participation in the decision-making process and to assist the public in gaining an informed view. Pursuant to Chapter 551, Government Code, the Commissioners Court may consider and take action on agenda items at a public meeting.

(37) Public Hearing – A proceeding before the Commissioners Court during which evidence may be submitted and testimony taken. The Public has a right to speak at a public hearing.

(38) Public Roadway – A Street or Road which is:

(A) used by the Public; and

(B) Maintained by the Texas Department of Transportation; or

(C) Maintained by the County.

(39) Registered Professional Engineer – A person who is licensed by the Texas Board of Professional Engineers to practice engineering in the State of Texas.

(40) Registered Professional Land Surveyor - A person who is licensed by the Texas Board of Professional Land Surveying to practice surveying in the State of Texas.

(41) Regulations – This Order Establishing Regulations For The Division Of Land and the Development of Subdivisions.

(42) Return Radii – The radius of a fillet at a street intersection.

(43) Road or Roadway – Synonymous with Street.

(44) Shall – A verb indicating mandatory and not discretionary.

(45) Should – A verb indicating desirable but not mandatory.

(46) 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.

(47) Street Classification - refer to **Chapter D, Subdivision Design Requirements** for the definitions of Minor Streets, Collector Streets and Arterial Streets.

(48) Subdivision – Synonymous with Division unless otherwise set forth herein and it is the intent of the Commissioners' Court of Tom Green County that the term "Subdivision" be interpreted to include all Divisions of the land to the fullest extent permitted under the laws of the State of Texas or otherwise allowed. 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.

(49) TAC – The Texas Administrative Code which is published by the Texas Secretary of State.

(50) TAC 232 - Title 7. Regulation Of Land Use, Structures, Businesses, And Related Activities; Subtitle B, County Regulatory Authority; Chapter 232, County Regulation Of Subdivisions.

(51) Tract – An area of real property.

(52) TxDot – The Texas Department of Transportation.

Article One

Utility Availability

Each purchase contract made between a subdivider and a purchaser of land in the subdivision shall contain a statement describing if, how and when water, sewer, electricity, and gas services will be made available to the subdivision.

Article Two

Neighbor Delivery and Collection Box Units

The installation of Neighbor Delivery and Collection Box Units (NDCBU) at locations with numerous mailboxes, such as subdivisions, mobile home parks and apartments is required:

(01) NDCBUs shall be placed at locations approved by the U.S. Postal Service; and

(02) NDCBUs shall be installed in accordance with the U.S. Postal Service requirements.

Article Three

Guaranty of Performance For Filing Of Plats

The County Clerk shall not accept a Plat of Subdivision for recordation unless:

(01) All plat improvements have been completed and evidence thereof provided; or

(02) A Performance Agreement including:

(A) An estimate of all construction costs including public, private and franchise prepared, signed and sealed by the Project Engineer;

(B) A letter of credit, bond, or cash is deposited with the County Clerk in the amount of the cost estimate.

The Performance Agreement, letter of credit, and bond shall be in a form as approved by the Court.

Chapter A

Requirements For The Division Of Land In Tom Green County

SECTION 0 Definitions

(01) Affinity - Two individuals who:

(A) Are married to each other; or

(B) The spouse of one of the individuals is related Within The Third Degree By Consanguinity to the other individual.

(02) Agricultural Use - For at least three (3) successive years immediately preceding the date of Division the land has been devoted exclusively for agricultural purposes, or unless the land has been continuously developed for agriculture purposes during such time.

(03) Consanguinity - Two individuals are related to each other if:

(A) One is a descendant of the other; or

(B) They share a common ancestor; and

(C) An adopted child is considered to be a child of the adoptive parent for this purpose of this Definition.

(04) Farm, Ranch, Wildlife Management, and Timber Production Use - The preservation of open-space land devoted to farm, ranch, or wildlife management purposes on the basis of its Productive Capacity.

(05) Productive Capacity – The ability to provide renewable resources as raw material for economic activities found above the soil, within the surficial soils or within the land ecosystem.

(06) Sale – Sale shall include long term leases or other instruments of long term use

(07) Within The Third Degree By Consanguinity - An individual's:

(A) Parent or child;

(B) Brother, sister, grandparent, or grandchild; or

(C) Great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a

child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual.

SECTION I Provisions

(01) A Final Plat or a Replat shall be required if the Owner of a Parent Tract(s) or a Daughter Tract(s):

(A) Divides such Parent Tract(s) or Daughter Tract(s) into two or more parts; or

(B) Lays out a subdivision of such Parent Tract(s) or Daughter Tract(s)

(01) Which includes Lots, streets, alleys, squares, parks, or other parts of such Tracts which are

(02) Intended to be dedicated for the use of the public; for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; or for the use by others.

(C) The Parent Tract when any Daughter Tract excepted at Section I.02 of this Chapter:

(01) Is sold, given, or otherwise transferred except by Inheritance; or

(02) Is Divided.

(02) Except that a Final Plat or a Replat shall not be required if any of the following conditions exist:

(A) The land is primarily for Agricultural Use and the area of a Daughter Tract created by Division is greater than 100 Acres;

(B) The land is for Farm, Ranch, Wildlife Management, or Timber Production Use and the area of a Daughter Tract created by Division is greater than 100 Acres;

(C) The Division of a Parent Tract into four or fewer Daughter Tracts if:

(01) Such Division does not lay out a part of any of the Daughter Tracts as set forth Section I.01.B of this Chapter;

(02) Each of the Daughter Tracts is to be sold, given, or otherwise transferred to an individual who is related to the Owner Within The Third Degree By Consanguinity or by Affinity except that one Daughter Tract May be retained by the Owner of the Parent Tract.

(D) The Division of a Parent Tract into Daughter Tracts if:

(01) The area of all Daughter Tracts is 10 acres or greater;

(02) Each Daughter Tract is contiguous to a dedicated or otherwise Public Roadway; and

(03) The Owner does not lay out a part of any of the Daughter Tracts as set forth at Section I.01.B of this Chapter;

(E) The Division of a Parent Tract into Daughter Tracts if:

(01) All the Lots are sold to veterans through the Veterans' Land Board program; and

(02) The Owner does not lay out a part of any of the Daughter Tracts as set forth at Section I.01.B of this Chapter;

(F) The Division of a Parent Tract into Daughter Tracts if:

(01) The Parent Tract:

(a) Belongs to the State or any State agency, board, or commission; or

(b) Is owned by the permanent school fund or any other dedicated funds of the State and

(02) The Owner does not lay out a part of any of the Daughter Tracts as set forth at Section I.01.B of this Chapter;

(G) The Division of a Parent Tract into Daughter Tracts if:

(01) The Owner of the land is a political subdivision of the state;

(02) The land is situated in a floodplain;

(03) The Daughter Tracts are sold to adjoining landowners; and

(04) The Owner does not lay out a part of any of the Daughter Tracts as set forth at Section I.01.B of this Chapter;

(H) The Division of a Parent Tract into two Daughter Tracts if:

(01) The Owner does not lay out a part of any of the Daughter Tracts as set forth at Section I.01.B of this Chapter; or

(02) One Daughter Tract is to be retained by the Owner and the other Daughter Tract is to be transferred to another Person who will further subdivide the Daughter Tract in accordance with these Regulations;

(03) The area of each Daughter Tract is greater than 50 acres; and

(04) Each Daughter Tract has Access to a dedicated or otherwise Public Roadway.

(I) The Division of a Parent Tract into two Daughter Tracts if:

(01) The Owner does not lay out a part of any of the Daughter Tracts as set forth at Section I.01.B of this Chapter; or

(02) The Daughter Tracts are transferred to persons or entities who owned an undivided interest in the Parent Tract; and

(03) Each Daughter Tract has Access to a dedicated or otherwise Public Roadway.

(J) A Division within the Extra Territorial Jurisdiction of the City of San Angelo in which Jurisdiction the City of San Angelo Ordinance requirements shall be applicable.

Chapter B

Procedural Requirements For Processing Applications Relevant To The Division Of Land

SECTION I Sketch Plan

(01) A Sketch Plan is not required but its submittal is encouraged for proposed Subdivisions which include more than 50 Lots;

(02) A Sketch Plan shall be submitted to the Plat Reviewer a minimum of fourteen (14) days prior to a meeting with the appurtenant County Commissioner or with the County Commissioners' Court;

(03) An Application Form shall be required; but

(04) An Application Fee will not be required.

SECTION II Preliminary Plat

(01) An Application Form shall be required for the Plat;

(02) An Application Fee shall be required for the Preliminary Plat;

(03) Prior to seeking plat approval from TGC Plat Reviewer, Plat MUST be reviewed by the TGC 9-1-1-Addressing Coordinator to determine that road names are not duplications of existing road names within the county and that road names meet 9-1-1 addressing standards.

(04) A Preliminary Plat will not be Considered by the County Commissioners' Court, until such Preliminary Plat is officially accepted by the Plat Reviewer. Applicant may appeal the acceptance of the Plat Reviewer except no appeal is allowed on whether the application is administratively complete;

(05) A Preliminary Plat not accompanied by an Application or not accompanied by the application Fee will not be accepted for Consideration by the County Commissioners' Court;

(06) Seven copies of the Application shall be submitted to the County Clerk a minimum of fourteen (14) days prior to the County Commissioners' Court meeting at which the Applicant desires to have the Preliminary Plat Considered;

(07) Action taken by the County Commission's Court to deny a Preliminary Plat shall be communicated to the Applicant by the Plat Reviewer in writing within seven days of denial and the reasons for denial shall be specified;

(08) Conditional approval shall not constitute acceptance of the Preliminary Plat until all required conditions have been met to the satisfaction of the Plat Reviewer;

(09) The County Commissioners' Court approval of a Preliminary Plat does not constitute acceptance of the subdivision for Development, but is merely an authorization to proceed with the preparation of one or more corresponding Final Plat(s) for Consideration by the County Commissioners' Court;

(010) No permanent improvements shall be made on land within the proposed subdivision shown on an approved Preliminary Plat before a Final Plat of such subdivision is approved;

(10) The County Commissioners' Court approval of a Preliminary Plat does not constitute approval of any proposed land uses that May be shown on such Preliminary Plat;

(11) Duration of approval;

(A) Preliminary Plat approval shall be effective until such Preliminary Plat is repealed by the County Commissioners' Court subsequent to a public hearing on the matter;

(B) A Preliminary Plat shall not be repealed for a period of 24 months after the date on which the County Commissioners' Court approved the original Preliminary Plat, an applicable revision thereof or for a period of 24 months after approval of a Final Plat showing any section of land encompassed by the original Preliminary Plat or an applicable revision thereof;

(12) Approval of a revised Preliminary Plat (for all or portions of land represented on a previously approved Preliminary Plat) shall effect the repealing of a previously approved Preliminary Plat or applicable portion thereof;

SECTION III Final Plat

(01) A Final Plat shall be submitted to the Plat Reviewer for approval only subsequent to approval by the County Commissioners' Court of a Preliminary Plat and such approved Preliminary Plat, and supporting documentation if any, being on file with the Plat Reviewer;

(02) A Final Plat that does not conform with the Preliminary Plat may require submission of a revised Preliminary Plat, for Consideration by the County Commissioners' Court with such requirement being determined by the Plat Reviewer; however, this determination may be appealed to the County Commissioners' Court;

(03) A Final Plat May be submitted for all or any portion of the Preliminary Plat;

(04) An Application Form shall be required for the Final Plat;

(05) An Application Fee shall be required for the Final Plat;

(06) Prior to seeking plat approval from TGC Plat Reviewer, Plat MUST be reviewed by the TGC Addressing Coordinator to determine that road names are not duplications of existing road names within the county and that road names meet 9-1-1 addressing standards.

(07) The Final Plat will not be Considered by the County Commissioners' Court until such Final Plat is officially accepted by the Plat Reviewer;

(08) Final Plats not accompanied by a completed Application Form, not containing all proper information, or not accompanied by the Application Fee will not be accepted for review by the Plat Reviewer;

(09) Seven copies of the Final Plat and supporting documentation shall be submitted to the County Clerk a minimum of fourteen (14) days prior to the County Commissioners' Court meeting at which the Applicant desires to have the Final Plat Considered;

(010) The County Commissioners' Court shall have a maximum of sixty (60) days from the filing date to Consider an Application for a Final Plat;

(10) Action taken by the County Commission's Court to deny a Final Plat shall be communicated to the Developer by the Plat Reviewer in writing, and the reasons for denial shall be specified within seven days;

(11) Conditional approval shall be considered the same as denial until all required conditions have been met to the satisfaction of the Plat Reviewer;

(12) After the Final Plat is approved by the County Commissioner's Court, and all required improvements have been installed and accepted, or an appropriate Performance Agreement and associated Performance Guarantee accepted, the Subdivider shall furnish the County Clerk with at least six positive copies of the Final Approved Plat:

(A) Three of these positive copies shall be made of mylar film (or a comparable substitute) .003 inch thick and with a matte finish on the front side, with the print on at least one such film being a "black line" suitable for permanent recording with the County Clerk;

(B) The remaining three positive copies required shall be made of paper.

(C) All six required copies shall include a signed certificate (with one "black line" mylar film bearing an original signature) of ownership and dedication; and

(D) A film copy printed in black line and bearing an original signature of the subdivision's Owner(s) shall be returned to the Subdivider or a representative, with all necessary signatures of County officials required for recording of that instrument with the Tom Green County Clerk.

(13) Requirements for the transmittal of the Final Plat by the Plat Reviewer to the County Clerk;

(A) The Final Plat has been appropriately signed by the Subdivider, the Surveyor, the pertinent County staff and the County Judge;

(B) An AutoCad DXF file has been provided to the County Clerk which such DXF file shall be in AutoDesk 2004 or earlier DXF file format; and

(C) The improvements associated with the Final Plat have been completed and accepted by the County Commissioners' Court or a Performance Agreement and associated, appropriate Guarantee of Performance have been provided to and accepted by the Plat Reviewer.

(14) The County Clerk shall record the Final Plat subsequent to the receipt of:

(A) The Final Plat recordation fee as well as other fees including fees associated with the recordation of field notes being paid by the Subdivider;

(B) A tax certificate indicating that no delinquent taxes are due for the property subject to the Final Plat; and

(C) A Guaranty of Performance.

SECTION IV Replat

(01) A Replat of a subdivision or part of a subdivision may be recorded and is controlling over a preceding Final Plat, Replat or Amended Plat (without vacation of the preceding Plat):

(A) Is signed and acknowledged by only the Owners of the property being replatted;

(B) Is approved, after a public hearing at which parties in interest and citizens have an opportunity to be heard by the County Commissioners' Court; and

(C) Does not attempt to amend or remove any covenants or restrictions.

(02) An Application shall be required for a Replat;

(03) An Application Fee shall be required for a Replat;

(04) A Plat will not be Considered by the County Commissioners' Court until such Plat is officially accepted by the Plat Reviewer;

(05) A Replat not accompanied by the Application Form, not containing all proper information, and not accompanied by the Application Fee will not be accepted for review;

(06) Seven copies of the Replat and supporting documentation shall be submitted to the County Clerk a minimum of twenty-eight (28) days prior to the County Commissioners' Court meeting at which the Applicant desires to have the Replat reviewed;

(07) The County Commissioners' Court shall have sixty (60) days from the filing date to act on an Application for the Replat;

(08) Action taken by the County Commission's Court to deny the Replat shall be communicated to the Developer by the Plat Reviewer in writing, and the reasons for denial shall be specified within seven days;

(09) Conditional approval shall also be considered the same as denial, until all required conditions have been met to the satisfaction of the Plat Reviewer;

(10) Once the Replat has been appropriately signed by the Subdivider, the Surveyor, the pertinent County staff and the County Judge the Replat will be recorded by the County Clerk's Office;

(11) The County Clerk shall record the Replat subsequent to the receipt of;

(A) The Replat recordation fee as well as other fees being paid by the Sub-divider and

(B) A tax certificate indicating that no delinquent taxes are due for the property subject to the Replat; and

(C) An AutoCad DXF file has been provided to the County Clerk such DXF file to be in AutoDesk 2004 or earlier DXF file format; and

(D) A Guaranty of Performance.

(12) When a Lot is proposed to be created by a Replat notification and a public hearing shall be required:

(A) Notice of the public hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation in Tom Green County by the County Clerk;

(B) Written notice of the public hearing shall be mailed to the Owners (according to the most recently approved ad valorem tax roll) by the County Clerk of all lots that are within the original subdivision and that are within 200 feet of the Lots to be replatted, and a copy of Items 12 (C) and 12 (D) below shall be included with such notice;

(C) If the proposed Replat is protested in accordance with this subsection, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the County Commissioners' Court;

(D) For a legal protest, written instruments signed by the Owners of at least 20 percent of the area of the lots or land immediately adjoining the area subject to the proposed Replat and extending 200 feet from that area, but within the original Final Plat, must be filed with the County Commissioners' Court prior to the close of the public hearing and in computing this percentage of land area, the area of streets and alleys shall be included within the adjacent lots.

SECTION V Amended Plat

(01) General Requirements:

(A) An Amended Plat is controlling over the preceding Final Plat, Replat or portions thereof without vacation of the preceding Plat or Replat if such Amended Plat;

(01) Is signed and acknowledged by the Owners of the property subject to the Amended Plat;

(02) Is signed by the Plat Reviewer;

(03) Is signed by the 9-1-1 Addressing Coordinator;

(04) Does not attempt to amend or remove any covenants or restrictions; and

(05) Does not increase the number of Lots.

(B) An Application Form shall be required for the Amended Plat;

(C) An Application Fee shall be required for the Amended Plat; and

(D) A public notice, a public hearing or approval of lot Owners other than set forth at 1.A.01 of this Section will not be required.

(02) Allowed purposes:

(A) To correct an error in any course or distance shown on the preceding Plat;

(B) To add any course or distance that was omitted on the preceding Plat;

(C) To correct an error in the description of real property shown on the preceding Plat;

(D) To indicate monuments set after death, disability, or retirement from practice of the surveyor charged with responsibilities for setting monuments;

(E) To show the proper location or character of any monument which has been changed in location or character, or which originally was shown at the wrong location, or incorrectly as to its character on the preceding Plat;

(F) To correct a scrivener or clerical error or omission on a Plat as previously approved by the County Commissioners' Court which such errors and omissions may include, but are not limited to, Lot numbers, acreage, street names and identification of adjacent recorded Plats;

(G) To correct an error in courses and distances of Lot lines between two adjacent Lots where both Lot Owners join in the Application for Plat amendment and neither Lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions, and that amendment does not have a material adverse effect on the property rights of the other owners of property in the subdivision;

(H) To relocate a Lot line in order to cure an inadvertent encroachment of a building or improvement on a Lot line or on an easement; or

(I) To relocate one or more Lot lines between one or more adjacent Lots where the Owner or Owners of all such Lots join in the Application for the Plat amendment, the Plat amendment does not attempt to remove recorded covenants or restrictions, and the Plat amendment does not increase the number of Lots;

(03) The County Clerk shall record the Amended Plat subsequent to the receipt of:

(A) The Amended Plat recordation fee as well as other fees being paid by the Subdivider; and

(B) A tax certificate indicating that no delinquent taxes are due for the property subject to the Amended Plat.

(C) An AutoCad DXF file has been provided to the County Clerk such DXF file to be in AutoDesk 2004 or earlier DXF file format.

SECTION VI The Vacation Of A Plat

(01) A Final Plat, Replat or Amended Plat may be vacated:

(A) On the Application of the Owners of the land subject to the Final Plat, Replat or Amended Plat at any time before the sale of any Lot by a written instrument declaring the same to be vacated which such instrument shall be duly executed and acknowledged, and shall be approved and recorded in the same manner prescribed for the Final Plat, Replat or Amended Plat; or

(B) On the Application of all record Owners of Lots in the Final Plat, Replat or Amended Plat by a written instrument declaring the same to be vacated which such instrument shall be duly executed and acknowledged, and shall be approved and recorded in the same manner prescribed for the Final Plat, Replat or Amended Plat; and

(C) With the approval of the Vacation of the Plat Request by the County Commissioners' Court.

(02) On the execution and recording of the vacating instrument, the Final Plat, Replat or Amended Plat has no effect.

(03) An Application Form shall be required for a Vacation of Plat Request;

(04) An Application Fee shall be required for a Vacation of Plat Request;

(05) A Vacation of Plat Request will not be considered by the County Commissioners' Court, until a Vacation documentation is officially accepted by the County Clerk.

(06) A Vacation of Plat Request not accompanied by an Application Form, not containing all proper information or not accompanied by the Application Fee will not be accepted by the County Clerk.

(07) A Vacation of Plat Request will not be reviewed by the Plat Reviewer unless an Application Form, containing all proper information, accompanied by the Application Fee has been accepted by the County Clerk.

(08) Three copies of the supporting documentation and the instrument to be filed of record shall be submitted to the Plat Reviewer a minimum of twenty-eight (28) days prior to the County Commissioners' Court meeting at which the Applicant desires to have the Vacation of Plat request Considered by the Commissioner's Court.

(09) The County Commissioners' Court shall Consider an Application for the Vacation of Plat Request within sixty (60) days from the filing date.

Chapter C

Specifications For Sketch Plans, Preliminary Plats, Final Plats, Replats, And Amended Plats

SECTION I Sketch Plan

A Sketch Plan is a Development feasibility document.

(01) General Specifications:

(A) The Plan shall be prepared in a clear, readable manner;

(B) All figures and letters shown must be plain, distinct, and of sufficient size to be easily legible;

(C) The paper copies submitted with the Application shall be of sufficient quality so that all features are easily legible;

(D) A scale of one inch (1") to two hundred feet (200') is generally recommended as the maximum;

(E) A boundary survey will not be required, but the boundaries of land intended to be submitted as a Final Plat shall be dimensioned and accurately drawn to scale and boundary data from recorded deeds shall be used as appropriate.

(02) Each Sketch Plan shall contain the following information:

(A) The general layout of lots, blocks and streets;

(B) Areas, if any, which are intended to be commercial in nature;

(C) The approximate area of the Lots (a typical area is acceptable as the intent of this paragraph is not the calculation of the area of each Lot); and

(D) A representation on a U. S. Geological Survey 71/2' quadrangle map.

SECTION II Preliminary Plat

A Preliminary Plat is a planning document and a preliminary engineering document.

(01) General Specifications:

(A) The Preliminary Plat shall be prepared in a clear, readable manner;

(B) All figures and letters shown must be plain, distinct, and of sufficient size to be easily legible;

(C) The paper copies submitted with the Application shall be of sufficient quality so that all features are easily legible;

(D) A scale of one inch (1") to two hundred feet (200') is generally recommended as the maximum;

(E) A boundary survey will not be required, but the boundaries of land intended to be submitted as a Final Plat shall be dimensioned, accurately drawn to scale, and boundary data from recorded deeds shall be used as appropriate; and

(F) The Preliminary Plat shall be prepared by a qualified professional, trained and experienced in subdivision design.

(02) Each Preliminary Plat shall indicate the following information:

(A) The proposed name of the subdivision which such name must not be so similar to that of an existing subdivision in Tom Green County as to cause confusion;

(B) The names of the Owners of all property being subdivided shall appear beneath the proposed name or title of the subdivision;

(C) The names of those responsible for preparing the Preliminary Plat and, if a boundary survey is furnished, the name of the Registered Professional Land Surveyor responsible for the boundary survey of the land proposed to be subdivided;

(D) Illustration of a boundary surrounding that land which is to be divided, together with the location and dimensions of rights-of-way and easements known at the time of Preliminary Plat preparation within or bordering said Tract of land to be divided;

(E) The names of the adjacent or adjoining subdivisions, if any, showing the location of adjacent lot lines, streets, alleys and easements as well as a reference as to where the subdivisions may be found of record in the office of the County Clerk;

(F) The names of Owners of adjoining undivided tracts of land with reference to where the same may be found of record in the office of the County Clerk;

(G) The location, width and names of existing streets and alleys, highways, and easements adjoining and/or leading to the proposed subdivision as well as the illustration of the right-of-way, easements and dedications and paving widths of such features;

(H) The location, width and names of proposed streets, alleys, easements and any other such appurtenances;

(I) The width and depth of proposed Lots;

(01) All irregularly shaped Lots shall be dimensioned and

(02) All other Lots May be represented by typical depictions with distance annotations.

(J) The annotation of blocks;

(01) Which shall be consecutively numbered or lettered in alphabetical order; and

(02) The blocks in phased subdivisions shall be numbered or lettered consecutively throughout the several sections.

(K) The physical features of the property, including location of water courses, culverts, bridges, railroads or other physical structures, where such features affect the proposed subdivision plan;

(L) The elevation contours of the property with a minimum accuracy of ten feet (10');

(M) A north arrow;

(N) A numerical or written scale and a graphic scale;

(O) The approximate acreage of the property to be subdivided and a summary of the proposed uses;

(P) Line weights and types:

(01) The boundary line of the Preliminary Plat shall be a solid line of heavy weight,

(02) The lines drawn within the area of the Preliminary Plat shall be solid and a lighter weight than the boundary line, and

(03) The lines outside the boundary line shall be a line type other than solid and a lighter weight than the boundary line.

(Q) A smaller scale locator map shall be included on the Preliminary Plat if there are no adjacent subdivisions which such map shall depict at a minimum:

(01) The outline of the proposed subdivision and the nearest streets as well as highways; and

(02) A bearing and distance from the proposed subdivision to the Tom Green County Courthouse.

(R) Either the Preliminary Plat or an accompanying map shall illustrate the total contiguous Tract(s) of land owned by or under the control of the Subdivider;

(S) Provision for County Commission approval shall be placed on the Preliminary Plat as follows:

Commissioners' Court of Tom Green County, Texas.

Approved for preliminary purposes on the _____ day of _____, 20____.

_____. _____.

Judge Plat Reviewer

(03) The Preliminary Plat shall be accompanied by:

(A) Its delineation on a U S. Geological Survey 71/2' quadrangle map;

(B) Its delineation on a SCS Soils Map; and

(C) A presentation of the appropriate soils' properties encompassed thereon.

SECTION III Final Plat

A Final Plat is a boundary surveying document.

(01) General Specifications:

(A) The Final Plat shall be prepared in a clear, readable manner;

(B) All figures and letters shown must be plain, distinct, and of sufficient size to be easily legible;

(C) The paper copies submitted with the Application shall be of sufficient quality so that all features are easily legible;

(D) A scale not greater than one hundred feet (100') to one inch (1") shall be used with a maximum sheet size of 24" x 36", unless an alternative size is specifically authorized by the County Clerk;

(E) The Final Plat shall generally conform to the Preliminary Plat, as approved by the County Commissioners Court;

(F) Where more than one sheet is required, an index sheet shall be submitted showing the Final Plat schematically on the first sheet with such schematic indicating the sheet numbers associated with the various portions of the Final Plat depicted thereon;

(02) Each Final Plat shall contain, or be accompanied by, all of the following information as well as information required by the Rules of the Texas Board of Professional Land Surveying:

(A) The title or name of subdivision, with the names of the Owners of the property being subdivided beneath the name or title of the subdivision which such name shall use a consistent nomenclature (with separate sections designated) to allow a logical numbering of adjoining Lots and blocks.

(B) The Final Plat should be oriented as nearly as possible so that north is toward the top of the sheet;

(C) A north arrow;

(D) A numerical or written scale and a graphic scale;

(E) The location of subdivision by County and State;

(F) The location of the subdivision with respect to an original survey corner, together with reference to a corner in a recorded subdivision, as applicable, or to satisfactory

locatable title data, all by courses and distances (Original survey data shall not required for a Replat);

(G) Line weights and types;

(01) The Final Plat boundary line shall be a solid line of heavy weight;

(02) The Lot and block boundaries shall be solid and a lighter weight than the boundary line;

(03) The lines indicating easements internal to the Final Plat shall be a line type other than solid and a lighter weight than the boundary line.

(04) The boundaries of each adjoining street, alley, easement, Lot or Tract, shall be a line type other than for internal easements and a lighter weight than the boundary line.

(05) Sufficient relocation data, in order to reproduce the subdivision on the ground, shall be shown;

(H) Lines shall be annotated with bearing and distance;

(I) Curves along the Final Plat boundary shall be annotated with the radius, central angle, curve length and long chord bearing and distance as well as radial bearing shown at one terminus of the curve for curves which are not tangent;

(J) Curves in block boundaries which are tangent curves shall be annotated with the radius, central angle and curve length;

(K) Curves in block boundaries which are not tangent curves shall be annotated with the radius, central angle, curve length and long chord bearing and distance as well as radial bearing shown at one terminus of the curve;

(L) Curves in Lot boundaries shall be annotated with the central angle and curve length;

(M) Line and curve annotations shall be shown to a precision of one second of angle and one hundredth of a foot;

(N) Approved name and right-of-way width of each proposed street within the Subdivision and existing streets contiguous to or abutting the Subdivision;

(O) The location, dimensions and purposes of any easements, dedications or other rights-of-way within or adjoining the Subdivision;

(P) Identification of each Lot and block by letter or number;

(Q) Boundaries of and identification of the purpose of open spaces to be dedicated for use by the public or granted for other uses shall be annotated;

(R) The description of all corners/monuments found or set to mark the Lot or block corners or curve points, or to reference the same, shall be clearly indicated, preferably in legend form;

(S) The acreage of each Lot shall be indicated;

(T) The 9-1-1 address of each Lot shall be indicated in a bold font or otherwise distinguished;

(U) Should a portion of the Final Plat be subject to a Federal Emergency Management Association Special Flood Hazard Area the following note shall be evidenced on the Final Plat:

(01) At the time of recordation of this Final Plat the following enumerated Lots appear to be affected by a FEMA Special Flood Hazard Area;

(02) This appearance is based upon the Floodway Insurance Rate Map (FIRM), Panel # with a full delineation of the panel description and date;

(03) The scale of this Panel is such that the enumeration of the affected Lots may be in error;

(04) The representation of the Special Flood Hazard Area depicted on the appurtenant FIRM panel is based upon engineering calculations and, as such, a Special Flood Hazard Area may or may not affect a Lot based upon future publication of FIRM panels; and

(05) The prospective purchaser of a Lot within this Subdivision is hereby advised by the Tom Green County Commissioners' Court to review the current FIRM panel for self determination of Special Flood Hazard Area applicability.

(V) Coordinate representation:

(01) A coordinate of the North American Datum of 1983 shall be shown on a boundary corner of the Final Plat

(02) The scale factor and the elevation factor used, or combination thereof, relative to NAD83 shall be clearly indicated on the Final Plat.

(03) If necessary the rotation of the bearings on the Final Plat to NAD83 shall be clearly indicated;

(W) A complete and accurate description of the land being subdivided, including the survey name(s) and survey number(s).

(X) The name of the original survey(s) will be shown on the face of the Final Plat;

(Y) Boundaries of the original survey(s) where within or proximate to the boundary of the Final Plat shall be shown by a line type other than continuous. (Original survey data is not required for a replat.)

(Z) Required certificates which shall be indicated on the Final Plat:

(01) A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to be dedicated for public use forever as appropriate, signed and acknowledged before a notary public, by the Owner of land;

(02) Certificates of approval for signature by the County Judge, the Plat Reviewer, and 9-1-1 Addressing Coordinator;

(03) A certificate of filing for record with the Tom Green County Clerk for completion by the County Clerk or deputy thereof;

(04) Certificate of the Registered Public Surveyor who surveyed the subdivision and created the Final (or record) Plat and who monumented, or is retained to monument, the required corners as required by the current Rules of the Texas Board of Professional Land Surveying.

(05) The signature and seal of said Registered Public Surveyor must be affixed to all plats and descriptions for which he is responsible.

Sample certificates - to be modified as necessary:

County Commissioners' Court of Tom Green County, Texas
Approved for recording this _____day of _____, 20____.
By:
Name
County Judge

Plat Reviewer
Approved for recording this _____day of _____, 20____.
By:
Name

9-1-1 Addressing Coordinator
Approved for recording this _____day of _____, 20____.

By: .
Name

County Clerk
Approved for recording this _____day of _____, 20____ @ .
County Clerk of Tom Green County, Texas.
This Document is recorded as Instrument Number .
at Plat Cabinet Slide .

If field notes are filed with the Final Plat the following shall indicated on the Final Plat.
Field Notes are recorded as Instrument Number .

Surveyor's Certificate
Know all men by these presents: that I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown thereon will be, or were properly placed, under my supervision, in accordance with the Order Establishing Regulations For The Development Of Subdivisions and Manufactured Home Rental Communities adopted by the Commissioner's Court of Tom Green County, Texas and with the Rules of the Texas Board of Professional Land Surveying.

(Surveyor's Seal)
Sample Certificate Of Ownership And Dedication, With Acknowledgment By Notary:

I (we), **Owner** , do hereby adopt this plat as the subdivision of my (our) property and dedicate for the use of the public the streets, alleys and easements as shown.
By: **Name** .
Title: .

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before me on the _____ day of _____, 20____.
BY: **Name in the capacity shown**_____
Notary Public in and for the State of Texas

_____
My Commission expires .

[The acknowledgment must be situated so it may be properly sealed by the notary.]

(03) Accompanying the Plat shall be:

(A) A certificate (not a tax receipt) from the Tom Green County Appraisal District, or a written statement from the District's director, showing there to be no delinquent taxes upon the property to be subdivided and recordation shall not occur until delinquent taxes have been paid.

(B) A description of the boundary of a Plat by metes and bounds shall be filed except that such description shall not be required for a Replat

(C) A Guaranty Of Performance.

SECTION IV Replat

A Replat is a boundary surveying document.

A Replat shall include the same information as a Final Plat, except as otherwise noted in Section Ill of this Chapter.

SECTION V Amended Plat

An Amended Plat is a boundary surveying document.

An Amended Plat shall include the same information as a Final Plat, except as otherwise noted in Section IV of this Chapter for a Replat.

Chapter D

Subdivision Design Requirements

SECTION I Lots

(01) Minimum Lot Area:

(A) The minimum Lot area for subdivisions which have a public water supply shall be **one-half Acre**; and

(B) The minimum Lot area for subdivisions which do not have a public water supply shall be **one acre.**

(02) Lot Arrangement: The Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in conforming with the various provisions of these Regulations including but not limited to:

(A) The installation of an OSSF; and

(B) The establishment of a finish floor elevation such that structural flooding will not occur.

(03) Minimum Lot Dimensions Contiguous To A Dedicated Or Otherwise Public Roadway:

(A) The dimension shall be fifty feet for a one Acre Lot;

(B) The dimension shall be twenty-five for a two Acre Lot or greater; and

(C) The dimension for Lot areas greater than one Acre but less than two acres shall be prorated per the dimensions set forth above.

(04) Side Lot Lines:

(A) Should be at right angles to street lines (or radial to street arcs) unless

(B) A variation from this provision will give a better street or lotting layout.

SECTION II Blocks

(01) Width:

(A) Blocks should have sufficient width to provide for a minimum of two (2) tiers of Lots of appropriate depths; but

(B) Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways or other significant topographical features.

(02) Length:

(A) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the character of Development contemplated; but

(B) Typically block lengths should not exceed three thousand (3,000) feet nor be less than one thousand (1000) feet in length.

SECTION III Streets And Roads

(01) General Design Guidelines:

(A) All streets shall be properly integrated with existing dedicated or otherwise Public Roadways; and

(B) All streets shall be properly integrated with proposed dedicated or otherwise Public Roadways as directed by the County Commissioners' Court.

(C) RIGHT-OF-WAY WIDTHS BY ROADWAY CATEGORY. Due to variations in roadway section design these minimum widths shall need to be widened on occasion to accommodate shoulders, drainage, utilities, etc. A 10' utility easement shall be provided on both sides of R.O.W.

1. Arterial (Main Streets providing access to the subdivision) – 80 Ft.

2. Collector (Street which collects traffic and discharges into arterial) – 60 Ft.

3. Minor (Street that collects localized traffic and discharges into larger volume distribution system) – 50 Ft.

(D) TRAVEL-WAY WIDTHS BY ROADWAY CATEGORY:

1. Arterial – 2 lanes in each direction – inside lanes 10'; outside lanes 12' with minimum 8' paved shoulders.

2. Collector – one lane in each direction – minimum 15' of which 3' is striped shoulder.

3. Minor – one lane in each direction – minimum 15' of which 3' is striped shoulder.

(02) Access:

(A) No Daughter Tract including but not limited to a Lot shall be created via a Division of Land unless such Daughter Tract has direct Access to a Public Roadway; unless

(B) The requirement for such Access is otherwise specifically exempted in these Regulations.

(03) Average Daily Traffic (ADT):

(A) The trip generation value employed for ADT calculations in the determination of a street classification shall be six (6) vehicles per day per single family residential lot; and

(B) The trip generation values employed for ADT calculations in the determination of a street classification for land uses other than single family residential shall be per Trip Generation, 8th Edition: An ITE Informational Report.

(04) Determination of Street Classification:

(A) The calculated ultimate ADT of a Minor Street shall not exceed a value of 1,800;

(B) The calculated ultimate ADT of a Collector Street shall not exceed a value of 9,000; and

(C) The calculated ultimate ADT of an Arterial Street shall be in excess of 9,000.

(05) Minor Streets should be laid out in order to:

(A) Conform as much as possible to the existing topography;

(B) Discourage use by through traffic;

(C) Permit efficient Adequate Drainage and utilization by utility systems; and

(D) Require the minimum number of streets necessary to provide convenient and safe Access to the Lots within a subdivision.

(06) Collector Streets should be laid out in order to:

(A) Conform as much as possible to the existing topography;

(B) Encourage use by traffic generated via intersecting Minor Streets;

(C) Permit efficient Adequate Drainage and utilization by utility systems; and

(D) Effect convenient and safe access to and from intersecting Minor Streets.

(07) Arterial Streets should be laid out in order to:

(A) Conform as much as possible to the existing topography;

(B) Encourage use by traffic generated via intersecting Collector Streets;

(C) Permit efficient Adequate Drainage and utilization by utility systems;

(D) Effect convenient and safe access to and from intersecting Collector Streets; and

(E) Not permit contiguous Lots unless such Lots have Access via a Minor Street.

(08) Existing Streets Contiguous to Proposed Subdivisions:

(A) Such streets exist because of a previous formal dedication, by prescriptive easement or are otherwise Public Roadways; and

(B) Dedication by the Developer of ½ of the sufficient width for all such streets bordering a subdivision shall be required.

(09) New Streets Bordering but within the Perimeter of Property to be Subdivided:

(A) Where a new boundary street (not previously existing by any formal dedication, by right-of-way procurement or by prescriptive easement) is contiguous to a boundary of the property to be subdivided, the subdivider shall dedicate right-of-way sufficient to make such street comply with the requirements of these Regulations;

(B) The dedication of half width will not be permitted for Minor Streets;

(C) The construction of half of the width of street pavement shall be required for Collector and Arterial Streets which are not currently improved; and

(D) The construction of the full width of street pavement shall be required for Minor Streets which are not currently improved.

(10) Street Dedication Proximate To The Perimeter Of A Preliminary Plat And A Final Plat:

(A) Dedication to the Proposed Perimeter of a Plat:

(01) Proposed streets should be extended to the boundary lines of the Tract to be subdivided; unless

(02) Prevented by topography or other physical conditions; or unless

(03) Such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future Development of adjacent tracts as determined by the County Commissioners' Court.

(B) Continuation:

(01) The arrangement of streets shall provide for the continuation of Collector Streets and Arterial Streets between adjacent properties; or

(02) As may be required by the County Commissioners' Court when such continuation is necessary for:

(a) Convenient movement of traffic,

(b) Effective fire protection, and

(c) Efficient provision of utilities.

(C) Termination:

(01) Where a Road does not extend to the boundary of the subdivision and its continuation is not required by the County Commissioners' Court for access to adjoining property, its terminus shall normally not be nearer to such boundary than two hundred feet (200'); but

(02) The County Commissioners' Court may require the reservation of an appropriate easement for Franchise, Public or other Utilities.

(11) Turnarounds and Permanent Dead End Streets:

(A) Shall be provided at the termination of a permanent Minor dead-end Street;

(B) Shall be improved in accordance with these Regulations or as otherwise specified by the County Commissioners' Court;

(C) Any dead-end street shall not provide exclusive frontage to more than 80 Lots or tracts of land;

(D) Cul-de-sac turnarounds, which are circular in shape:

(01) Shall be a minimum dedicated radius of fifty (50') feet;

(02) Shall have the curve radius on the "flare-outs" from the intersecting street right-of-way a minimum of twenty-five (25') feet; and

(03) Shall be paved with the paved portion of the cul-de-sac turnaround being a minimum radius of forty-five (45') feet.

(E) T-type or hammerhead turnarounds, which are rectangular in shape:

(01) Shall extend in two directions laterally from the terminus of the intersecting dead-end street;

(02) Shall have "a leg" the minimum dimension of which is forty (40') feet;

(03) Shall have "a leg" the maximum dimension of which is one hundred (100') feet;

(04) Shall provide exclusive frontage for not more than ten (10) Lots;

(05) Shall adhere to the standards for a Minor Street; and

(06) Shall have a curve radius on the "flare-out" from the intersecting street right-of-way which is a minimum of twenty-five (25') feet.

(12) A Temporary Turnaround

(A) Shall be provided if required by the County Commissioners' Court due to many parameters including but not limited to:

(01) The length of a temporary dead end street if such length exceeds one thousand (1000') feet;

(02) The probability of future Development;

(03) The input from the appurtenant Volunteer Fire Department; and

(04) The existence of a previously approved contiguous Preliminary or Final Plat or Plats.

(B) Shall be constructed in accordance with the requirements as specified by the County Commissioners' Court.

(13) Where a Subdivision is contiguous to an existing Arterial Street or contains an existing or proposed Arterial Street the access to such Arterial Streets shall be limited by the following means:

(A) The layout of Lots such that Lots will back onto an Arterial Street and front onto a parallel Minor Street; or

(B) A series of Turnarounds, U-shaped streets or short loops entered from and designed generally, at right angles to a parallel Minor Street, with the rear lines of their terminal Lots backing onto the Arterial Street; and

(C) The Subdivider shall place this note on the Final Plat: "No direct access from the Lots created by this plat and which are contiguous to {Name of Street} shall be allowed."

(14) Intersections:

(A) Angular Requirements:

(01) Streets shall preferably be laid out so as to intersect at a right (90^{O}) angle;

(02) A proposed intersection or two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable;

(03) Intersecting oblique streets should be curved approaching such intersection and should be approximately at right angles for at least fifty (50) feet therefrom;

(04) The centerline alignments of intersecting streets shall be at the centerline of the cross street except as otherwise permitted in these Regulations; and

(05) No more than two (2) streets shall intersect at an intersection.

(B) Offsets:

(01) Shall be measured from the centerline/centerline intersection;

(02) Shall not be less than two hundred (250') feet for Minor Streets intersecting a Minor Street;

(03) Shall not be less than five hundred (500') feet for Minor Streets intersecting a Collector Street; and

(04) Shall not be less than one thousand (1000') feet for Minor Streets intersecting an Arterial Street.

(C) Return Radii (The following dimensions shall be applicable to paving and to dedicated radii):

(01) Shall be a minimum of twenty (20') feet at Minor Street intersections with streets of other classifications;

(02) Shall be a minimum of forty (40') feet at a Collector Street intersection with another Collector Street;

(03) Shall be determined by the County Commissioners' Court for other intersections – the County Commissioners' Court may require lane widening, additional lanes, acceleration and deceleration lanes at these intersections.

(D) Visibility Area:

(01) Shall be minimum of eighty (80') feet for all Minor Streets intersections;

(02) Shall be no less than eighty (80') feet divided by the Sine of the apex angle for all Minor Streets intersections;

(03) Shall be determined by the County Commissioners' Court for other intersections;

(04) Sight lines shall be noted on the plat.

(05) Where any street intersection will include earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation (including trees in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

SECTION IV: Drainage

(01) The County Commissioners' Court will not approve any plat that, which to the best of its knowledge and belief, does not make adequate provision for Appropriate Drainage.

(02) Lot Layout:

(A) Lots shall be laid out and/or graded by the Subdivider such that positive drainage shall be effected;

(B) The drainage of a Lot shall be coordinated with the general storm drainage pattern for the area; and

(C) Drainage should be designed so as to avoid concentration of storm drainage water from a Lot to adjacent Lots.

(03) Drainage Rights

(A) When a proposed drainage system will carry water across private land outside the Subdivision appropriate drainage rights shall be secured, as necessary, by the Subdivider; and

(B) Drainage easements adequate for the conveyance of storm water in accordance with these Regulations shall be indicated on the Final Plat but shall not be dedicated unless otherwise required by the County Commissioners' Court, as the drainage facilities within such easements shall typically be maintained by the Lot Owner.

SECTION V Signage

(01) Street Name Signs:

(A) The Developer shall install and subsequently maintain street name signs as approved by Commissioners Court ;

(02) Traffic Control Signs:

(A) Shall be installed as set forth in the current version of the Manual on Uniform Traffic Control Devices (MUTCD) as approved by the Texas Department of Transportation; and

(B) Shall be installed by the Developer.

Chapter E

Minimum Engineering Requirements

The Engineer shall employ the Engineer's education and experience in order to ascertain if additional engineering is necessary but not specified in this Minimum Engineering Requirements Chapter.

SECTION 0 Definitions

(01) Civil Engineering - a professional engineering discipline that deals with the design, construction and maintenance of the physical and naturally built environment, including works such as bridges, roads, canals, dams and buildings which such engineering shall be in accordance with typical industry standards as applicable.

(02) Contractor – a Person which has:

(A) Adequate past performance in the construction of County Subdivision projects;

(B) The experience and expertise in order to complete a County Subdivision project or appurtenant portion thereof;

(C) The financial condition to appropriately sign the Warranty Agreement; and

(D) The equipment and materials sources availability in order to complete a County Subdivision project in accordance with these Regulations.

SECTION I Preliminary Engineering

(01) An analysis and proposed design for the accommodation of existing physical features affecting the property, including but not limited to water courses, culverts, bridges, railroads or other physical structures.

(02) A hydrologic drainage analysis of off-site drainage areas which affect the Subdivision as well as a hydrologic drainage analysis of on-site drainage areas:

(A) These analyses shall be based upon the best information available otherwise the use of a U S. Geological Survey 7-1/2' quadrangle map is acceptable; but

(B) It is not the intent of this provision to require the generation of contours from USGS base data files.

(03) A determination that the Lots in the Subdivision will be capable of the installation of an OSSF, consistent with the OSSF Regulations of Tom Green County, Texas.

(A) The soils data for the surficial soils as represented on a SCS Soils Map May be utilized for such determination; or

(B) Percolation Tests May used for such determination.

(C) Soils' Tests May be used for such determination.

SECTION II Final Engineering

(01) Streets shall be stationed and such stationing shall be depicted on a plan(s) sheet;

(02) Existing centerline elevations shall be ascertained via field survey at a minimum frequency of fifty feet (50');

(03) Existing cross section elevations and offsets shall be ascertained as necessary;

(04) Design centerline elevations shall be established at a minimum frequency of fifty feet (50');

(05) Typical design cross sections shall be established for roadways and Adequate Drainage improvements;

(06) A profile sheet(s) shall be prepared (a rolled sheet is acceptable) which depicts:

(A) Existing centerline elevations graphically;

(B) Design centerline elevations graphically;

(C) Design centerline elevations in textual form;

(D) Typical design cross sections; and

(E) A note which indicates the various Subdivision's streets' classification.

Chapter F

Testing Laboratory

SECTION I: Laboratory Minimum Qualifications

A Testing Laboratory shall possess current technology equipment which has been recently calibrated in order to accomplish the testing of materials and construction methods as well as other testing as set forth in these Regulations.

SECTION II: Staff Minimum Qualifications

The principal or an employee of a Testing Laboratory shall be

(01) Knowledgeable of:

(A) Modern engineering methods and techniques as applied to the engineering review of specifications for materials and construction methods;

(B) The construction materials' standards and approved testing methodologies established by the American Society of Testing and Materials, American Concrete Institute, American Society of Quality Control as well other standards organizations as applicable;

(C) The industrial processes and procedures used in the manufacture of construction materials;

(D) Engineering projects' development and techniques;

(E) Statistical methods; and

(F) Scientific applications' utilization.

(02) Able to:

(A) Simplify, improve, adapt to and standardize analytical and testing procedures necessary to solve problems and establish new testing programs as may be required by the Project Engineer or any County representative;

(B) prepare and present comprehensive written and oral reports and presentations;

(C) establish and maintain effective working relationships with clients, engineering personnel and County staff as well as with representatives of the construction materials industry.

(03) Possess the following minimum acceptable education and/or experience:

(A) An education which at minimum shall include the completion of a bachelor's degree program at an accredited college or university, with major course work in civil engineering or physics which such education requirement may be fulfilled by;

(B) Eight years of experience in civil materials and construction methods testing; and

(C) Six years of experience supervising a group of lower level construction technicians and/or inspectors performing testing and inspectional duties in the civil materials and construction methods testing phases of public works construction projects; or

(D) Any equivalent combination of such above defined education and experience except that a minimum of four years of experience shall be required.

SECTION III: Testing Standards

(01) Materials, construction methods and other testing as set forth in these Regulations shall be performed by a Testing Laboratory which conforms to Section 0, Definition set forth above;

(02) Work conducted by and reported by the Testing Laboratory shall be accomplished under the direct supervision of the above defined "principal or an employee".

Chapter G

Street Construction Requirements

SECTION 0: Definitions

(01) ASTM - American Society for Testing and Materials.

(02) Liquid Limit – The water content at which a soil changes from a plastic state to a liquid state as determined by the current version of test method ASTM D4318 "Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils".

(03) Gradation – The relative proportions of different grain sizes as they are distributed among certain size ranges within a material as determined by the current version of test method ASTM D 6913 "Standard Test Methods for Particle-Size Distribution (Gradation) of Soils Using Sieve Analysis".

(04) Modified Proctor Density – The maximum density of a material as determined by the current version of test method ASTM D1557 "Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft3)".

(05) Paving Superintendent – The person responsible for the paving crew.

(06) Plasticity Index - A measure of the plasticity of a soil and is the remainder of the subtraction of the Plastic Limit from the Liquid Limit and hence represents the size of the range of water contents where a soil exhibits plastic properties.

(07) Plastic Limit - The water content of a soil when the exhibition of plastic behavior is observed as determined by the current version of test method ASTM D4318 "Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils".

(08) Preferred – A construction method or material which is reliable with respect to industry standards.

(09) Standard Proctor Density – The maximum density of a material as determined by the current version of test method ASTM D698 "Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12 400 ft-lbf/ft3)".

(10) TxDot Item # - a reference to an Item as set forth in the Texas Department of Transportation STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS, STREETS, AND BRIDGES as adopted by the Texas Department of Transportation on June 1, 2004 and referenced specifications, publications or other items set forth therein unless otherwise specifically modified herein.

SECTION I Embankment Within The Limits of Dedicated Or Otherwise Public Roadways

(01) Shall be constructed in accordance with TxDot Item 132 "Embankment";

(02) Shall be a granular material that is free from vegetation or other objectionable material;

(A) Where supporting Street Subgrade;

(01) Shall exhibit a maximum Plasticity Index of less than or equal to 20;

(02) Shall be compacted to a minimum of 95% Modified Proctor Density; and

(03) Shall be placed and compacted in maximum lifts of 8" of loose material.

(B) Where not supporting Street Subgrade;

(01) Shall be compacted to a minimum of 90% Modified Proctor Density.

SECTION II Subgrade

(01) Shall be a granular material that is free from vegetation or other objectionable material;

(02) Shall exhibit a maximum Plasticity Index of less than or equal to 20;

(03) Shall be:

(A) Excavated in accordance with TxDot Item 110 "Excavation" or

(B) Embanked in accordance with TxDot 132 "Embankment" and

(C) Shaped to +/-0.05' of a design elevation with

(D) A maximum deviation of 0.02' within 10' transversely or longitudinally;

(04) Shall be staked, blue topped, or otherwise graded such that the appurtenant minimum Base depth specified herein is attained; and

(05) Shall be compacted to a minimum of 95% Modified Proctor Density.

SECTION III Base

(01) Materials:

(A) Type I - Shall be Type A crushed limestone, Grade 2 conforming to TxDot Item 247 "Flexible Base" with a minimum Plastic Index of 0 allowed or

(B) Type II - Shall be a crushed caliche conforming to the parameters of Grade 2, TxDot Item 247 "Flexible Base" as set forth below;

(01) Master gradation sieve size;

(02) Liquid limit, % max.; and
(03) Plasticity index, max.

(02) Construction Methods:

(A) Shall conform to TxDot Item 247 "Base";

(B) Shall be;

(01) Shaped to +/-0.05' of a design elevation with

(02) A maximum deviation of 0.02' within 10' transversely or longitudinally and

(03) Be staked, blue topped, or otherwise graded such that the appurtenant minimum Base depth specified herein is attained;

(C) Shall be compacted to a minimum of 95% Modified Proctor Density; and

(D) Shall be placed and compacted;

(01) In maximum compacted depths of 8", except

(02) Where a required thickness of Base is greater than 6"

(03) In equal dimensional compacted lifts the maximum of which shall be 6".

SECTION IV Two Course Surface Treatment – Warm Weather

(01) Shall be applied in accordance with TxDot Item 316 "Surface Treatments"; except that

(A) Asphalt storage tanks will be allowed;

(B) Application season shall be the period extending from May 1st to September 15th;

(C) Shall be applied when the air temperature is above 55°F and rising;

(D) Shall not be applied when the air temperature is below 65°F and falling;

(E) Shall not be applied when imminent weather conditions or anticipated weather conditions would preclude the Surface Treatment functioning as anticipated

(02) Shall be applied with a prime coat placed in accordance with TxDot Item 310 "Prime Coat" of an asphaltic material conforming to the requirements of MC-30, TxDot Item 300, "Asphalt, Oils, and Emulsions";

(A) At a rate of 0.20 gallons/yard^2 if paving will occur subsequent to 48 hours after application (Preferred) or

(B) At a rate of 0.15 gallons/yard^2 if paving will occur subsequent to 24 hours but prior to 48 hours after application.

(03) Shall be applied with a first course in accordance with TxDot Item 316 "Surface Treatments"; which

(A) Shall be an asphaltic material conforming to the requirements of AC-15P (Preferred) or AC-10, AC-20-5TR, AC-20-XP, TxDot Item 300, "Asphalt, Oils, and Emulsions" applied at a rate of 0.50 gallons/yard^2; except that

(01) Based on the judgment of The Paving Superintendent with respect to the surface texture of the Base applied at a rate of no less than 0.45 gallons / yard^2.

(B) Shall be a limestone aggregate conforming to the requirements of Grade 3 (non-lightweight) TxDot Item 302 "Aggregates For Surface Treatments" applied at rate of 1 yard^3 per 85 yard^2 which such Grade 3 aggregate shall be PB (Preferred) or

(C) Shall be a limestone aggregate conforming to the requirements of Grade 3 (non-lightweight), TxDot Item 302 "Aggregates For Surface Treatments" applied at rate of 1 yard^3 per 85 yard^2 but which shall be broomed in accordance with TxDot Item 316 "Surface Treatments" 24 hours subsequent to application and immediately prior to application of the second course.

(04) Shall be applied with a second course in accordance with TxDot Item 316 "Surface Treatments"; which

(A) Shall be an asphaltic material conforming to the requirements of AC-15P (Preferred) or AC-10, AC-20-5TR, AC-20-XP, TxDot Item 300, "Asphalt, Oils, and Emulsions" applied at a rate of 0.35 gallons/yard^2; except that

(01) Based on the judgment of The Paving Superintendent with respect to the surface texture of the Base applied at a rate of no less than 0.30 gallons/ yard^2

(B) Shall be a limestone aggregate conforming to the requirements of Grade 4 (non-lightweight) TxDot Item 302 "Aggregates For Surface Treatments" applied at rate of 1 yard^3 per 110 yard^2 which such Grade 4 aggregate shall be PB.

SECTION V Two Course Surface Treatment – Cool Weather

(01) Shall be applied in accordance with TxDot Item 316 "Surface Treatments"; except that

(A) Asphalt storage tanks will be allowed;

(B) Application season shall be the period extending from September 15th to May 1st;

(C) Shall be applied when the ambient air temperature is above 50°F; but

(D) Shall not be applied when the forecasted air temperature for the succeeding seven days will be less than 45°F

(E) Shall be an asphaltic material conforming to the requirements of MC-3000 or MC-2400, TxDot Item 300, "Asphalt, Oils, and Emulsions" applied at a rate of 0.40 gallons/yard^2 except that

(01) Based on the judgment of The Paving Superintendent with respect to the surface texture of the Base applied at a rate of no less than 0.35 gallons / yard^2

(F) Shall be a limestone aggregate conforming to the requirements of PB Grade 3 (non-lightweight) TxDot Item 302 "Aggregates For Surface Treatments" applied at rate of 1 yard^3 per 85 yard^2 which such Grade 3 aggregate shall be PB (Preferred) or

(G) The curing period will lead into a discussion of acceptance by the County with respect to the Warranty Agreement. The Warranty Agreement shall be for a term of one year.

(02) Shall be applied with a second course in accordance with TxDot Item 316 "Surface Treatments" and

(A) Shall be an asphaltic material conforming to the requirements of MC-3000 or MC-2400P, TxDot Item 300, "Asphalt, Oils, and Emulsions" applied at a rate of 0.40 gallons/yard^2 except that

(01) Based on the judgment of The Paving Superintendent with respect to the surface texture of the Base applied at a rate of no less than 0.37 gallons/ yard^2

(B) Shall be a limestone aggregate conforming to the requirements of Grade 4 (non-lightweight) TxDot Item 302 "Aggregates For Surface Treatments" applied at rate of 1 yard^3 per 110 yard^2 which such Grade 3 aggregate shall be PB.

SECTION VI Flexible Pavement Base Depths And Design

(01) Shall be in accordance with the following tables; except that

(02) A pavement design alternate May be substituted if appropriately prepared by the Project Engineer.

(A) Subgrade Plastic Index less than or equal to 12 (Surface Shall Be A Two Course Surface Treatment):

Street Classification	Minor	Collector	Arterial
Type I Base Depth	6"	8"	10"
Type II Base Depth	8"	10"	12"

(B) Subgrade Plastic Index greater than 12 but less than or equal to 16 (Surface Shall Be A Two Course Surface Treatment):

Street Classification	Minor	Collector	Arterial
Type I Base Depth	8"	10"	12"
Type II Base Depth	10"	12"	14" – 15"

(C) Subgrade Plastic Index greater than 16 but less than or equal to 20 (Surface Shall Be A Two Course Surface Treatment):

Street Classification	Minor	Collector	Arterial
Type I Base Depth	10"	12"	14"
Type II Base Depth	12"	14"	16" – 18"

(D) Subgrade Plastic Index greater than 20 shall be a pavement design prepared by the Engineer but the Surface Shall Be A Two Course Surface Treatment.

Chapter H

Street Construction Quality Control And Quality Assurance Requirements

SECTION 0 Definitions

(01) Area – 20,000 Square Feet.

(02) ASTM - American Society for Testing and Materials.

(03) Density - The density determined by the current version of test method ASTM D6938 "Standard Test Method for In-Place Density and Water Content of Soil and Soil-Aggregate by Nuclear Methods (Shallow Depth)" or other methods currently adopted by ASTM when cited in reference to a soil or a base material such which Density shall be determined by a Certified Testing Laboratory.

(04) Preferred – A construction method or material which is reliable with respect to industry standards.

(05) Proof Rolling – The rolling required in order to determine "weak or pumping" areas in accordance with TxDot Item 216, Proof Rolling.

(06) Random Location – Determined in the office via Random Number Generation and Statistical Methods (Preferred) or in the field via inspection.

(07) Requirements – The Requirements set forth in these Regulations at Street Construction Requirements.

(08) Refinery - an industrial plant for purifying a crude oil substance into substances specified in Requirements.

(09) Sampled – A statistical method for determination of aggregates in a stockpile to be in conformance with the Requirements which shall be accomplished in accordance the current version of test method ASTM D75 "Standard Practice For Sampling Aggregates".

(10) Statistical Methods - A mathematical science pertaining to the collection, analysis, interpretation or explanation, and presentation of data; the provision of tools for prediction and forecasting based on data; and the provision of tools for data sampling in order to obtain representative data.

(11) TxDot Item # - a reference to an Item as set forth in the Texas Department of Transportation STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS, STREETS, AND BRIDGES as adopted by the Texas Department of Transportation on June 1, 2004 and referenced specifications,

publications or other items set forth therein unless otherwise specifically modified herein.

SECTION I Embankment Within The Limits of Dedicated Or Otherwise Public Roadways

(01) The Density shall be determined at a Random Location within an Area;

(02) The Density shall be determined for each lift of material within an Area;

(03) Should a Density not conform to the Requirements no further lifts or a base course shall be placed in such Area until the Requirements have been conformed to.;

(04) Proof Rolling shall be accomplished prior to placement of a subsequent lift or a base course: and

(05) Should a weak or pumping area be ascertained no further lifts or a base course shall be placed until the Requirements have been conformed to.

SECTION II Subgrade

(01) The Density shall be determined at a Random Location within an Area;

(02) The Density shall be determined for each lift of material within an Area;

(03) Should a Density not conform to the Requirements a base course shall not be placed in such Area until the Requirements have been conformed to;

(04) Proof Rolling shall be accomplished prior to placement of a base course: and

(05) Should a weak or pumping area be ascertained a base course shall not be placed until the Requirements have been conformed to.

SECTION III Base Course(s)

(01) Materials

(A) Base shall be provided from a stockpile at a quarry site;

(B) A stockpile of Base sufficient for placement of the base course(s) associated with a Subdivision project shall be created;

(C) Sampling of this Base shall be effected in order to determine conformance with the Requirements; and

(D) Should the Base stockpile not conform to requirements no placement of base within a Subdivision shall occur until rectification is implemented such that the stockpile or other stockpiles conform to the Requirements.

(02) Construction

(A) The Density shall be determined at a Random Location within an Area;

(B) The Density shall be determined for each course of material within an Area;

(C) Should a Density not conform to the Requirements a subsequent base course of the application of a Two Course Surface Treatment shall not be placed in such Area until the Requirements have been conformed to;

(D) Proof Rolling shall be accomplished prior to the placement of an additional base course or the application of a Two Course Treatment: and

(E) Should a weak or pumping area be ascertained a base course shall not be placed until the Requirements have been conformed to.

SECTION IV Two Course Surface Treatment

(01) Materials - Aggregates

(A) Aggregates shall be provided from stockpiles at a quarry site;

(B) The stockpiles of Aggregates sufficient for placement of the Two Course Surface Treatment associated with a Subdivision project shall be created;

(C) Sampling of these Aggregate stockpiles shall be effected in order to determine conformance with the Requirements;

(D) Should these Aggregate stockpiles not conform to requirements no placement of a Two Course Surface Treatment within a Subdivision shall occur until rectification is implemented such that the stockpile or other stockpiles conform to the Requirements.

(02) Materials – Asphaltic

(A) A manifest shall be required from the Refinery indicating conformance with the Requirements.

(B) The temperature as well as other specified Requirements shall be recorded for documentation.

(03) Construction Methods

(A) The application rate of asphaltic material and spread ratio of the aggregate applied for each Application shall be recorded for documentation as well as the approximate location of each Application by street name and stations.

SECTION V Cores

(01) Shall be taken for each two Areas of the completed construction.

(02) The Testing Laboratory shall report the depth of the in-situ Base and the thickness of the Two Course Surface Treatment.

Chapter I

Certification Notebook

A three ring binder notebook shall be provided to the Plat Reviewer which includes the following:

SECTION I Certifications

(01) The Subdivider shall certify in the following form:

That I (the Name)_____ , (the Title)_____,
of (Person)_____, the Developer of (the Subdivision) _____.
(The Name, the Title, the Person, and the Subdivision shall be typed or otherwise legible)

Certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

_____

Signature Date

(02) The Project Engineer shall certify in the following form:

That I (the Name)_____, (the Title)_____,
of (Person)_____, Registration Number_____.
(The Name, the Title, the Person, and the Registration number shall be typed or otherwise legible)

Certify that I accomplished the Engineering in general conformance with these Regulations and in specific conformance with all Engineering Requirements or that such Engineering was accomplished under my direct supervision.

_____

Signature Date

(03) The Contractor(s) shall certify in the following form:

That I (the Name)_____, (the Title)_____,

of (the Person) _____.
(The Name, the Title, and the Person shall be typed or otherwise legible)

Certify that I constructed the Subdivision in specific accordance with these Regulations or as may have been modified by the Project Engineer and in general conformance with the plans provided by the Project Engineer.

_____

Signature Date

(04) The Testing Laboratory shall certify in the following form:

That I (the Name) _____, (the Title) _____,
of (Person) _____.
(The Name, the Title, and the Person shall be typed or otherwise legible)

Certify that I conducted the materials, construction methods and other testing for the Subdivision in specific accordance with these Regulations as well as additional testing which may have been required by the Project Engineer.

_____

Signature Date

SECTION II Documentation To Be Included

(01) Materials conformance relevant to Chapter G, Street Construction Requirements:

(A) Reported Liquid Limit, Plastic Limit and Plastic Index determinations;

(B) Reported Gradation determinations;

(C) Reported Modified Proctor Density determinations;

(D) Reported Standard Proctor Density determinations;

(E) Manifests for the asphaltic materials utilized in the placement of the Two Course Surface Treatment.

(02) Construction Methods conformance relevant to the Chapter H, Street Construction Quality Control And Quality Assurance Requirements:

(A) Reported Density determinations and locations thereof;

(B) The method utilized to determine Random Locations;

(03) Engineering:

(A) All information prescribed by Chapter E, Minimum Engineering Requirements and

(B) Other information which may have been generated as a portion of the Engineering associated with a Subdivision.

V. ROAD MAINTENANCE

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.

The County will not consider acceptance of 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 or city guidelines if located within the ETJ 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, the road 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

Letters of Credit shall be for a term of 2 years.

An executed form for dedication must be filed meeting all requirements of these regulations.

VI. RESERVED FOR FUTURE EXPANSION

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 Tom Green 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 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. RESERVED FOR FUTURE EXPANSION

IX. FIRE SUPPRESSION SYSTEM

9.1 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

10.1 The Commissioners' Court of Tom Green 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.

10.2 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.

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

XI. PENALTIES

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

11.2 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.

11.3 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.

11.4 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.

11.5 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.