GRIMES COUNTY, TEXAS
INFRASTRUCTURE REGULATIONS

ADOPTED BY GRIMES COUNTY COMMISSIONERS COURT
JUNE 23rd, 2025

_____
COUNTY JUDGE
JOE FAUTH III

_____
PRECINCT 1 COMMISSIONER
CHAD MALLETT, P.E.

_____
PRECINCT 3 COMMISSIONER
MICHAEL RASKA

_____
PRECINCT 2 COMMISSIONER
DAVID TULLOS

_____
PRECINCT 4 COMMISSIONER
PHILLIP COX



ORDER ADOPTING THE GRIMES COUNTY INFRASTRUCTURE REGULATIONS

STATE OF TEXAS §
COUNTY OF GRIMES §

BE IT REMEMBERED that on the 23RD day of June, 2025, the Grimes County Commissioners' Court, pursuant to Texas Local Government Code §232, hereby adopts the Grimes County Infrastructure Regulations, including Appendices A through E.

The Grimes County Infrastructure Regulations apply to all developments in the Grimes County unincorporated area. The Regulations take effect immediately upon adoption.

PASSED and ADOPTED on this 23RD day of June, 2025 with a vote of 5 ayes and 0 nays.

GRIMES COUNTY COMMISSIONERS COURT

_____
Joe Fauth III
Grimes County Judge

ATTEST

_____
Vanessa Burzynski
Grimes County Clerk

REVISIONS:

Approved July 26, 2011
Revised June 10, 2014
April 28, 2015
May 10, 2016
March 28, 2018
July 8, 2020
June 15, 2022
June 23, 2025

I. AUTHORITY
II. APPLICABILITY
III. ENFORCEMENT
IV. PENALTIES
V. APPLICABILITY OF INFRASTRUCTURE REGULATIONS AND MODEL RULES
VI. ADDITIONAL REGULATIONS
VII. REVISION TO REGULATIONS
VIII. DEFINITIONS
IX. EXCEPTIONS TO PLATTING
X. PLAT REVIEW PROCEDURES
    A. APPLICATION PROCEDURES
    B. SUBMITTAL REQUIREMENTS
    C. ADMINISTRATIVELY COMPLETE APPLICATION DOCUMENTS
    D. PLAT SPECIFICATIONS
    E. MONUMENTS
    F. APPROVAL PROCEDURE
    G. COMMISSIONERS COURT APPROVAL
    H. RECORDING
XI. PLAT REVISION, AMENDMENT, AND CANCELLATION
    A. REPLAT
    B. AMENDING PLAT
    C. PLAT CANCELLATION
XII. PLAN REVIEW
    A. APPLICATION PROCEDURES
    B. SUBMITTAL REQUIREMENTS
    C. ADMINISTRATIVELY COMPLETE APPLICATION
    D. APPROVAL PROCEDURE
    E. ROAD AND DRAINAGE DESIGN STANDARDS
        1. GENERAL
        2. STANDARD ROAD CROSS SECTIONS
        3. ROAD SPECIFICATIONS
        4. PRIVATE ROADS
    F. SUBDIVISION DESIGN STANDARDS
        1. LOT SIZES AND DIMENSIONS
        2. FLAG LOTS
        3. DOUBLE FRONTAGE LOTS
        4. RESERVES
        5. EASEMENTS
        6. DRIVEWAY SPACING AND ACCESS
        7. SETBACKS

8. COMPENSATING OPEN SPACE
9. WATER AND WASTEWATER
10. EMERGENCY SERVICES
11. TRAFFIC CONTROL DURING CONSTRUCTION
12. SIGNS
13. TRAFFIC SIGNALS
14. MAILBOXES

G. OTHER RESIDENTIAL SUBDIVISIONS
1. TOWNHOUSES, MULTI-FAMILY APARTMENTS, CLUSTER DEVELOPMENTS, AND CONDOMINIUMS
2. MANUFACTURED HOME RENTAL COMMUNITIES, RV PARKS, AND RENTAL COMMUNITIES
3. GATED COMMUNITIES

XIII. DRAINAGE CRITERIA
XIV. TRAFFIC IMPACT ANALYSIS CRITERIA
XV. ROAD CONDITION ANALYSIS CRITERIA
XVI. CONSTRUCTION PROCEDURES AND REQUIREMENTS
XVII. ROAD ACCEPTANCE PROCEDURE
A. PROCEDURE FOR ACCEPTANCE INTO MAINTENANCE PERIOD
B. PROCEDURE FOR ACCEPTANCE INTO COUNTY ROAD NETWORK
XVIII. VARIANCES AND APPEALS

APPENDIX A: RULES FOR MANUFACTURED HOME COMMUNITIES, RECREATIONAL VEHICLE COMMUNITIES, AND RENTAL COMMUNITIES

APPENDIX B: MODEL SUBDIVISION RULES

APPENDIX C: RULES OF GRIMES COUNTY FOR ON-SITE-SEWERAGE FACILITIES

APPENDIX D: DEDICATIONS, CERTIFICATIONS, ACKNOWLEDGEMENTS

APPENDIX E: RECORD OF ADDENDUMS TO SUBDIVISION REGULATIONS

I. AUTHORITY

These Regulations are adopted by the Commissioners' Court of Grimes County, Texas, acting in its capacity as the governing body of Grimes County.

The authority of Grimes County to adopt these Regulations and for the contents hereof is derived from the following statutes:

Texas Local Government Code - LGC § 42
Texas Local Government Code - LGC § 223
Texas Local Government Code - LGC § 232
Texas Local Government Code - LGC § 233
Texas Local Government Code - LGC § 240
Texas Local Government Code - LGC § 242
31 Texas Administrative Code - TAC § 364
Texas Water Code § 16.350 - 16.354
Texas Water Code § 11.086
Texas Property Code § 12.002
The Flood Control and Insurance Act
Texas Transportation Code Section 251
Texas Transportation Code Section 254
44 CFR 60.6

II. APPLICABILITY

These rules shall apply to all developments and/or subdivisions of land into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of the purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

Pursuant to Texas Local Government Code §223.0013 and §242.001 and other applicable statutory provisions, these rules shall apply to the unincorporated areas of Grimes County, Texas except in the case of a municipality's Extra-Territorial Jurisdiction ("ETJ" herein) as determined by Texas Local Government Code §42.021, when the municipality and the County have agreed that the municipal rules regarding subdivisions will control. The Model Rules adopted herein and set forth in Appendix B attached hereto apply to the unincorporated area of the County regardless of any agreement with a municipality regarding application of the remaining rules set forth herein.

Grimes County has entered into an agreement, pursuant to Texas Local Government Code §242.001, to allow the City of Navasota to regulate subdivision developments within the ETJ of the City of Navasota.

All developers shall make the appropriate contact to the correct municipality to determine if the proposed development lies within an ETJ. It is the duty of the developer to determine whether these rules and/or those of a municipality apply to any particular development.

III. ENFORCEMENT

It shall be unlawful for any person to lay out, subdivide or plat any land into lots, blocks, tracts or streets within the unincorporated area of Grimes County if the land has not been laid out, subdivided and platted in accordance with these regulations. It shall be unlawful to develop any land in violation of any provision of these regulations in the unincorporated area of Grimes County.

IV. PENALTIES

Civil and/or criminal penalties may be enforced to ensure full compliance with these regulations and all supporting or supplemental regulations.

Pursuant to Chapter 7 of the Texas Penal Code, a person may be 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, aides, or attempts to aide another person to commit the offense. Violators to include agents, brokers, lenders, attorneys, surveyors, engineers, insurers, or any other person who assist in violating these regulations are subject to civil or criminal prosecution and penalties.

V. APPLICABILITY OF INFRASTRUCTURE REGULATIONS AND MODEL RULES

This Section does not relieve any requirement for platting under Texas Local Government Code 232 or the requirements of the Grimes County Infrastructure Regulations.

TWO OR MORE TRACTS LESS THAN OR EQUAL TO 5 ACRES = MODEL RULES AND INFRASTRUCTURE REGULATIONS APPLY.

MORE THAN TWO TRACTS GREATER THAN 5 ACRES AND LAYING OUT OF ACCESS, ETC. = INFRASTRUCTURE REGULATIONS APPLY

MORE THAN TWO TRACTS GREATER THAN 5 ACRES AND NO LAYING OUT OF ACCESS = INFRASTRUCTURE REGULATIONS AND MODEL RULES DO NOT APPLY.

Drainage, Traffic, and/or Road Condition rules apply to all developments.

Exception to Platting Requirements may apply per Section IX.

In any case of ambiguity regarding rules within these Regulations, other Grimes County Regulations, or Local, State, or Federal law, the most stringent requirement shall apply.

VI. ADDITIONAL REGULATIONS

A. All developments subject to these Regulations shall comply with any and all requirements as specified by the Texas Commission on Environmental Quality (TCEQ), the Bluebonnet Groundwater Conservation District (BGCD), and all applicable state and federal laws.

B. The Grimes County Floodplain Regulations apply to all development within the unincorporated areas of Grimes County, Texas.

C. Residential home construction shall comply with residential code and amendments adopted by Grimes County.

D. All developments or subdivisions shall comply with the latest editions of 30 Texas Administrative Code (TAC) Chapter 285 On-site Sewage Facilities and the Rules of Grimes County, Texas for Private Sewage Facilities, including any revisions, additions, or amendments. Developments shall comply with all state and federal laws, rules, regulations regarding on-site septic facilities.

VII. REVISION TO REGULATIONS

The regulations for roads, parkways, driveway entrances and curbs and gutters are established and set forth herein. The Commissioners' Court may alter all other regulations, which are referred to herein, but not included, from time to time without requiring an amendment to this order; such regulations being subject to change from time to time by motion duly adopted by the Commissioners' Court. Any such changes or alterations shall be immediately noted upon such regulations.

VIII. DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given in this article. When not consistent with the context, words used in the present tense include the future, words used in the singular number include the plural number, and words used in the plural number include the singular number. Definitions not expressly prescribed herein are to be determined according to customary usage in planning and engineering practices.

ADMINISTRATIVELY COMPLETE - an application submitted to the County Engineer along with all required fees and all required documents or plans listed on any checklist of required documents in these regulations. An administratively complete application is ready for review.

ALLEY - a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a 'public road" as that term is defined herein.

BENCHMARK - a permanent marker with elevation established on U.S.C. & G.S. Data Plane or other governmental agency, acceptable to the Commissioners' Court of Grimes County, Texas.

BUILDING SETBACK LINE - a line on a plat generally parallel to any property line and the road right-of-way, indicating the limit beyond which buildings or structures may be erected and the area between the property lines and the building setback line within which no structure may be permitted.

CLUSTER DEVELOPMENT - a method of land development that permits variation in lot sizes without a significant increase in the overall density. Due consideration shall be given to open space provided within the plat boundary and in other portions of the total development. Each lot in a cluster sequence shall be considered in relation to the entire group of which it is a part. This allows subdivisions with varying lot sizes so as to provide homebuyers a choice of lot sizes according to their needs, and preserves open space, tree cover, scenic vistas, natural drainage ways and outstanding topography. Such measures prevent soil erosion by permitting development according to the nature of the terrain, which provides for larger open areas with greater utility for rest and recreation and encourages the development of more attractive and economic site design.

COLLECTOR ROAD - a public road that provide for expeditious movement of vehicular traffic within a neighborhood collecting traffic from local roads and connecting to a collector, arterial, or thoroughfare.

COMMISSIONERS' COURT - the County Commissioners' Court of Grimes County, Texas.

COMPENSATING OPEN SPACE - areas designated on a plat which are restricted from development, except for landscaping and recreational uses and which all owners of residential properties within the plat have a legal common interest or which is retained in private ownership and restricted from development, except for landscaping and recreational uses for the exclusive use of all owners of residential property within the plat. The terms compensating open space and common open space may be used interchangeably and can be considered the same.

COUNTY - the County of Grimes, Texas.

COUNTY ENGINEER - the holder of the statutory position of the County Engineer for Grimes County or the employee designated by the County Engineer to perform a task required by these Regulations.

COUNTY ROAD - a public road that has been accepted by Grimes County for maintenance purposes or a road constructed and maintained by Grimes County. The word “road” shall have the same meaning as the word “street” within these Regulations or within any statute or reference to statute.

CUL-DE-SAC - a short public road having but one (1) opening or access to another public road and is terminated by a permanent vehicular turn-around.

DEAD-END - a portion of a public road that has only one (1) opening or access to another public road and which may be extended at a later date.

DEVELOPER OR SUBDIVIDER - any person, partnership, firm association, corporation (combination thereof) or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the development and/or subdivision of land within the intent, scope and purview of these regulations. These terms are synonymous and are used interchangeably.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to buildings and other structures, substantial improvement to existing buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences or fence-type walls in the floodplain.

This definition does not include routine maintenance, routine repairs to existing structures, residential accessory buildings not located in A Zones with flood areas less than 150 square feet, or other insignificant activities including temporary storage of equipment in X Zones.

DEVELOPMENT COORDINATOR - the County Engineer’s designee acting within the authority of the Commissioners Court regarding these rules.

DETENTION BASIN - a reservoir which functions to reduce the peak flow of the stream or streams downstream from the reservoir by temporarily storing the runoff within the reservoir by means of a limited outflow structure.

EASEMENT - the area for a right granted for the purpose of limited private, public or semi-public use across, over, or under private property for a specified purpose or purposes.

ENVIRONMENTAL DEPARTMENT - the Grimes County Environmental Department

FLOOD HAZARD BOUNDARY MAP - the maps or plats prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration, effective date April 3, 2012 for Grimes County, Texas (Community No. 481173) which identifies Special Flood Hazard Areas, or latest version thereof.

FLOOD INSURANCE RATE MAP - the maps or plats previously and more commonly known as flood hazard boundary maps which identifies Special Flood Hazard Areas, or latest version thereof, to comply with FEMA update dated April 3, 2012.

GATED COMMUNITY - a residential subdivision or housing development with a vehicular or pedestrian gate that contains two or more dwellings not under common ownership. The term does not include a multi-unit housing project.

GRIMES COUNTY STANDARD(S) - regulations for streets, roads, alleys, storm sewer lines and appurtenant structures, which are set forth herein, and such additional standards as may be adopted by the Commissioners' Court, and which may be amended from time to time, and are hereby referred to.

HOMEOWNERS' ASSOCIATION (HOA) / PROPERTY OWNERS' ASSOCIATION (POA) - an association created for a subdivision development to enforce bylaws, covenants and restriction as set forth by developer.

LOCAL ROAD - a road used primarily to access properties, residential areas, business, and agricultural area, not a collector or arterial road.

MANUFACTURED HOME - a movable portable building that is connected to utilities and constructed to be towed on its own chassis by a motor vehicle. it may consist of one or more units, which are separately towed but designed to be joined into one integral unit.

MANUFACTURED HOME COMMUNITY - a lot or tract of land separated into two or more spaces 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.

MANUFACTURED HOUSING PARK - a contiguous development of land sites, which have been planned and improved for the placement of rental manufactured housing.

MANUFACTURED HOUSING SUBDIVISION - A subdivision of land as defined herein where the lots are divided and specifically planned for sale and/or ownership and intended for manufactured housing use.

MODEL RULES - the Model Subdivision Rules adopted by the Grimes County Commissioners' Court pursuant to Texas Local Government Code §232.072, Texas Water Code §16.350 and 31 Texas Administrative Code Chapter 364 pertaining to all subdivisions of land into two or more parts that create lots of five (5) acres in size or less and are intended for residential purposes.

MODULAR OR RECONSTRUCTED HOME - a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built to be placed on a permanent slab foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical system contained herein.

MULTI-UNIT HOUSING - an apartment, condominium, townhome, or other development that contains two or more dwelling units.

MUNICIPAL UTILITY DISTRICT (MUD) - a state governmental entity that provides utility services to certain defined areas.

OUTFALL - Tidewater or that point as determined by the developer's Engineer and approved by the County where storm water can be released to a channel without causing erosion or resulting sedimentation to the receiving channel or its flood plain. Where necessary, the outlet shall include structural and vegetative measures to assure non-erosive velocities.

PUBLIC IMPROVEMENT DISTRICT (PID) - A special taxing entity created to fund certain property improvements.

PLAT - a subdivision plan submitted for approval by the Commissioners' Court in conformity with the provisions of these regulations and which if given final approval, shall be submitted to the County Clerk of Grimes County for recording. A re-plat shall be considered a plat as defined herein.

PRIVATE ROAD - any road that is not a public road including roads designated as private at the time of original platting. The following are not public or private roads:

A. Any driveway providing access to a building or delivery platform
B. Any parking area.
C. Any roadway providing access between commercial establishments
D. Any entrance or driveway providing access to one or more apartment building(s)

PUBLIC ROAD - A public road is an area, parcel or strip of land which provides vehicular access to adjacent property or land whether designed as a road, highway, freeway,

thoroughfare, avenue lane, boulevard, road, place, drive or however otherwise designated and which is either dedicated or granted for public purposes or acquired for public use by prescription. Access to and within proposed subdivisions shall be by way of public roads unless otherwise permitted by these rules.

RECREATIONAL VEHICLE - A vehicular, portable structure built on a chassis, designed by the manufacturer as a temporary dwelling for travel, recreational and vacation use, not for use as a permanent dwelling, including:

A. Camping Trailer - a folding structure mounted on wheels and designed for travel, recreation, and vacation use.
B. Motor Home - a portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle.
C. Pickup Coach - a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.
D. Travel Trailer - a vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, designed to be transported and intended for human occupancy as a swelling for short periods of time and containing limited or no kitchen or bathroom facilities.

RECREATIONAL VEHICLE COMMUNITY - shall have the same meaning as manufactured home community as defined in this section.

RENTAL HOME COMMUNITY - shall have the same meaning as manufactured home community as defined in this section.

RESIDENTIAL USE - single-family residential uses; two-family uses; and multi-family residential apartment, townhouse uses or condominiums.

RURAL ARTERIAL ROAD - a road that provides connectivity between collector roads that serves as a primary route for longer-distance travel in rural areas.

SHALL AND MAY - as used herein, the word “shall” is mandatory and the word “may” is permissive. The word “must” shall have the same meaning as the word “shall” where Texas Local Government Code is referenced directly.

SHOULD AND WILL - as used herein, the word “should” is a recommendation and is preferred. The word “will” is mandatory.

SPECIAL FLOOD HAZARD AREAS (SFHA) - Those areas shown by the Flood Hazard Boundary Maps to be subject to flooding conditions; generally accepted as the 100-year flood plain based on available data.

SUBDIVISION - the division of any lot, tract or parcel of land into two (2) or more parts to lay out: 1) a subdivision of the tract, including an addition; 2) lots; or 3) roads, 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 roads, streets, alleys, squares, parks or other parts.

TEXAS LOCAL GOVERNMENT CODE (LGC) - the current applicable law as referenced by these Regulations to include all is applicable as well as any successor statutes.

TBPELS - Texas Board of Professional Engineers and Land Surveyors

TCEQ - Texas Commission of Environmental Quality.

TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) STANDARDS - Refers to those standard specifications set forth in the TxDOT Standard Specifications for Construction of Highways, Streets and Bridges.

THIRD DEGREE OF CONSANGUINITY - Relationships defined and determined under Texas Government Code §573.023(c). An individual's relatives within the third degree by consanguinity are the individual's:

1. Parent or child (relative of 1st degree)
2. Brother, sister, grandparent, or grandchild (relative of 2nd degree)
3. 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 (relative of 3rd degree)

THOROUGHFARE ROAD - Thoroughfares are roads that are principally regional in nature, are used for through or heavy traffic, and which will serve vehicular traffic beyond the limits of the subdivision and/or connect one collector or arterial with one or more collectors or arterials.

IX. EXCEPTIONS TO PLATTING

EXCEPTIONS TO PLATTING SHALL BE APPROVED BY GRIMES COUNTY

All developments that qualify for an exception to platting shall comply with all local, state, and federal regulations.

Texas Local Government Code §232.0015

A. A plat-requirement exception applies if the owner(s) of a tract of land divides the tract into two or more parts and does not lay out 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

AND:

1. The land is used primarily for agricultural uses, or for farm, ranch, wildlife management, or timber production use; or

2. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity; or

3. All of the lots of the subdivision are more than ten (10) acres in area; or

4. All of the lots are sold to veterans through the Veterans' Land Board Program; or

5. The tract is owned by the State or other State agency, board, or commission, or owned by the permanent school fund, or any other dedicated funds of the State; or

6. The owner of the tract is a political subdivision of the state, the land is situated in a floodplain, and the lots are sold to adjoining landowners; or

7. One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations; or

8. All parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract.

EXCEPTIONS TO PLATTING - ADOPTED BY GRIMES COUNTY

B. A plat-requirement exception applies if the owner(s) of a tract of land, which is not the result of a division of land within the preceding twelve (12) months, divides the land into only two parts if at least one of them is greater than five (5) acres.

C. A plat-requirement exception applies if the owner(s) of a tract of land divide(s) the tract into two or more parts and all tracts have access on an existing public road and the division will not result in two or more tracts of five (5) acres or less (subject to the requirements of the driveway regulations and the Grimes County Mobility Plan).

X. PLAT REVIEW PROCEDURES

A. APPLICATION PROCEDURES

All development within the unincorporated areas of Grimes County is prohibited without first securing approved plans or plat, if required, and a development permit issued under the regulations of Grimes County, Texas.

An applicant, at their option, may apply to the County Engineer for a pre-development meeting. The application shall include a request in writing to the County Engineer or their designee for a pre-development meeting, a pre-development plan including applicable exhibits and any supporting information, and a pre-development(administrative) review fee.

A pre-development meeting shall be scheduled within a reasonable timeframe from the date of application.

B. SUBMITTAL REQUIREMENTS

Following the pre-development application, if the applicant wishes to proceed with the development, the following process shall apply:

1. The applicant shall submit an administratively complete application for plat to the County Engineer.

2. The County Engineer or their designee shall review the applications for compliance with these Regulations and shall provide notice to the applicant, within the statutorily required timelines, of one of the following:

    a. The application is missing required documents, or

    b. The administratively complete application cannot be approved (the County Engineer shall include the reasons for not approving the applications), or

    c. The administratively complete application is conditionally approved and the plat shall be placed on the Commissioners Court agenda for approval by vote of Commissioners Court.

C. ADMINISTRATIVELY COMPLETE APPLICATION DOCUMENTS

The following documents shall be included in an administratively complete application for plat approval by Grimes County prior to Grimes County's review of the application:

1. APPLICATION - a development application.

2. PLAT - a plat (electronic copy) covering the proposed development and all the contiguous land owned or controlled by the developer intended to be developed at any time.

3. PLANS - plans and specifications prepared and sealed by a Texas-registered Professional Engineer and approved by Grimes County for all roadway, drainage and utility improvements within or extending to the proposed subdivision,

4. FEES - all fees for plat review, plan review, drainage impact analysis, floodplain review, or any other applicable fees shall be paid prior to plat review. Recording fees are separate and are paid at the time of recording in the County Clerk's Office. Fees can be found in the Grimes County Permits Fee Schedule. Review fees are non-refundable.

5. TAX CERTIFICATES - a certified receipt indicating that all taxes have been paid.

6. TITLE INFORMATION - a certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas certifying to at least the following concerning the title to the land: A statement of records examined and date of examination within thirty (30) days of submission; name of the fee owner as of the date of examination demonstrating "marketable title" of the property and the date, file number, and volume and page or the recording of the deed involved; the name of any lien- holder together with the date of filing and volume and page of such lien and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording. The certificate or letter may be submitted to the County Attorney for review.

7. EASEMENT LETTER OF CONSENT - in the event any public road is to be platted across any conflicting exclusive-use surface easement or right-of-way or any land not owned by the developer, the owner of such land or conflicting exclusive-use surface easement or right-of-way shall join in the dedication of such public road. A letter of consent shall be provided for the crossing of any easement or right-of-way where a non-exclusive-use interest is held.

8. WATER AND SEWER EXHIBIT - if lots are to be serviced by private water and/or private septic and if requested by Grimes County due to existing topography or configuration of parcels, an exhibit showing to-scale layouts of water and sewer facilities, property lines, setbacks, proposed open space, floodplain boundaries,

existing structures, and any other item that may conflict with a water or sewer facility location.

9. ENGINEER CERTIFICATION - WATER AND SEWER - If the Model Rules apply to the subdivision in question, the plat shall include or have attached a description of the water and sewer facilities that will be constructed or installed to service the subdivision and a statement of the date by which the services will be fully operable. Such plats shall also contain a document prepared by an engineer licensed to practice in this state certifying that the water and sewer service facilities described by the plat or Attached document are in compliance with the Model Rules. Such certification by an engineer shall comply with LGC §232.072(b)(2) and 31 Texas Administrative Code §364.52.

10. ENGINEER GROUNDWATER CERTIFICATION - If the source of water supply intended for the development is groundwater, a statement prepared by a Texas-registered Professional Engineer or a Texas-licensed geoscientist shall be required certifying that adequate groundwater is available for the development.

11. APPROVAL OF WATER/SEWER PROVIDER - If the source of water supply or wastewater treatment intended for the development is an existing public utility provider, or any other entity not owned or operated by the development, a letter of approval from the provider or entity that will provide water or sewer services to the development.

12. APPROVAL OF ELECTRIC SERVICE PROVIDER - For all subdivisions or developments that will include any habitable structure, a letter of approval from the provider of electric services to the development

13. GRIMES COUNTY ENVIRONMENTAL DEPARTMENT APPROVAL - An approved permit for management of wastewater from the environmental department.

14. ACCESS APPROVAL - Proof of approval of proposed access from TxDOT-maintained roads.

15. RESTRICTIVE COVENANTS - A general statement of the proposed uses of the land and a copy of the restrictive covenants shall be included in the plat dedications. Any additional restrictive covenants required as a condition of plat approval shall be included with the plat application.

16. SECURITY - ROADS AND DRAINAGE - A performance/construction bond or other acceptable financial guarantee, equal to the construction cost of road and drainage improvements and guaranteeing the completion of construction. The security shall be payable to the County Judge and shall guarantee completion of all required improvements within two (2) years from the date of final approval of such plat. The original security shall be maintained by the County Auditor.

17. SECURITY - WATER AND SEWER - A performance/construction bond or other acceptable financial guarantee equal to the construction cost of water and sewage facilities and guaranteeing completion of construction. The security shall be payable to the County Judge and shall guarantee completion of all required improvements within two (2) years from the date of final approval of such plat. The original security shall be maintained by the County Auditor.

The following documents shall be submitted following approval of the application by the County Engineer, prior to approval by Commissioners Court:

1. DIGITAL FILES - PDF, SHP, and CAD files of the final plat are required prior to approval by Commissioners Court.

2. PHYSICAL COPIES OF PLAT - mylar copies with original signatures and printed copies of the plat are required prior to approval by Commissioners Court. Number of copies shall be determined by the County Engineer.

D. PLAT SPECIFICATIONS

Plats shall meet all rules, regulations, and minimum standards as set forth by the Texas Board of Professional Engineers and Land Surveyors. The following shall be required to be included with or shown on the plat:

1. SCALE - Accurate dimensions, both linear and angular, of all items on the plat shall be indicated and shown on the final plat as follows:

    A. 1" =100' or 1" = 200' for lots of 2.5 acres or more

    B. 1" = 400' for lots of twenty (20) acres or more.

    C. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings.

2. PLAT DIMENSION - Plat document(s) shall be twenty-four inches (24") by thirty-six inches (36").

3. SUBDIVISION NAME - Title or name of the subdivision.

    A. The County Engineer shall approve the name of the subdivision.
        i. The title block shall include the Names and address of owners and/or developers, the surveyor, engineer, or firm preparing the plat, the legal description of the plat, and the date of preparation or revision.
        ii. The legal description shall be sufficient for the purpose of title examination.

    B. Multiple sheet plats shall include subdivision name and sheet number located in lower right-hand corner of each sheet. A key map shall be provided on the dedication sheet showing individual sheet relationship.

4. NORTH POINT, SCALE AND VICINITY MAP

5. AREA - the area of each lot, total area in subdivision or development, proposed sectioning, total number of lots, and total area of reserves.

6. BOUNDARY - Outlines of the tract or tracts the plat is proposed to subdivide shall be shown with heavy, solid lines. The boundary of the plat shall be described with complete and overall dimensions and bearings. The boundary shall be tied to an original corner of the original survey of which the subdivision is a part, or shall be tied to the nearest road intersection, and shall labeled with Texas State Plane coordinate values.

7. ROAD NAMES - The name(s) of the roads within the subdivision shall be coordinated with the 911 Addressing Department to avoid duplication.

8. TRANSPORTATION CORRIDORS - Existing or future transportation corridors contained within, abutting, or impacting the development and identified in the Grimes County Mobility Plan shall be shown on the plat under the authority of LGC 232.0033.

9. LOTS / ROADS / EASEMENTS - All proposed blocks, lots, alleys, roads, easements and purposes thereof, drainage or water courses, recreation and special use areas, reserves, setback lines, proposed dedication of areas for public use other than roads and easements and the approximate dimension of all proposed items shall be shown. Public facilities and easements included in any city, county or regional plan that are included or adjacent to the land being subdivided shall be shown.

10. BLOCKS / LOTS / RESERVES
    A. Blocks shall be assigned Roman numerals and shall be organized consecutively by section of the plat or master plan.
    B. Lots shall be numbered consecutively
    C. Reserves shall be identified alphabetically and shall be identified individually as unrestricted or restricted.
        i. Restricted reserves shall include the applicable identification per Section XII Chapter D.

11. DIMENSIONS

    A. ROADS AND ALLEYS RIGHTS-OF-WAY
        i. Complete curve data (radius, delta angle, arc length, chord bearing, chord length) shown on each side of roads, and alleys and centerline of streets.
        ii. Length and bearings of all tangents on road centerline and on each side of roads.
        iii. Dimensions from all angle points and points of curve to an adjacent side lot line.
        iv. Actual right-of-way width of all roads and alleys, measured at right angles or radially where curved.

    B. LOTS - Complete bearings and dimensions for front, rear and side lot lines.

    C. WATER COURSES AND EASEMENTS - Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank of a stream. Transverse line shall be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement of a stream.

    D. PIPELINES - Pipelines having no defined easement location or width shall be tied to dimensions to all adjacent lot and tract corners. If no agreement can be

reached on a defined easement, then building setback lines shall be shown at a minimum distance of twenty-five feet (25') from and parallel to the centerline of the pipeline.

12. DEDICATIONS, CERTIFICATIONS, ACKNOWLEDGEMENTS - Statement shown in Exhibit B applicable to the development shall be included on the plat.

13. DRAINAGE EASEMENTS - Proposed easements for access and maintenance of drainage infrastructure to be constructed for temporary or permanent purposes, to include detention basins, channels, streams, etc. shall be either shown on the plat or a description included in the dedications.

14. SETBACKS - building setbacks identified in Section XII shall be included in the plat dedications or shall be shown on the plat.

15. SPECIAL FLOOD HAZARD AREAS - shall be clearly identified on the plat. SFHA boundary shall match the latest Grimes County FIRM or as determined by the latest version of FIRM/FHBM for Grimes County.

16. EXTENSION DATA - The location, width and name of existing roads and subdivisions and the location of existing lots, easements, pipelines, fee strips, survey lines, building lines, water courses or other important information shall be shown on all sides of the subdivision for a distance of not less than 200 feet. Recording information shall be provided on the plat. The lines of such indication beyond the plat boundary shall be dashed.

E. MONUMENTS

Before submission to the Commissioners' Court for recordation, all final plats shall be in full accordance with the required certification made upon the plat by a Registered Professional Land Surveyor ascertaining that the plat represents a survey made by him and that all necessary monuments are accurately and correctly shown. The surveyor shall place monuments at all corners and angle points of the boundaries of the original tract to be subdivided and at all road intersections, angle points in road lines and points of curve and at such intermediate points as may be required. Such monuments shall be of iron pipe or rod not less than *5/8-inch* in diameter and thirty inches (30") in length, driven securely into solid earth with the grades of same being at grade with the established sidewalk or if walk is not established, flush with the natural grade of earth's surface.

F. APPROVAL PROCEDURE

Upon notification by the County Engineer to the applicant that the plat application is approved, and prior to the plat application being placed on the Commissioners Court agenda for approval by vote of Commissioners Court, the applicant shall provide:

1. An original mylar of the approved plat certified by a Texas-Registered Professional Land Surveyor. The plat:
   a. Shall be neatly and legibly drawn on mylar, plastic or their equivalent with waterproof black tracing ink or reproduced by photographic process on vellum, mylar, plastic, or their equivalent to scale from an accurate survey made on the ground.
   b. Shall not show construction features, cross- sections, or other structures not involved in the title covenant.
2. PDF, SHP, and CAD files of the final plat are required prior to approval by Commissioners Court.
3. All final supporting documents.

The seal and signature on a plat or plans conveys the Engineer or Surveyor's responsibility and accountability. Approval by Grimes County does not relieve any party from complying with federal, state, and local rules, laws, and regulations, or any other regulation or ordinance related to land development.

G. COMMISSIONERS COURT APPROVAL

The Commissioners' Court shall approve or reject a plat that meets the requirements of the Regulations. If the Commissioners Court disapproves a plat, the applicant shall be given a list of reasons for the disapproval.

Once a plat is approved, the Commissioners Court members shall sign each sheet of an approved plat following a vote of approval.

The County Clerk shall not record any subdivision of land subject to the requirements of these regulations without approval by Commissioners Court.

The Grimes County Commissioners Court, by approval of a plat, does not assume responsibility and accountability for a private development's compliance with federal, state, or local rules, laws, and regulations, or any other regulation or ordinance related to land development.

H. RECORDING

The applicant shall record the approved final plat by procedure established by the Grimes County Clerk. Recorded plats become the property of Grimes County. It is the responsibility of the developer to complete the recording transaction.

No land sale, contract for sale, contract for deed, intent to purchase or other commitment shall be entered into prior to recordation of the final plat.

Failure to file a final plat and supporting documents, as required by Chapter 12 of the Texas Property Code, will require resubmission of an application and all supporting documents and fees to the Commissioners' Court and a forfeiture of fees.

XI. PLAT REVISION, AMENDMENT, AND CANCELLATION

A. REPLAT

In accordance with Texas Local Government Code §232.009:

1. A person who owns real property in a tract that has been subdivided and that is subject to the subdivision controls of Grimes County may apply in writing to the Commissioners' Court for permission to revise the subdivision plat that applies to the property and that is filed for record with the Grimes County Clerk.
2. After the application is filed with the Commissioners' Court, the Court shall publish a notice of the application in a newspaper of general circulation in the County. The notice must include a statement of the time and place at which the Court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting.
3. During a regular term of the Commissioners' Court, the Court shall adopt an order to permit the revision of the subdivision plat if it is shown to the court that:
    a. the revision will not interfere with the established rights of any owner of a part of the subdivided land; or
    b. each owner whose rights may be interfered with has agreed to the revision.
4. If the Commissioners' Court permits a person to revise a subdivision plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat that indicates the changes made to the original plat.
5. The Commissioners' Court is not required to give notice by mail if the plat revision only combines existing tracts.

Alternatively, a replat may be sought and approved in accordance with the following:

Replatting Without Vacating Preceding Plat (Local Government Code §212.014)
A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without the vacation of that plat if the replat:

1. is signed and acknowledged by only the owners of the property being replatted;
2. is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the authority responsible for approving plats; and
3. does not attempt to amend or remove any covenants or restrictions.

Additional Requirements for Certain Replats (Local Government Code §212.015)

1. In addition to compliance with Section 212.014, a replat without the vacation of the preceding plat must conform to the requirements of this section if:
    a. during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

b. any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

2. Notice of the hearing required under Section 212.014 shall be given before the 15th day before the date of the hearing by:
   a. publication in an official newspaper or a newspaper of general circulation in Grimes County; and
   b. by written notice, with a copy of Subsection (c) attached, forwarded by the authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved tax roll. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

3. If the proposed replat requires a variance and 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 governing body. For a legal protest, written instruments signed by at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the governing body, or both, prior to the close of the public hearing.

4. In computing the percentage of land area under Subsection (c), the area of roads and alleys shall be included.

5. Compliance with Subsections (c) and (d) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

B. AMENDING PLAT

Amending Plat (Local Government Code §232.011)

1. The commissioner's court may approve or issue an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes:
   a. to correct an error in a course or distance shown on the preceding plat;
   b. to add a course or distance that was omitted on the preceding plat;
   c. to correct an error in a real property description shown on the preceding plat;
   d. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
   e. to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, road names, and identification of adjacent recorded plats; or
   f. to correct an error in courses and distances of lot lines between two adjacent lots if:
      i. both lot owners join in the application for amending the plat;
      ii. neither lot is abolished;
      iii. the amendment does not attempt to remove recorded covenants or restrictions; and
      iv. the amendment does not have a material adverse effect on the property rights of either owners of the property that is subject to the plat.

2. The amending plat controls over the preceding plat without vacation, revision or cancellation of the preceding plat.

3. Notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

C. PLAT CANCELLATION

Cancellation of Subdivision (Local Government Code §232.008)

1. A person owning real property in this state that has been subdivided into lots and blocks or into small subdivisions may apply to the Grimes County Commissioners Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the commissioners' court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is canceled. The court shall enter the order in its minutes. After the cancellation instrument is filed and recorded in the deed records of the county, the county tax assessor-collector shall assess the property as if it had never been subdivided.

2. On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of 75 percent of the property included in the subdivision, phase, or identifiable part, the Commissioners Court by order shall authorize the cancellation in the manner and after notice and a hearing as provided by Subsections (b) and (c). However, if the owners of at least 10 percent of the property affected by the proposed cancellation file written objections to the cancellation with the court, the grant of an order of cancellation is at the discretion of the court.

3. Regardless of the date land is subdivided or a plat is filed for a subdivision, the Commissioners Court may deny a cancellation under this section if the Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by Section 232.0085.

XII. PLAN REVIEW

A. APPLICATION PROCEDURES

All development within the unincorporated areas of Grimes County is prohibited without first securing a development permit issued under the Grimes County Infrastructure Regulations or the Grimes County Floodplain Regulations. Plans approved by Grimes County are required for all development according to the following criteria:

Residential development with no laying out of roads are exempt from plan submittal requirements.

B. SUBMITTAL REQUIREMENTS

1. The applicant shall submit an administratively complete plans application to the County Engineer.

2. The County Engineer or their designee shall review the plans for compliance with these regulations and shall provide notice to the applicant, within the statutorily required timelines, of one of the following:

    a. The plans are missing required documents, or

    b. The plans cannot be approved (the County Engineer shall include the reasons for not approving the applications), or

    c. The plans are approved. If plans are required as a conditional of plat approval, the signed plans shall be included in the plat application.

C. ADMINISTRATIVELY COMPLETE APPLICATION DOCUMENTS

The following documents shall be included in an administratively complete plans application for approval by Grimes County, prior to Grimes County's review of the plans:

COVER SHEET / REVIEW SHEET - Cover sheet and review sheet, signed and sealed by a Texas-registered Professional Engineer. The review sheet shall serve as the development application.

FEES - fees for plan review, drainage impact analysis, traffic impact analysis, road condition analysis, floodplain review, or any other applicable fees shall be paid prior to plan review. Fees can be found in the Grimes County Permits Fee Schedule. Review fees are non-refundable.

CIVIL - Plan sheets meeting the requirements of Section E Road and Drainage Design Standards.

DRAINAGE IMPACT ANALYSIS - as required by Section XIII signed and sealed by a Texas-registered Professional Engineer.

TRAFFIC - Traffic impact analysis signed and sealed by a Texas-registered Professional Engineer as required by the Grimes County Engineer.

ROAD CONDITION ANALYSIS - as required by Section XIV, if the land on which the subdivision or development is located can only be accessed by an existing County Road, a report detailing the existing condition of the County Road and its capacity to withstand the increase in traffic due to the subdivision or development.

TAX CERTIFICATES - a certified receipt indicating that all taxes have been paid

TITLE INFORMATION - a certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas certifying to at least the following concerning the title to the land: A statement of records examined and date of examination within thirty (30) days of submission; name of the fee owner as of the date of examination demonstrating "marketable title" of the property and the date, file number, and volume and page or the recording of the deed involved; the name of any lien- holder together with the date of filing and volume and page of such lien and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording. The certificate or letter may be submitted to the County Attorney for review.

EASEMENT LETTER OF CONSENT - a letter of consent shall be provided for the crossing of any easement or right-of-way where a non-exclusive-use interest is held, from the owner of such land or conflicting exclusive-use surface easement or right-of-way

AFFIDAVIT FOR DRAINAGE THROUGH PRIVATE PROPERTY - an affidavit on a form provided by Grimes County certifying that water courses in Grimes County are privately

owned and that the owner of the property bears responsibility for the management of impacts from the development's stormwater runoff.

ENGINEER GROUNDWATER CERTIFICATION - If the source of water supply intended for the development is groundwater, a statement prepared by a Texas-registered Professional Engineer or a Texas-licensed geoscientist shall be required certifying that adequate groundwater is available for the development.

APPROVAL OF WATER/SEWER PROVIDER - If the source of water supply or wastewater treatment intended for the development is an existing public utility provider, or any other entity not owned or operated by the development, a letter of approval from the provider or entity that will provide water or sewer services to the development.

APPROVAL OF ELECTRIC SERVICE PROVIDER - a letter of approval from the provider of electric services to the development

APPROVAL OF GRIMES COUNTY ENVIRONMENTAL DEPARTMENT - Approved permit issued by the Grimes County Environmental Department matching the water or wastewater layout in the plans.

MAINTENANCE AGREEMENT - a maintenance agreement between the developer representing the property owner's association and Grimes County assigning responsibility for perpetual maintenance of standard and/or non-standard features.

DIGITAL FILES - prior to final plan approval, PDF, SHP, and CAD files of the final plans. Plans and electronic files become the property of Grimes County following plan approval.

D. APPROVAL PROCEDURE

Once the review of plans is completed, the County Engineer or their designee shall sign the plans verifying review and approval.

The seal and signature on a plat or plan set conveys the design Engineer or Surveyor's responsibility and accountability. Approval by Grimes County does not relieve any party from complying with federal, state, and local rules, laws, and regulations, or any other regulation or ordinance related to land development.

E. ROAD AND DRAINAGE DESIGN STANDARDS

1. GENERAL

The road pattern of a neighborhood shall provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local roads. The arrangement, character, extent, width, grade and locations of all roads shall be considered in their relation to existing and planned roads, to topographical conditions, to public safety and convenience and in their appropriate relation to the proposed uses of the land to be served by such roads.

The layout shall be devised for the most advantageous development of the entire neighborhood development and shall conform to connecting roads in land adjacent to the new subdivision. Provisions shall be made within the subdivision to provide road access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development.

Paved alleys shall be provided in commercial and industrial developments, except where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

The road system layout shall be so designed to preserve natural features such as trees, brooks, hilltops, scenic views and other such features while placing safety issues first. The road system layout shall provide for the acceptable disposal of storm water and provision shall be made by the developer to handle storm water to comply with provisions elsewhere in these regulations.

The subdivision shall conform to the current version of the Grimes County Mobility Plan and any future revisions; and the subdivision layout shall make reasonable provisions for development or protection of adjacent lands.

2. STANDARD ROAD CROSS SECTIONS

The following standard road cross sections are approved by Grimes County for subdivision roads. Alternative cross sections require approval by the County Engineer.

Residential subdivisions with lots greater than or equal to 1 acre may construct Local and Collector roads described by Section A, B, or C.

Residential subdivisions with lots less than 1 acre may construct Local and Collector roads described by Section B or C.

Arterials and thoroughfares shall be considered on a case-by-case basis and shall be designed in accordance with the Grimes County Mobility Plan and generally accepted engineering standards.

A. Flexible Pavement Road or Concrete Road with Roadside Ditch Drainage

(1) Roads shall have a minimum paved surface width of twenty-four feet (24') with a 2% minimum cross slope.
(2) Asphalt or chip seal road pavement shall be supported by flexible base with a minimum width extending eighteen inches (18") from the edges of pavement. Flexible base shall have a minimum compacted depth of six inches (6").
(3) Flexible base shall be supported by stabilized subgrade with a minimum width extending one foot (1') from the limits of flexible base. Stabilized subgrade shall have a minimum compacted depth of eight inches (8").
(4) Concrete roads shall have the same surface width as flexible pavement roads and shall include eighteen inch (18") flexible base shoulders matching the pavement surface elevation. Concrete roads shall be directly supported by stabilized subgrade as described in this section.
(5) Runoff shall be conveyed by roadside ditches leading to an acceptable outfall designed in accordance with the requirements of Section XIII Drainage Criteria.

B. Flexible Pavement Road with Monolithic Concrete Curb and Gutter Drainage

(1) Roads shall have a minimum paved surface width of thirty-two feet (32') with a 2% minimum cross slope.
(2) Monolithic concrete curb and gutter shall be 24" minimum width and shall be adequately reinforced.
(3) Road pavement shall be supported by flexible base with a minimum width extending one foot (1') from the edges of the curb and gutter structures. Flexible base shall have a minimum compacted depth of six inches (6").
(4) Flexible base shall be supported by stabilized subgrade with a minimum width extending one foot (1') from the limits of flexible base. Stabilized subgrade shall have a minimum compacted depth of eight inches (8").
(5) Concrete curbs shall be monolithic with rollover design and shall be adequately reinforced.

(6) Runoff shall be conveyed by curb and gutter to inlets and storm sewers (if required by the design) leading to an acceptable outfall designed in accordance with requirements of Section XIII Drainage Criteria.

C. Concrete Road with Curb And Gutter Drainage

(1) Roads shall have a minimum paved surface width of thirty-two feet (32') with a 2% minimum cross slope.
(2) Concrete curb shall be rollover design with six inches (6") minimum width and shall be adequately reinforced with the road pavement.
(3) Concrete pavement shall be supported by stabilized subgrade with a minimum width extending one foot (1') from the back of curb on each side. Stabilized subgrade shall have a minimum compacted depth of eight inches (8").
(4) Runoff shall be conveyed by curb and gutter to inlets and storm sewers (if required by the design) leading to an acceptable outfall designed in accordance with requirements of Section XIII Drainage Criteria.

3. ROAD SPECIFICATIONS

A. SUB-GRADE

Sub-grades for all types of roads shall be accurately shaped prior to placing base material or pavement thereon and shall be compacted to provide for uniform density capable of supporting the pavement loads to be imposed there upon. Unstable sub-grade is to be carefully stabilized by the addition of lime or cement or by replacing the unstable area with suitable sub-grade material. Sub-grade stabilization requirements shall be determined in accordance with the following table:

Plasticity Index (P.I.)	Percent Required	Material
Less than or equal to 5	5%	Cement
5 to 25	5%	Lime
26 to 33	6%	Lime
34 to 40	7%	Lime
Greater than 40	ASTM C977	Lime

Lime-treated subgrade installation shall meet the requirements of TxDOT Item 263.

All sub-grades shall be compacted to ninety-five percent (95%) Standard Procter Density. Compaction shall be accomplished by use of approved and acceptable mixing and rolling equipment and construction methods.

B. FLEXIBLE BASE COURSE

A six-inch (6”) compacted depth flexible base course, consisting of Type A Grade 2 material, shall be installed in accordance with the provisions of TxDOT Item 247 - Flexible Base. Pavement shall be designed by a Texas-registered Professional Engineer and shall be approved by Grimes County.

C. SURFACE COURSE

Surface pavement shall be designed by a Texas-registered Professional Engineer and shall be approved by Grimes County.

A two-inch (2”) compacted depth hot-mix asphaltic concrete surface course shall be installed according to the requirements of TxDOT Item 340, or;

A two (2) course surface treatment shall be installed according to the requirement of TxDOT Item 316.

A third (single) course reseal shall be required prior to acceptance of the road into the County Road System.

D. CONCRETE PAVEMENT

Local Roads and Collectors: Concrete pavement shall have a minimum thickness of eight inches (8”) and shall be installed according to the requirements of TxDOT Item 360.

Arterials: Concrete pavement shall have a minimum thickness of ten inches (10”) and shall be installed according to the requirements of TxDOT Item 360.

Concrete pavement shall be reinforced with minimum 3/8-inch round deformed steel bars spaced at eighteen-inch (18”) minimum intervals center-to-center. Bar support chair minimum spacing shall be two feet (2”) maximum.

Expansions joints for all concrete pavement shall be spaced at eighty-foot (80’) intervals and shall be placed at all structures and at curb return at road intersections. Expansion joint boards shall be ¾” redwood with 1 inch (1”) hot-poured asphaltic joint sealant compound installed ¼” below the top of pavement elevation. Joint sealant shall meet the requirements of ASTM D6690 “Standard Specification for Joint and Crack Sealants, Hot Applied, for Concrete and Asphalt Pavements", Type II or III and shall conform to the requirements of TxDOT Item 360.

Contraction joints shall be spaced at twenty-foot (20’) intervals.

Transverse construction joints shall not be closer than ten feet (10’) to an expansion or contraction joint.

Curbs shall be monolithic and shall be doweled into the pavement.

Minimum gutter gradients and inlet spacing shall be in accordance with drainage requirements.

Pavement shall be designed by a Texas-registered Professional Engineer and shall be approved by Grimes County.

E. ROAD DRAINAGE

<u>Open Ditch Drainage</u>:

Drainage ditch flow line grade shall not be less than 0.5% and shall not be greater than 7.0%. Drainage ditches shall be designed with a capacity to accept discharge from the road and from surrounding properties.

Ditch side slopes shall not be steeper than 3:1 front slope and 2:1 back slope. A one foot (1’) minimum buffer zone between the backslope and the property line shall be provided to support future ditch maintenance and to prevent erosion.

Roadside drainage ditches shall not be deeper than four feet (4') below natural ground. All roadside ditches shall include a recoverable front slope.

Culvert minimum diameter shall be eighteen inches (18").

Temporary and permanent erosion control measures shall be included in the plans.

Sloped ends may be required for driveway culverts based on flow velocity and/or depth of the roadside ditch. Driveways shall comply with the requirements of the Grimes County Driveway Regulations.

Storm Sewer Drainage:

Storm sewer design velocity shall be not less than 3.0 feet per second and not greater than 10.0 feet per second.

Storm sewer manholes and intersections shall have a minimum spacing of 750 feet. Storm sewer diameter shall not be less than eighteen inches (18").

Reinforced concrete pipe shall meet the requirements of TxDOT Item 464 and Item 473.

Corrugated metal pipe shall meet the requirements of TxDOT Item 460.

Corrugated polypropylene pipe shall meet the requirements of TxDOT Item 468.

Pre-cast concrete inlets, precast concrete culverts or other concrete structures shall meet the requirements of the applicable TxDOT specification. Installation of any drainage structure shall meet the applicable TxDOT specification.

Culverts and open-ended storm sewer shall be terminated with 6:1 sloping ends.

Storm sewer shall not be placed under pavement unless specifically authorized by Grimes County. When authorized, the excavation shall be backfilled with cement stabilized processed sand (1-1/2 sack per ton minimum) or cement stabilized back sand (1-1/2 sack per ton minimum) to within 1 foot (1') of subgrade.

Road gutter gradient shall not be less than 0.25% and shall not be greater than 7.0%. Gutter flow lines shall be above any drainage ditch flow line.

Minimum elevation difference around any curb return is 0.10 feet.

Local and Collector Roads shall have a maximum inlet spacing of 750 feet from the high point in pavement to the inlet, with a maximum of 1,500 feet of pavement draining to an inlet. Rural arterial roads shall have a maximum inlet spacing of 300 feet with a maximum of 600 feet of pavement draining to an inlet. Inlets are required at all low points on gutter gradient.

Inlet lead diameter shall not be less than eighteen inches (18”).

Valley gutters are not permitted except valley gutter curb grades through intersections with approval by Grimes County.

Grimes County will not accept storm sewer infrastructure for maintenance. Maintenance responsibility shall be accepted by to a property owner’s association or similar organization and shall be documented in a maintenance agreement. The maintenance agreement must be approved and executed by Commissioners Court prior to approval of plans. The organization must accept the entire drainage system for maintenance including inlets, storm sewer, drainage ditches, drainage easements, detention basins, and outfalls. The organization must agree to not damage any pavement or storm sewer while maintaining the system and must make available to Grimes County upon request the organization’s repair and maintenance records.

F. RIGHT-OF-WAY

Subdivisions with residential lots may provide a protected (reserved) right-of-way to within one (1) foot of the adjacent properties by means of dedicated roadway easements.

Dead-end roads and those which do not conform to adjacent established roads are to be avoided whenever possible.

Right-of-way widths and associated design dimensions, per road classification are as follows:

Road/ROW Classification	ROW Width (ft)	Lane(s) #	Lane Width Minimum (ft)*	Shoulder Width (ft)
Rural Major Arterial	120	2-4	12	4-ft plus 2-ft berm
Rural Minor Arterial	100	2-4	12	4-ft plus 2-ft berm
Collector	80	2-3	12	2
Local County Road	60-80	2	12	1-2
Local Subdivision Road	60	2	12	0-2

Proposed extensions of existing roads shall meet the right-of-way width requirements of the Grimes County Mobility Plan.

Minimum right-of-way for a cul-de-sac on a local road is 120-ft (60-ft radius).

Minimum width of alleys is 20-ft.

Intersecting alleys shall include 20-ft x 20-ft corner clips or a 25-ft radius.

Alleys with a single point of access shall have a 20-ft radius turn-around.

G. CURVES

The following minimum centerline radius standards shall apply based on road classification:

Road Classification	Minimum Centerline Radius
Local	300-ft
Collector	800-ft
Arterial	1,200-ft

Maximum tangent separation between points of reverse or compound curves shall be 100-ft.

Horizontal and vertical geometric requirements shall be designed based on projected traffic characteristics using generally accepted transportation engineering standards.

H. OFFSETS

Roads shall be offset a minimum distance of 125-ft on centerline. Offset distances shall be indicated on the plat.

I. INTERSECTIONS

Road shall intersect at a ninety degrees (90°) angle with allowable variations of ten degrees (10°).

Acute angles in intersections shall include a 30-ft minimum radius.

Road extension alignment shall match the centerline and bearings of the existing road. Dimensions and bearings shall be labeled.

J. CUL-DE-SAC / BLOCK LENGTH

Cul-de-sac right of way radius shall be 60-ft minimum.

Maximum length of a roads containing a cul-de-sac, and/or the length of a block in a subdivision, shall be based on the average lot size fronting the road according to the following table:

Average Lot Size	Cul-de-sac Length (ft)	Block Length (ft)	Average Lot Size	Cul-de-sac Length (ft)	Block Length (ft)
0.5	600	1,200	10	2,500	5,100
1.0	800	1,700	20	3,550	7,200
1.5	1,000	2,000	30	4,350	8,800

2.5	1,250	2,600	40	5,000	10,100
5.0	1,800	3,600	50	5,600	11,300

Length shall be measured from the centerline of the intersecting road to the center of the cul-de-sac.

K. ROAD NAMES

Subdivision roads may not duplicate or conflict with the recognized name of any other road located in Grimes County. 911 Addressing shall confirm the names of all proposed subdivision roads.

New roads that extend from or meet with existing roads shall match the name of the existing road.

L. BRIDGES

The developer shall obtain and supply a detailed bridge design plan meeting all requirements of TxDOT standards and specifications.

All bridges shall be designed to minimum HS-20 load design.

Bridge width shall be the width of the approach road pavement plus four feet (4').

Guardrail shall be required at all bridge crossings.

4. PRIVATE ROADS

All applicable design, construction, security, and procedural requirements of these regulations that apply to roads or drainage infrastructure shall also apply to private road or drainage infrastructure, except that the security shall be released without acceptance of roads into the maintenance period or into the County Road Network following a passed inspection by the County Engineer or their designee.

Plats for subdivisions containing private roads shall include the applicable dedication in Appendix D.

Should the improvements fail to conform to approved plans or specifications, any security provided for such improvements may be forfeited to the County for the purpose of completing construction.

A sign shall be placed at the entrance of the subdivision clearly stating that the roads in this subdivision are private roads. The sign shall be installed (1) the first day roads are being constructed, or (2) the day the County Engineer advises the developer that the County will not accept the roads, whichever is sooner.

An entity with the authority to levy taxes shall be created and organized to maintain private road and drainage infrastructure prior to the approval of any plat containing private road and drainage structures.

A plan that includes financial projections for future maintenance of private roads and drainage requires approval by Grimes County before a plat can be approved.

F. SUBDIVISION DESIGN STANDARDS

1. LOT SIZES AND DIMENSIONS

Lot design shall provide for adequate width, depth and shape to provide open area to eliminate over-crowding and to be appropriate for the location of the subdivision and for the type of development and use contemplated.

Lot size shall comply with the rules of Grimes County, Texas for Private Sewage Facilities and the Texas Commission on Environmental Quality (TCEQ).

The following dimensions are the minimum requirements:

Single-Family Residential and Duplexes:

Minimum width at building setback shall be based in accordance with Grimes County driveway requirements in these regulations:

Local: 60-ft Collector: 80-ft Arterial/Thoroughfare: 100-ft

Minimum width at front lot line of lots fronting cul-de-sacs or curves shall be forty feet (40').

Corner lots shall meet the minimum width requirements of both road classifications, measured at the appropriate setback as required by these regulations.

Minimum lot areas:

Utility Configuration	Minimum Area
Public Sewer and Public Water	7,000 square feet
Private Sewer and Private Water	2 acres
Private Sewer and Public Water	1 acre

Minimum areas may not contain easements, roads, ponds, lakes, structures, flag pole areas of flag lots, and/or floodplain areas.

"Public" means serviced by an entity that provides service to multiple properties. "Private" means servicing a single property.

Side lot lines shall intersect the road at 90 degrees or radial to curves in the roads.

The allowable range of lot depth-to-width ratio shall be minimum 1.5:1 and maximum 2.5:1.

Minimum lot depth shall be 115 feet. Minimum lot depth for lots backing on collectors or thoroughfares/arterials shall be 125 feet.

Manufactured home communities, rental home communities, and RV parks shall follow all lot dimension requirements of Appendix A of these regulations.

2. FLAG LOTS

Flag lot staff width minimum is as follows: 60-ft width for local road, 80-ft width for Collector, 120-ft width for thoroughfares or rural arterials. Staff length minimum is 500-ft plus 20-ft for each acre greater than 10 acres.

No more than two flag lot strips shall be located side by side.

A flag lot main body of land shall not be located behind another flag lot.

The County Engineer shall not conditionally approve a plat or plan if determined that flag lot configuration is detrimental to the health, safety, welfare, and public interest. Applicants may appeal this decision by following the procedures for variance in Section XVIII.

3. DOUBLE FRONTAGE LOTS

Lots with rear or side frontage on collectors or arterials/thoroughfares shall be denied access. Denial of access shall be noted on the face of the plat (Appendix D).

Approved screen plantings or screening devices shall be installed along the rear or side property lines abutting collectors or arterials/thoroughfares. Installation of screening devices shall occur before acceptance of roads into the maintenance period.

4. RESERVES

Tracts not restricted to residential use shall be designated as reserves. Reserves shall be designated as restricted or unrestricted and shall be subject to the requirements of this chapter.

Subdivision roads shall be designed and constructed to allow for future connectivity to abutting tracts. A one (1) foot provisional reserve shall be provided between the subdivision boundary and the end of the road to prohibit access to the subdivision. The provisional reserve shall be automatically vacated upon acceptance of the abutting development into the maintenance period. A provisional reserve dedication shall be shown on the face of the plat. (Appendix D)

Reserve identifiers may include but are not limited to landscape, recreational, drainage, detention, water or wastewater treatment or production, parking, or any other title necessary for the identification of the reserve.

5. EASEMENTS

Stormwater drainage easements shall be provided and shall be noted on the plat using the standard dedication in Appendix D.

Location and width of utility easements shall be determined by public and private utility companies and shall connect with easements established in adjoining properties. Each easement shall be shown on the plat and appropriately dedicated.

A plat shall include dedication of unobstructed aerial easements and guide wire easements.

Easements as set forth in any applicable County or regional plan for the location of future sewerage or utility facilities shall be provided and indicated upon the plat.

Easements providing for sanitary control shall be shown on any plat where individual sanitary sewer facilities and private water wells are to be utilized.

Easements for electric service shall be included on the face of the plat or provided as a supporting document.

6. DRIVEWAY SPACING AND ACCESS

Driveway location and spacing shall meet the requirements of the Grimes County Mobility Plan with consideration of ultimate right-of-way considered when determining access locations on a County Road. Driveway spacing requirements are based on stopping sight distance and are intended for passenger cars on level grade.

Driveways on state highways or farm-to-market roads shall be approved by TxDOT prior to seeking Grimes County approval.

Rear and side driveway access to roads abutting a lot shall not be allowed. Denial of access shall be noted on the plat (Appendix D).

Driveway spacing - the required distance between driveways may be increased for safety or decreased, at the discretion of the County Engineer. Distance changes will be determined after a review and consideration of topography, property boundaries, physical limitations, and physical design.

Minimum Driveway spacing requirements are as follows:

Road Classification	Driveway Spacing (ft)
Arterial/Thoroughfare	100
Collector	80
Local	60

The above spacing distances shall be measured from the first driveway's center to the second driveway's center.

Multiple Driveways - driveways located on the same property shall be separated by a minimum of twenty (20) feet. A separate permit shall be obtained for each driveway.

The material used to construct the portion of the driveway within the existing County right of way shall be the equivalent of, or of higher quality than, the existing roadway material.

Access Control - Grimes County may enact access-control requirements if necessary to preserve public safety. Considerations include but are not limited to topography, horizontal and vertical roadway alignment, drainage characteristic, stopping sight distance, vegetation, and visibility.

Driveway Culverts - a driveway and/or culvert may not be installed without an approved permit and culvert sizing provided by Grimes County. The County Engineer shall confirm the culvert diameter and length within 7 to 30 days of application, but as soon as reasonably possible.

Driveway culvert minimum length is twenty-four (24) feet. Driveway culvert minimum diameter is eighteen (18) inches unless approved by the County Engineer. Driveway dimensions shall meet the requirements of the Grimes County driveway specifications.

7. SETBACKS

Building setback lines shall be shown or noted on all plats and shall apply to all development.

Setback distances shall be measured from the ultimate right-of-way boundary identified in the Grimes County Mobility Plan.

The following setback distances are required based on road classification:

Road Classification	Setback Distance (ft)
Local	25
Collector	30
Arterial	30

Lot boundaries other than the front boundary shall have a minimum setback distance of 10 feet for all structures.

Side lots and corners lot shall meet the setback requirements for both road classifications.

8. COMPENSATING OPEN SPACE

Compensating open space shall be required for any subdivision containing any lot less than 7,000 square feet, according to the following schedule:

Lot Area (sq ft)	Open Space per Lot (sq ft)	Lot Area (sq ft)	Open Space per Lot (sq ft)
1,400 - 2,000	820	3,501 - 4,000	400
2,001 - 2,500	700	4,001 - 4,500	300
2,501 - 3,000	600	4,501 - 4,999	200
3,001 - 3,500	500	5,000 – 6,999	100

The compensating open space contained within any subdivision having special lots shall not be less than 21,780 square feet (1/2 acre). The compensating open space required shall not be in excess of twenty-five percent (25%) of the gross area of the property within the plat boundary exclusive of any public road rights-of-way involved.

The range of required compensating open space in any subdivision shall be minimum 0.5 acres and maximum 25% of the gross area of the property within the plat boundary (not including public rights-of-way). Exceeding the 25% requirement is at the option of the property owner.

- Subdivisions containing less than 10 acres are exempt from this requirement but shall still provide compensating open space according to the schedule.
- If the subdivision less than 10 acres is part of a master planned community, this requirement shall be evaluated on a case-by-case basis.

<u>Open Space Amenities Plan:</u>

Plans for subdivisions that require compensating open space shall include an individual drawing of an open space amenities plan that specifies how each area not otherwise eligible to be used as compensating open space will be improved and maintained with amenities such as parks, nature trails, picnic areas or other similar facilities that render the compensating open space accessible to and useable by the owners of lots in the subdivision. The plan shall include a chart showing each lot type and classification, and total area confirming compensating open space requirements are met. The following areas shall not be used for or considered compensating open space:

1. Areas designated or used as lots or building sites for dwelling units, utility or storage purposes, carports or garages;
2. Driveways, roads, or private roads;
3. Private medians less than 12 feet wide; or

4. Except as provided within this chapter, detention ponds, drainageways, water areas including floodplains and floodways, or ravines.

Compensating open space shall be reasonably dry and flat, unless the area is within an open space amenities plan approved by the County Engineer in accordance with this chapter.

At the discretion of the County Engineer the plan may include detention areas if combined with walking trails or open space available to the public, tree plantings that improve the characteristics of the subdivisions, establishment of an owner's association or similar organization with assessment authority to maintain public spaces, benches, trails, irrigation systems, landscaping, fountains, bicycle facilities, lighting.

A plan for perpetual maintenance of common areas shall be included in the open space amenities plan.

9. WATER AND WASTEWATER

The plans shall include a design for the water distribution system showing the size and location of all existing and proposed water mains, service lines, valves, fire hydrants, and all other water distribution appurtenances within the proposed subdivision, also the location and method of connecting the proposed water lines, water mains and water services to any existing system. Fire hydrants shall have a six-inch (6") main fire rated service and shall be spaced at 300 feet maximum distance between hydrants in non-residential areas and 500 feet maximum distance between hydrants in residential areas. The most stringent requirement for fire hydrant spacing between this chapter, NFPA standard, or the fire code adopted by Grimes County shall apply.

The sanitary sewer system showing by plan and profiling the size, location and the gradient of all existing and proposed sanitary trunk lines, laterals, manholes and service within the proposed subdivision and the location and method of connecting the proposed sewer system into any existing sanitary sewer system or the proposed location, type, capacity and schematic of operation of proposed treatment plant; such plans, specifications, and permits shall also be approved by the TCEQ or other appropriate reviewing authority.

Water and wastewater systems shall meet TCEQ-required minimum horizontal and vertical clearances.

Water and sewer lines shall be cased if required by local, state, or federal regulation.

10. EMERGENCY SERVICES

The design engineer shall confirm that emergency vehicles will have access to all structures within each development. Subdivisions shall account for on-street parallel parking throughout the subdivision on both sides of all roads. One plan sheet shall include

this confirmation and shall show the layout of roads and emergency access to all structures in the subdivision. Non-residential developments shall include a fire lane meeting current NFPA requirements or meeting the fire code adopted by Grimes County, whichever is more stringent.

Construction plans shall be reviewed by a certified fire plans examiner. A record of review comments and responses, and written CFPE approval, shall be submitted to Grimes County prior to approval of plans. Fire protection plans shall conform to the most recently published NFPA requirements, or to the fire code adopted by Grimes County.

All fire protection infrastructure shall be inspected by a certified fire inspector. The inspection shall be according to the approved plans and to the NFPA requirements in place at the time of permit application. A record of the inspection results and final inspection approval shall be submitted to Grimes County upon completion of the inspection.

Permanent utility connections shall not be established in any residential subdivision until inspection results have been submitted to Grimes County as described in this section. Grimes County reserves the right to approve any construction plan.

Residential subdivisions shall be serviced by fire hydrants as part of centralized water system where service is available. The fire hydrants shall meet NFPA requirements or the requirements of the fire code adopted by Grimes County.

Perpetual maintenance of dry hydrants, if included in the design, shall be included in a maintenance agreement between Grimes County and a property owner's association or similar organization.

If a subdivision is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for

a. for a subdivision of fewer than 50 houses, 2,500 gallons of water storage; or
b. for a subdivision of 50 or more houses, 2,500 gallons of storage with a centralized water system, or 10,000 gallons of water storage.

This requirement shall not apply to subdivision of land resulting in four (4) or fewer lots or subdivisions of land in which all lots will be more than ten (10) acres in size.

11. TRAFFIC CONTROL DURING CONSTRUCTION

Plans shall include traffic control design to be applied during construction of the subdivision. Traffic control devices and placement shall comply with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

12. SIGNS

All permanent traffic control devices shall comply with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

STREET SIGNS

Signs shall be required at each road intersection. Signs shall be mounted appropriately at a height of seven (7') feet above natural ground on high-visibility posts set in concrete. Signs shall be engineer-grade aluminum plate material with four-inch (4") letters on six-inch (6") background made of high-intensity prismatic material, or approved equivalent.

TRAFFIC SIGNS

Permanent traffic signs required by the TMUTCD, by the Traffic Impact Analysis, or at the instruction of Grimes County, shall be installed at intersections or intersection approaches. Signs shall be high-intensity prismatic material, or approved equivalent, mounted on high-visibility signposts.

SPEED LIMIT SIGNS

Subdivision speed limits shall be determined by a Texas-registered Professional Engineer and approved by the County Engineer. Placement of speed limits signs shall be in compliance with the TMUTCD.

13. TRAFFIC SIGNALS

Traffic signals shall be reviewed, approved, and installed based on the warrant study in a Traffic Impact Analysis.

14. MAILBOXES

Individual or community mailboxes or mail structures within the road right of way shall be approved by the postal carrier, shall not obstruct traffic or visibility, shall not create a hazard, and shall meet requirements set forth by the United States Postal Service. Arm extensions may not extend into the road.

Cluster mailboxes shall be installed with either parking spaces or a driveway that allows vehicles to exit the roadway.

Individual mailboxes on public or private roads shall be positioned forty-one inches (41") to forty-five inches (45") from the road surface to the bottom of the mailbox and shall be places six inches (6") to eight inches (8") from the back of curb or edge of road surface.

Mailboxes on Grimes County roads shall be supported by a 4" x 4" wooden post of a 2" diameter standard steel or aluminum pipe buried 24" deep. Mailboxes constructed of other materials, including but not limited to heavy pipes, concrete posts, brickwork, or decorative items, may be installed at the property owner's option. Grimes County reserves the right to remove any mailbox and replace it with the standard mailbox in support of road or drainage projects on County Roads.

G. OTHER RESIDENTIAL SUBDIVISIONS

1. TOWNHOUSES, MULTI-FAMILY APARTMENTS, CLUSTER DEVELOPMENTS, AND CONDOMINIUMS.

No more than one townhouse may be constructed per lot.

Minimum widths at building setback:

Subdivision Type	Minimum Width at Building Setback (ft)	Minimum Area (sq ft)
Townhouses	25*	7,000
Multi-family Apartments	Varies, at least 25-ft	7,000**
Cluster Developments	25	7,000

* the end townhouse unit or corner townhouse unit shall provide an additional ten feet (10') per side.
** plus an additional 1,500 square feet for each dwelling unit in excess of two (2) dwelling units

Only one condominium regime shall be established per lot per lot as recorded by the "master deed," "master lease" or "declaration" as found in the Official Records of the County.

Developments that fall under this section shall be served by a central sanitary sewer system.

2. MANUFACTURED HOME COMMUNITIES, RV PARKS, AND RENTAL COMMUNITIES

Requirements are found and referenced and shall follow procedures as outlined in the Infrastructure Standards for Development Plan for Manufactured Home Rental Communities as established in accordance with Local Government Code §232.007. See Rules for Manufactured Home Rental Communities in Appendix A of these regulations.

3. GATED COMMUNITIES

A multi-unit housing project is not required to have a vehicular gate or a pedestrian gate.

Gated communities and multi-unit housing projects shall comply with the fire code adopted by Grimes County and shall obtain a permit from Grimes County to ensure compliance with this subchapter.

Gated communities and multi-unit housing communities with a vehicular or pedestrian gate that contains two or more residential units not under common ownership shall meet the requirements of this chapter to ensure access for emergency services.

Lockboxes - Each vehicular gate, and at least one pedestrian gate, shall have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox shall contain a key, card, or code to open the gate, or a key switch or cable mechanism that opens the gate manually.

If pedestrian gates are operated by different keys, cards, or codes, each lockbox shall contain the properly labeled key, card, or code, properly labeled for its respective gate; or each lockbox shall contain a single master key, card, or code for a key switch or cable mechanism that will open every gate.

Access to a lockbox required by this section shall be limited to a person or agency providing fire- fighting or emergency medical services or law enforcement for the county.

If a gate is powered by electricity, it shall be possible to open the gate without a key, card, code, or key switch if the gate loses electrical power.

Siren-Operated Sensor Systems - Each electric gate shall activate on the sounding of an emergency vehicle siren.

Additional Accessibility Requirements - At least one vehicular gate shall be wide enough for fire-fighting vehicles, fire-fighting equipment, emergency medical services vehicles, or law enforcement vehicles to enter; and at least one driveway apron or entrance from the public right-of-way shall be free of permanent obstacles that might impede entry by such vehicles or equipment.

A pedestrian gate in a gated community or multi-unit housing project shall be located so as to provide firefighters, law enforcement officers, and other emergency personnel reasonable access to each building.

Building Identification - each residential building in a multi-unit housing project shall have a number or letter in a contrasting color on the side of the building and placed so that the number or letter can be seen from the vehicular driving areas by a responding emergency agency.

A permit issued under this subchapter may be suspended or revoked for violation of this subchapter or a regulation adopted under this subchapter after notice and a hearing on a complaint by the county fire marshal or other authority having jurisdiction for firefighting, emergency medical service, or law enforcement. The hearing shall be held by the Commissioners' Court of the county or by a person or entity designated by the Commissioners' Court.

A permit may be reinstated or a new permit issued if each violation that is a ground of the complaint is corrected within the time prescribed by the entity that holds the hearing.

A person who violates this subchapter or a regulation adopted under this subchapter in a county that requires compliance with this subchapter under Section 352.113 commits an

offense. An offense under this section is a Class C misdemeanor.

XIII. DRAINAGE CRITERIA

A drainage impact analysis, signed and sealed by a Texas-registered Professional Engineer, shall be submitted as a requirement for plan approval. The report shall detail the management of increased stormwater runoff by constructing appropriate drainage infrastructure to ensure that stormwater runoff does not cause an impact to the watershed, to abutting properties, to any natural or man-made stream or channel, or to any public or private right-of-way or easement. All development shall comply with Texas Water Code Section 11.086 pertaining to the diversion or impoundment of surface water.

Single-family residential lots with no laying out of roads are exempt from drainage criteria requirements but shall comply with any applicable local, state, or federal laws including Texas Water Code Section 11.086.

The County Engineer may require drainage calculations for developments exempt from standard drainage criteria if necessary due to unique site characteristics.

The rational method may be used for developments of 200 acres or less. Modeling is required for developments over 200 acres.

Rational Method calculations shall follow TxDOT Hydraulic Design Manual Section 12: Rational Method procedure. Modeling shall use NOAA Atlas 14 depth-duration-frequency data for Grimes County IDF Zones 1-3.

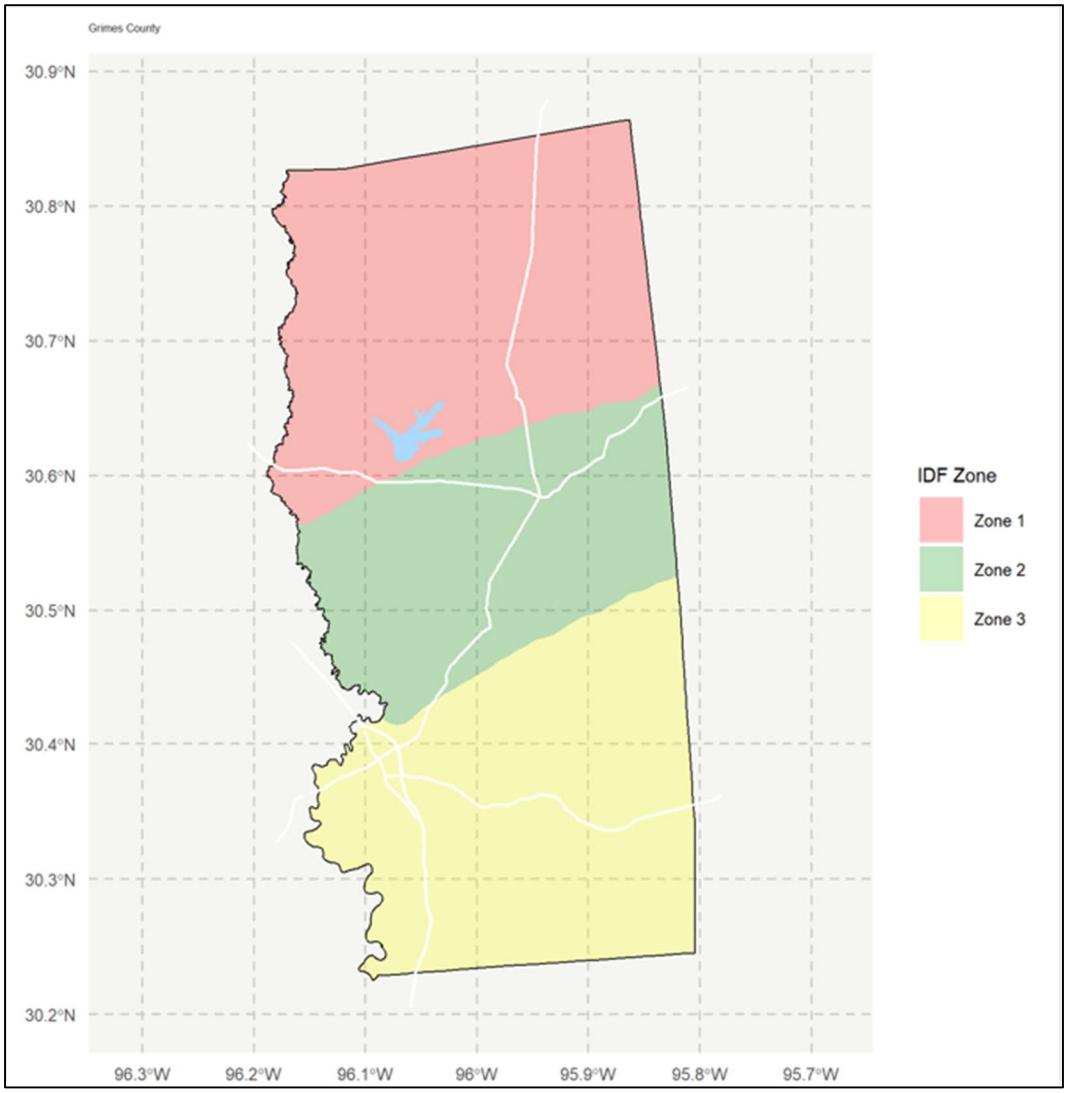


Figure Source: Rainfall Intensity-Duration-Frequency Coefficients for Texas (TxDOT ebdlkup-2019.xlsx)
Note: TxDOT data derived from intensity (in/hr) data for durations up to and including 2 hours. For 3 hours and above NOAA Atlas 14 depth data was used as it was typically higher than the data derived from TxDOT. NOAA DDF data was taken from the centroid of each TxDOT Zone.

Depth-Duration-Frequency Data for Grimes County TxDOT Zones 1-3
Based on TxDOT ebdlkup-2019.xlsx and NOAA Atlas 14 Partial Duration Series Data

Duration	**Depth of Rainfall (inches) - Zone 1 (North)**						
	Average Recurrence Interval (Years)						
	2	5	10	25	50	100	500
5-min	0.52	0.64	0.73	0.86	0.95	1.04	1.25
10-min	0.85	1.04	1.20	1.41	1.57	1.73	2.12
15-mn	1.09	1.33	1.54	1.82	2.03	2.24	2.78
30-min	1.53	1.89	2.19	2.61	2.92	3.25	4.13
60-min	1.98	2.47	2.89	3.47	3.91	4.39	5.70
2-hr	2.44	3.08	3.62	4.38	4.98	5.64	7.46
3-hr	2.74	3.49	4.15	5.09	5.84	6.66	8.96
6-hr	3.24	4.20	5.07	6.34	7.39	8.56	11.80
12-hr	3.76	4.90	5.96	7.55	8.90	10.40	14.80
24-hr	4.32	5.65	6.90	8.81	10.50	12.30	17.60

Duration	**Depth of Rainfall (inches) - Zone 2 (Middle)**						
	Average Recurrence Interval (Years)						
	2	5	10	25	50	100	500
5-min	0.53	0.64	0.74	0.86	0.96	1.05	1.23
10-min	0.86	1.06	1.21	1.43	1.59	1.75	2.12
15-mn	1.10	1.35	1.56	1.84	2.05	2.27	2.81
30-min	1.55	1.92	2.23	2.66	2.98	3.31	4.24
60-min	2.01	2.52	2.95	3.55	4.01	4.51	5.94
2-hr	2.48	3.14	3.70	4.52	5.16	5.86	7.88
3-hr	2.79	3.58	4.27	5.28	6.10	7.01	9.65
6-hr	3.31	4.32	5.25	6.64	7.81	9.14	13.00
12-hr	3.84	5.04	6.20	7.96	9.48	11.20	16.30
24-hr	4.41	5.81	7.19	9.32	11.20	13.40	19.50

Duration	**Depth of Rainfall (inches) - Zone 3 (South)**						
	Average Recurrence Interval (Years)						
	2	5	10	25	50	100	500
5-min	0.53	0.65	0.75	0.88	0.97	1.06	1.25
10-min	0.87	1.07	1.23	1.45	1.62	1.78	2.16
15-mn	1.11	1.37	1.58	1.87	2.09	2.31	2.89
30-min	1.57	1.95	2.27	2.71	3.04	3.40	4.42
60-min	2.05	2.57	3.01	3.64	4.13	4.67	6.28
2-hr	2.53	3.20	3.80	4.66	5.34	6.10	8.42
3-hr	2.84	3.65	4.39	5.47	6.36	7.38	10.40
6-hr	3.37	4.42	5.42	6.94	8.24	9.75	14.30
12-hr	3.92	5.18	6.43	8.36	10.10	12.10	18.00
24-hr	4.50	5.99	7.49	9.85	12.00	14.50	21.50

Storm water detention is required for all development meeting one or more of the following criteria:

1. Any development laying out roads;
2. Any development with a parent tract with acreage of 30 acres or less;
3. Any development containing new impervious cover within 250-ft from any property boundary (driveway not included) or road or stream;
4. Any development with new impervious cover area greater than 10% of the total parent tract acreage;
5. Any development where detention is deemed critical by the Engineer of Record or by the County Engineer.

Detention shall be required at a minimum rate of 0.65 acre-ft of storage volume per acre of proposed development.

A simplified method of calculating detention volume may be used for residential subdivisions less than 15 acres and non-residential developments less than 10 acres.

Storage = 0.65 x A_{dev}
Storage = detention volume required (ac-ft)
A_{dev} = Area of site that will have modified cover (acres)

Detention storage exceeding the limits for simplified method calculation shall use the Small Watershed Hydrograph Method for up to 640 acres and HEC/HMS or equivalent modeling for 640 acres+. NRCS methodology should be used for rainfall-runoff modeling (HEC-HMS) with appropriate documentation provided illustrating the pre- and post-development time of concentration paths, curve numbers, and impervious cover percentages.

Existing off-site stormwater shall be (1) captured within the development's drainage network or (2) adequately routed around or through the development so as not to cause an adverse impact to the development or to the watershed, to abutting properties, to any natural or man-made stream or channel, or to any public or private right-of-way or easement. A plan sheet showing the entire off-site drainage area shall be included in the plans. Direction of off-site flow shall be identified with arrows on this plan sheet.

The drainage plan shall include contour lines of the property, natural drainage ways, proposed ditches and/or culverts, and shall include directions of flow. Drainage areas shall be clearly marked and numbered.

At each proposed drainage structure the following information shall be shown:

a. The drainage area number or numbers which will flow through the proposed structure,
b. The total acreage of the drainage area and the calculated flow rate.

Typical sections of the proposed roadway and ditches as well as typical sections of all

proposed drainage easements will also be required. The proposed section of the ditches and drainage easements shall be based on hydraulic computations to provide adequate capacity.

Drainage for arterials and thoroughfares shall be designed using 25-year frequency for open ditch drainage, and 10-year frequency for curb and gutter or storm sewer.

Drainage for collectors and local roads shall be designed using 10-year frequency for open ditch drainage and 5-year frequency for curb and gutter or storm sewer. Outfalls shall be designed to convey a 100-year frequency event.

Maximum depth of ponding on any road shall be no more than six inches (6”) above top of curb during a 100-year rainfall event.

Outfalls shall be designed to prevent erosion or other impacts to the public right of way and adjacent properties.

Outfalls shall enter the natural drainage channel at the same grade of the drainage channel and at a 45-degree horizontal angle when compared with the direction of flow in the channel. The bottom of the outfall pipe shall be at or above the normal water surface elevation of the receiving stream or channel. Riprap or other erosion control measure shall be installed as necessary to prevent erosion at the point of outfall.

Uncontrolled sheet flow to the public right-of-way or to adjacent properties shall not be allowed.

Drainage swales shall be used for interim sheet flow for projects adjacent to existing development. If a project includes grading or adding fill near an adjacent property, grading or perimeter runoff catchment devices shall be used during construction to ensure adjacent properties do not receive interim drainage flows or sediment due to construction activities. Interim drainage leaving the property shall not exceed pre-development conditions.

Drainage plans, regardless of a requirement for a drainage impact analysis or detention, shall include driveway culvert sizing for every proposed point of access from a public or private road.

It is the duty of each property owner to install the driveway culvert approved in the plans or drainage impact analysis.

Grimes County reserves the right to require additional drainage calculations based on the characteristics of construction of any individual development, at their discretion.

Revisions to drainage plans and reports may require a complete re-submittal and review depending on the character and extent of changes as determined by Grimes County.

EROSION CONTROL:

Sediment control measures shall be provided in the design and construction of all development. Sediment control shall comply with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) program. A Storm Water Pollution Prevention Plan (SWPPP) shall be included in the plans for projects that require a TPDES permit.

Side slopes that are not concrete lined throughout the entire development shall be no steeper than 3(H):1(V).

Riprap, or broken concrete rubble or stone, shall be used where necessary for erosion or scour protection. The size, shape, and thickness shall be identified in the plans. Minimum riprap mat thickness is 18 inches (18”). For velocities in excess of 9.0 feet per second a specific riprap design shall be included in the plans.

At the time of completion of road and drainage infrastructure the entire right-of-way shall be seeded from the edge of pavement or curb to the right of way boundary.

Turf establishment is a requirement for final acceptance into the maintenance period or into the County Road Network.

Hydro-Mulch Seeding shall meet the requirements of B/CS Unified Specifications Section 32 92 13.

XIV. TRAFFIC CRITERIA

TRAFFIC IMPACT ANALYSIS GUIDELINES TO BE INCLUDED IN FUTURE REVISION.

XV. ROAD CONDITION ANALYSIS

Where any development requires the use of a County-maintained road or roads for construction access or permanent access for residential use or commercial, industrial, or agricultural operations, the administratively complete application shall include a report signed and sealed by a Texas-registered Professional Engineer verifying the capacity of that County Road or Roads to support the increase and type of traffic generated by the development.

ROAD CONDITION ANALYSIS TO BE INCLUDED IN FUTURE REVISION.

XVI. CONSTRUCTION PROCEDURES AND REQUIREMENTS

APPROVAL PRIOR TO CONSTRUCTION - A developer shall notify the County Engineer prior to beginning road construction or construction of road improvements. All development shall be construction in accordance with approved plans.

CONSTRUCTION AND MAINTENANCE SECURITY - A subdivision's road, drainage, water, and wastewater infrastructure shall only be constructed with a security guaranteeing completion of construction.

Should the applicant fail to complete construction any road or drainage infrastructure, the security provided for such improvements may be forfeited to the County for the purpose of completing construction according to the approved plans.

CONSTRUCTION MATERIALS TESTING:
All tests, including retests required by Grimes County, shall be completed by a commercial testing laboratory approved by Grimes County. The costs for all materials testing shall be borne by the developer.

Copies of all materials test reports shall be submitted to the County.

Flexible Pavement: Sub-grade, base course, and surface course compaction test spacing shall be 500-ft minimum. Proctor curves for each material type shall be provided. Thickness shall be tested by the coring method at 1,000-ft spacing minimum.

Concrete Pavement: One (1) set of three (3) cylinders shall be tested for compaction for each 1,000 square yards of pavement. Thickness shall be tested by the coring method at 1,000-ft spacing minimum.

Concrete Structures: One (1) set of three (3) tests shall be conducted for every 100 cubic yards.

All concrete infrastructure shall be tested for compressive strength at seven (7) and twenty-eight (28) days. Concrete pavement shall be tested by coring a minimum of every 1,000 feet for thickness; minimum of three (3) tests are required.

The County Engineer or their designee may require additional tests at their reasonable discretion. Areas exhibiting inadequate compaction shall be corrected to the satisfaction of the County Engineer.

SUPERVISION AND MONITORING OF CONSTRUCTION BY CONTRACTOR

On-site supervision shall be provided by the prime contractor at all times work is being conducted in order to ensure adherence to plans and specifications.

INSPECTION BY GRIMES COUNTY DURING CONSTRUCTION

The County Engineer or their designee shall observe and inspect the construction of all drainage structures and roads in the subdivision during the course of construction to verify conformance to the approved plans.

The County Engineer or their designee shall be allowed free access to the subdivision at all times. Access shall not impair the installation of any infrastructure by the contractor.

Grimes County shall be notified 48-hours prior to any construction requiring inspection.

Underground facilities shall not be covered up prior to inspection. Cover, backfill, and related items shall comply with approved plans.

The following construction items shall be inspected by a County Representative:

A. Proof rolling of the subgrade according to TxDOT Item 216.
B. Subgrade stabilization and testing
C. Installation and testing of flexible base material
D. Installation and testing of surface course materials
E. Installation and testing of drainage structures
F. Construction of forms for all concrete infrastructure prior to placement of concrete
G. Final Inspection of construction
H. Annual inspection prior to acceptance into the maintenance period or into the County Road network.

RECORD DRAWINGS:

A complete set of record drawings, signed and sealed by a Texas registered Professional Engineer, verifying that all work was completed in substantial accordance with plans and specifications, shall be provided to Grimes County prior to acceptance of infrastructure into the maintenance period.

REVISION TO APPROVED PLANS

Plan revisions during construction require approval by the County Engineer.

TRAFFIC CONTROL DEVICES

Traffic control devices shall be installed during construction according to approved plans.

XVII. ROAD ACCEPTANCE PROCEDURE

All conditions of final plat approval shall be met prior to the County's review for whether the Roads will be accepted into the maintenance period. All construction shall be in accordance with approved plans and construction standards set forth herein, or as amended and adopted by the Commissioners' Court.

Grimes County reserves the right to deny acceptance of any roads, bridges, culverts or other drainage facilities, driveways, and areas of common use in the subdivision (described herein as "Roads" -- whether private or dedicated to public use). The Roads shall not be dedicated as County property without prior County approval. Acceptance of such Roads for County construction, operation, or maintenance shall be made by the County at its sole discretion. The County shall not be obligated to construct, repair, or maintain (i) any Roads located in any subdivision, or (ii) any non-County Road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as acceptance of any Roads located in any subdivision.

Road and drainage infrastructure improvement shall be completed within two (2) years of plat approval.

Prior to expiration of the two-year term, a written request for an extension of up to one (1) year may be made and approved by the County Engineer for good cause. A new or updated security shall be required before any extension is granted.

Should construction not be completed by the end of the one (1) year extension term, Grimes County, at their discretion, may require forfeiture of the security in order to complete construction of improvements.

A. PROCEDURE FOR ACCEPTANCE INTO MAINTENANCE PERIOD

A request for final inspection of road, drainage, and utility infrastructure shall be made in writing to the County Engineer or their designee prior to completion of road and drainage improvements.

The request for final inspection shall include all material testing results and record drawings. Record drawings shall verify that construction and material testing was done in accordance with approved plans and specifications.

The County Engineer or their designee shall inspect all road and drainage infrastructure and provide written notice of all observed deficiencies.

Water, wastewater, or power infrastructure shall be inspected and approved by the provider and notice provided to the County Engineer.

Upon correction of deficiencies and passed inspection, a request to accept the roads into the maintenance period shall be placed on the Commissioners Court agenda for consideration.

Deficiencies that are not corrected in a timely manner may be corrected by Grimes County using the security provided by the developer to Grimes County.

Should Commissioners Court vote to accept road and drainage infrastructure into a maintenance period, the developer's security shall be reduced to fifty percent (50%) of total construction cost of improvements, or shall be reduced to the amount required for Grimes County to remediate any deficiencies, whichever is greater.

The term of the maintenance period shall be one (1) year minimum. After one year, and for every preceding year thereafter, the County Engineer shall conduct an annual inspection and shall provide written notice of all observed deficiencies to the developer. All deficiencies shall be corrected before the maintenance period is extended. The security shall be re-verified for another year's extensions prior to extensions of the maintenance period.

B. PROCEDURE FOR ACCEPTANCE INTO COUNTY ROAD NETWORK

Road and drainage infrastructure that have been accepted into a maintenance period may be considered for acceptance into the County Road Network for perpetual maintenance to be undertaken by Grimes County.

A request for final inspection of road, drainage, and utility infrastructure shall be made in writing to the County Engineer or their designee for consideration of acceptance into the County Road Network. This request may be placed based on the following criteria:

A. Asphalt Roads - a minimum of one (1) year and 75% of the original lots in the subdivision section are occupied with construction completed, regardless of any approved replats.
B. Concrete Roads - a minimum of one (1) year and 75% of the original lots in the subdivision section are occupied with construction completed, regardless of any approved replats.

The County Engineer shall verify that the appropriate percentage of original lots have been developed.

The County Engineer or their designee shall inspect all road and drainage infrastructure and provide written notice of all observed deficiencies.

Upon correction of deficiencies and passed inspection, a request to accept the roads into the County Road Network shall be placed on the Commissioners Court agenda for consideration.

Deficiencies that are not corrected in a timely manner maybe corrected by Grimes County using the security provided by the developer to Grimes County.

Should Commissioners Court vote to accept road and drainage infrastructure into the County Road Network, the security shall be released.

XVIII. VARIANCES

The Commissioners' Court may grant variances from these regulations. All variances must be passed by motion in Commissioners' Court.

Anyone who wishes to request a variance must apply in writing to the County's Representative who will coordinate with the appropriate Commissioner and request that consideration of such variance be placed on the agenda of the Court with a recommendation whether the variance should be granted or denied. All variance requests submitted must be specific and in a written format. A detailed description should be attached with the written request along with all pertinent information and fees. The variance request must be signed and dated by the developer or his/her designated representative.

If the variance involves land in a municipality's ETJ the developer must contact and obtain the approval of the appropriate jurisdiction(s) for any variance.

The County Commissioners' Court may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance with these regulations. In granting a variance, the Commissioners' Court shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings required below, the Commissioners' Court shall take into account the nature of the proposed use of land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Commissioners' Court finds:

A. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive that applicant of the reasonable use of his land.

B. That the granting of the variance will not be detrimental to the public health, safety, welfare or injurious to other property in the area.

C. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

Such findings of the Commissioners' Court together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Commissioners' Court meeting at which such variance is considered. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute

hardship. No request will be considered until a written request has been submitted outlining the specific variance(s) from these regulations.

The decision of the Commissioners' Court to grant or to deny a variance is at its sole discretion.

APPENDIX A

RULES FOR MANUFACTURED HOME COMMUNITIES, RECREATIONAL VEHICLE COMMUNITIES, AND RENTAL COMMUNITIES

RULES FOR MANUFACTURED HOME COMMUNITIES,
RECREATIONAL VEHICLE COMMUNITIES,
AND RENTAL COMMUNITIES

AMENDED ORDER ESTABLISHING MINIMUM INFRASTRUCTURE STANDARDS FOR MANUFACTURED HOME COMMUNITIES, RECREATIONAL VEHICLE COMMUNITIES, AND RENTAL COMMUNITIES

Adopted by Grimes County Commissioners Court
July 11th, 2011

Amended
June 23rd, 2025

COUNTY JUDGE
JOE FAUTH III

PRECINCT 1 COMMISSIONER
CHAD MALLETT, P.E.

PRECINCT 3 COMMISSIONER
MICHAEL RASKA

PRECINCT 2 COMMISSIONER
DAVID TULLOS

PRECINCT 4 COMMISSIONER
PHILLIP COX

APPENDIX A: RULES FOR MANUFACTURED HOME COMMUNITIES, RECREATIONAL VEHICLE COMMUNITIES, AND RENTAL COMMUNITIES

In accordance with Local Government Code Section 232.007, an Infrastructure Development Plan (IDP) is required for all manufactured home communities, recreational vehicle communities, or rental communities, hereinafter referred to as “development(s).” , as defined in §232.007, Local Government Code.

The Grimes County Commissioners’ Court finds that minimum infrastructure standards for manufactured home rental communities are necessary to promote public health and safety, to provide adequate emergency access, to provide for orderly growth within the County, and to ensure that the ultimate residents in manufactured home rental communities have adequate access, proper utilities and other health and safety assurances.

For purposes of this Order, Manufactured Home Rental Community shall mean 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 sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences, and as defined in §232.007, Local Government Code, VTCA.

1. PROCEDURES

For the purposes of this Order, owner shall mean the owner of a proposed development or the owner's designated representative. On or after the effective date of this Order, all owners of proposed Manufactured Home Rental Communities shall submit an infrastructure development plan to Commissioners' Court which complies with the minimum infrastructure development standards by this Commissioners' Court.

A. PLAN TO BE SUBMITTED

An infrastructure development plan shall be submitted to the County's Representative. along with a development application. All preliminary infrastructure plans submitted to the Road and Bridge Dept. shall be accompanied by the appropriate filing fees.

1. The infrastructure development plan shall include a plat which identifies the proposed development's boundaries, proposed utility locations, proposed locations of lots, roads and streets, and dedications of rights of way.

2. The plat shall be prepared substantially in accordance with the Final Plat Requirements of Grimes County as set out in the GRIMES COUNTY INFRASTRUCTURE REGULATIONS, adopted by Commissioners' Court.

3. The infrastructure development plan shall also include written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of the infrastructure development plan and this Order.

B. DESIGNATED COUNTY OFFICIAL

Grimes County designates the Commissioners' Court as the County body responsible for approval or rejection of the infrastructure development plan. During the review of the plan, the County's Representative shall consult with an outside engineering firm, the County Attorney, the County Environmental Department and the Commissioner in whose precinct the proposed development is located. The expense of the contracted engineering firm to oversee the preliminary and final Infrastructure Development Plans will be at the developer's expense.

C. TIMELY APPROVAL OF INFRASTRUCTURE DEVELOPMENT PLANS

Not later than the 60th business day after the date the owner of a proposed development submits a preliminary infrastructure development plan for approval to the County with appropriate fees paid, the County shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan.

D. APPROVAL

Failure to reject the infrastructure plan by the Commissioners' Court within the sixty (60) days constitutes approval of the plan.

E. CONSTRUCTION PROHIBITED WITHOUT APPROVED PLAN

Construction of a proposed manufactured home community, recreational vehicle community, or rental community may not begin before the Commissioners' Court approves the development's final infrastructure development plan.

F. FINAL INSPECTION

A final inspection of the development's infrastructure upon its completion is required. Final inspection shall be made by the County's Representative. Final inspection shall be made prior to the Commissioners' Court's approval and issuance of a Certificate of Compliance. The County's Representative shall make the final inspection not later than the second (2nd) business day after the County's Representative receives written confirmation of completion from the owner.

G. CERTIFICATE OF COMPLIANCE BY COMMISSIONERS' COURT

If the County's Representative advises the Commissioners' Court that the infrastructure plan has been properly carried out, Commissioners' Court shall issue a Certificate of Compliance not later than the fifth (5th) business day after the County's Representative's final inspection is completed. Commissioners Court may delegate issuance of the Certificate of Compliance to the County Engineer.

H. CORRECTIVE ACTION IF CONSTRUCTION IS NOT APPROVED

If the County's Representative determines that the development's infrastructure plan has not been properly carried out, then the owner shall be advised in writing and shall have thirty (30) days from the date of notification to make the required corrections or to perform the additional work required. On completion of the corrective work, the owner shall again follow the procedures set out in this Order, before the owner is eligible to receive a Certificate of Compliance.

I. FEES

Preliminary/Final/IDP's and bonds shall be in accordance with the current Infrastructure Regulations and shall be paid prior to approval by the Commissioners' Court.

2. MINIMUM STANDARDS FOR PLANS

Grimes County adopts the following minimum standards for manufactured home community, recreational vehicle community, or rental community infrastructure and infrastructure plans. No infrastructure development plan shall be approved unless it complies with the following standards:

A. ROADS AND STREETS

1. Road and street layout, width, design standards:

a. The development shall have a minimum of sixty (60) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway.

b. Connections required - The arrangement of roads within the development shall provide for the continuation of arterial roads. Provision for the continuation of collector roads between adjacent properties shall be provided when such continuation is necessary for convenient movement of traffic, effective fire protection or for efficient provision of utilities.

c. Conformance to Topography - Roads and their construction shall be appropriate to the topography of the area. Roads shall be laid out and built so that, to the maximum extent possible, all building sites will be higher than the average elevation of the abutting road. Combinations of steep grades and curves are to be avoided.

d. Right-of-Way Width - The minimum right-of-way widths shall not be less than sixty (60) feet for local roads, eighty (80) feet for collector roads, or one hundred and twenty (120) feet for arterial roads.

e. Traffic Surface Widths - The improved traffic surface of roads shall be centered within the right-of-way, and road cross-section dimensions shall meet the requirements of the Grimes County Infrastructure Regulations.

f. Angle of Intersection - All streets and alleys should intersect at a ninety (90) degree angle with variations often (10) degrees. Acute angle intersections as may be approved should have thirty (30) feet or greater radii at the acute corners.

g. Street Off-Sets - Proposed new intersections along one side of an existing road shall, wherever practicable, coincide with any existing intersections on the opposite side of such road. Road jogs with center-line offsets of less than one hundred twenty-five (125) shall not be permitted.

h. Cul-de-Sac Roads - When a road terminates in a cul-de-sac, the minimum right-of-way radius shall be sixty (60) feet and the maximum length shall be on a case-by-case evaluation in the judgment of the County's Representative.

I. Road Surfacing and Improvements - Roadways shall be constructed in accordance with the Grimes County Infrastructure Regulations. No space may contain more than one single family residential unit. No common driveway shall be allowed. Each space shall have separate and individual space and be paved in accordance with the Infrastructure Regulations.

B. EASEMENTS

1. Utility easements - easements for utilities are required across parts of lots, or along lot lines. The owner of the development shall coordinate with utility service providers to determine the locations and widths of required easements. Evidence of such coordination will be required as a condition of manufactured home rental community approval. No manufactured home rental community infrastructure plan shall be approved until the owner has obtained a satisfactory agreement with utility service providers regarding utility easements. At minimum, utility service companies which must be consulted include; electric service, telephone service and any water or wastewater district or other utility which has jurisdiction.

2. Other Recorded Easements - Other prior existing recorded easements in a manufactured home rental community shall be clearly identified in the infrastructure plan.

C. DRAINAGE

1. No infrastructure development plan shall be approved which does not make adequate provision for storm water runoff. A drainage plan shall be prepared, in accordance with the requirements of the Grimes County Infrastructure Regulations, as part of the development's infrastructure development plan. No infrastructure development plan will be allowed if it will result in an increase in the rate of flow of storm water and would thereby endanger downstream properties or residents of the development.

2. Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the development, including the design of drainage structures, culverts, and/or systems using a ten (10) year storm frequency, such that the drainage out of the development does not have a negative drainage impact on neighboring properties. If additional right of way is required for existing county road drainage and access as determined by the outside engineer to achieve a sixty (60) foot wide right of way, the owner shall dedicate these areas of right of way to the County.

3. Requirements of the drainage plan can be found in the Grimes County Infrastructure Regulations.

D. UTILITIES

1. A utility may not provide utility services, including water, sewer, gas and electric services to a development to an IDP or to a development in the community unless the owner provides the utility with a copy of the Certificate of Compliance issued by the County. This requirement applies to:

   a. A municipality that provides utility services;

   b. A municipality owned or municipally operated utility that provides utility services;

   c. A public utility that provides utility services;

   c. A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;

   d. A county that provides utility services; and

   f. A special district or authority created by state law that provides utility services.

3. ENGINEERING REPORT

This report, which shall be signed, dated and sealed by a licensed professional engineer registered in Texas, shall contained detailed and definitive information on the following:

A. WATER SUPPLY FACILITIES - PUBLIC WATER SYSTEMS

1. If the water supplier is a political subdivision of the state: a city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, etc., the developer shall furnish a signed letter of service availability from the water supplier to provide the state's minimum requirements of quality and quantity of water to the proposed development.

2. Where there is no existing facility or owner intending to construct and maintain the proposed water supply facilities, the developer may establish an investor-owned utility or create a municipal utility district and obtain a Certificate of Convenience and Necessity (CCN) from the Texas Commission of Environmental Quality (TCEQ) and include evidence of the CCN issuance for the development area. Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ.

3. Water service must be extended into the development to each lot or rental space if the existing water lines are located within three hundred (300) feet of the development and if there is sufficient water available by the water supplier.

B. PRIVATE WELLS (OR NON-PUBLIC WATER SYSTEMS)

1. Quantitative and qualitative results of sampling test wells in accordance with requirements promulgated by the TCEQ and the Texas Department of Health shall be included where individual wells are proposed for the supply of drinking water to residences and other establishments. The results of the analysis shall be made available to the prospective property owners or renters.

2. Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ. Evidence of the approvals shall be included in the engineering report.

C. WASTEWATER DISPOSAL FACILITIES

1. Centralized Sewerage Facilities:

   a. If wastewater treatment is provided by a political subdivision of the state (city, municipality, utility district, water control and improvement district, nonprofit water supply corporation or an existing investor-owned water supply corporation, etc.) the developer shall furnish a signed letter of service availability to provide the state's minimum wastewater treatment standard for the proposed development from the utility.

   b. Where there is no existing entity or owner to build or maintain the proposed wastewater treatment and collection facilities, the developer may establish an investor-owned utility or a municipal utility district by obtaining a Certificate of Convenience and Necessity (CNN) from the TCEQ.

   c. Prior to IDP approval, an appropriate permit to treat and/or dispose of waste for the ultimate build-out of the development shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project, including the TCEQ. Evidence of the approvals shall be included in the engineering report.

   d. Wastewater disposal service must be extended into the development to each lot or rental space if the existing wastewater lines are within two hundred (200) feet of the development and there is sufficient wastewater capacity available from the wastewater service provider.

2. On-Site Sewage Facilities

   a. The engineering report shall include soils analysis results as required under the Grimes County Rules and Regulations for On-Site Sewerage Facilities - through the Grimes County Environmental Department. See Appendix C.

D. STREET NAMES AND SIGNS:

1. Street names - new streets and roads shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Grimes County. Street names may be suggested by the owner. Street names shall be reasonable and not similar to existing names of streets and roads in Grimes County. Suggested names shall be approved by the 911 Addressing Department for approval as a part of the proposed infrastructure development plan.

2. Street and Road Name Signs required - the owner shall install street or road name signs at all intersections in the development. The proper installation of these signs is a part of the required construction standards of Grimes County. Final approval of construction will not be given by Commissioners' Court until signs are installed.

3. Street and Road Name Sign - Street and road name signs shall be of the same standard and quality as required by Grimes County.

4. Placement- Street and road name sign assembly will be placed on a post and located two (2) feet behind the curb on curbed roadways, or six (6) to ten (10) feet beyond the edge of the pavement on non-curbed roadways. Signs should be placed as near to the tangent point of the edge of the less important roadway with the radius of the curve at the intersection.

E. THE INFRASTRUCTURE DEVELOPMENT PLAN SHALL SHOW AT MINIMUM THE FOLLOWING:

1. Only 11" x 17" digital PDF plan sheets will be acceptable and at a maximum scale of 1" = 200' (1" = 100' preferred). An index on the first sheet is required when more than two sheets are required for the IDP.

2. Names, locations, dimensions (bearings and distances) and layouts of existing and proposed streets, alleys, easements, and other public rights-of-way and public/private encumbrances (deed restrictions, etc.) on the property and any proposed street right-of-way, easement, alley, park, or other public dedication.

3. Dimensions, bearings and distances, of the proposed rental spaces:

    a. Minimum Width – Lot sizes and dimensions shall comply with the Grimes County Infrastructure Regulations.
    b. Minimum Distance - between each outside dimension shall be no less than twenty (20) feet.

4. Signatures and date of approval and certifications on the IDP. These approval signatures shall be not more than six (6) months prior to the submittal.

5. Legal description, acreage, and name of the proposed development. The development's name shall not be spelled or pronounced similarly to the name of any existing development or subdivision located within the county.

6. The boundary of the development indicated by a heavy line and described by bearings and distances.

7. Scale, legend, north arrow, spot elevations on 100' or an appropriate grid, with two (2) foot contour lines. Alternate contour intervals may be submitted based on terrain, with approval from the county.

8. Deed record, name of owner, volume and page number of adjoining properties.

9. Dates of survey and preparation of IDP.

10. Identification code, location, description, and elevation of the USGS or appropriate benchmark used in the survey.

11. Front building setback lines must be twenty-five (25) feet from the property line. Back and side building setback lines not less than ten (10) feet.

12. Location of any City's corporate limits line or extra territorial jurisdiction line. If located within the extra territorial jurisdiction (ETJ) approval of the IDP must be by the city.

13. Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and ETJ's, and other major land features.

14. Net area (gross area less easements) of rental spaces to the nearest 1/100 of an acre for lots using On Site Sewage Facilities and/or well water.

15. Limits of flood hazard areas as defined by the appropriate FEMA FIRM panel and the proposed finished floor elevation of buildings within these flood hazard areas on each space.

16. A certification by a Surveyor or Engineer describing any area of the development that is in a flood plain or stating that no area is in a flood plain, as delineated by the appropriate FEMA FIRM panel and date. In addition, a flood permit must be obtained from the county environmental department.

17. A surveyor's signature and seal on the IDP for certification.

18. The description of the water and sewer facilities, electricity and gas utilities, the roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the development and a statement of the date by which the facilities will be fully operable, prepared by an engineer (may be included in an attached document). A certification must be included that the water and sewer

facilities described by the IDP, or document attached to the IDP, are in compliance with these regulations.

19. Approvals by other regulatory and governing bodies, as required.

20. Letters signed and dated from water, wastewater, and electric utilities of service commitment and availability and statement of approval of existing and proposed utility easements.

21. A clear title and a tax certificate showing that all taxes currently due with respect to the original tract have been paid.

22. Results of soils analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site sewage facilities (OSSF).

23. Engineering Design Construction Plans for roadway access to each rental space for fire and emergency vehicles.

24. Traffic impact study. For developments of 100 spaces or greater, the engineering report may, at the request of the county, be required to include a Traffic Impact Study to assess the effects of additional traffic on the existing and proposed transportation system.

25. Any document required by the Grimes County Infrastructure Regulations.

4. APPLICABILITY

A. EFFECTIVE DATE

This Order is effective upon the date of final approval by the Grimes County Commissioners' Court.

B. DATE CONSTRUCTION COMMENCED

This Order applies only to a manufactured home community, recreational vehicle community, or rental community for which construction is commenced on or after the date infrastructure standards are adopted by this Commissioners' Court.

C. EXPANSION OF EXISTING MANUFACTURED HOME COMMUNITY RENTALS

These regulations are applicable to any expansion of existing manufactured home communities, recreational vehicle communities, or rental communities on or after the effective date of these regulations.

D. APPLICABLE OUTSIDE CITY LIMITS

These regulations are applicable in Grimes County outside the City limits of any incorporated City.

5. INTERPRETATION -CONFLICT, SEVERABILITY, SAVINGS AND AMENDMENTS

A. INTERPRETATION

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

B. PUBLIC PROVISIONS

These Regulations are not intended to interfere with, abrogate, or annul any other County regulation, state statute, or other provision of law except as provided in these Regulations. Where any provision of these Regulations or any other rule or regulation or other provisions of law are in conflict, the provision which is more restrictive or imposes higher standards shall control.

C. PRIVATE PROVISIONS

These Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these Regulations shall govern.

D. SEVERABILITY

If any part or provision of these Regulations, or the application of these Regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or application of them to other persons or circumstances. The Commissioners' Court hereby declares that it would have enacted the remainder of these Regulations, even without any such part, provision, or application which is judged to be invalid.

E. SAVING PROVISION

These Regulations shall not be construed as abating any action now pending under or by virtue of; prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving the right of the State or County under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Regulations.

F. AMENDMENTS

For the purpose of protecting the public health, safety and general welfare or for any other valid purpose, the Commissioners' Court may, from time to time, amend these Regulations at a public meeting following public notice in the manner prescribed by law. This Order supersedes any previous rules and regulations pertaining to mobile home rental communities as may be stated in Grimes County Infrastructure Regulations.

AMENDED ORDER ESTABLISHING MINIMUM INFRASTRUCTURE STANDARDS FOR MANUFACTURED HOME COMMUNITIES, RECREATIONAL VEHICLE COMMUNITIES, AND RENTAL COMMUNITIES

BE IT REMEMBERED that on the 23rd day of June, 2025, the Grimes County Commissioners' Court, pursuant to §232.007, Local Government Code, adopted the above minimum infrastructure standards for manufactured home communities, recreational vehicle communities, and rental communities located in the unincorporated areas of Grimes County, with a vote of 5 ayes and 0 nays.

PASSED and ADOPTED on this 23rd day of June, 2025.

GRIMES COUNTY COMMISSIONERS COURT

_____
Joe Fauth III
Grimes County Judge

ATTEST

_____
Vanessa Burzynski
Grimes County Clerk

APPENDIX B

MODEL SUBDIVISION RULES TEXAS ADMINISTRATIVE CODE CHAPTER 364

MODEL SUBDIVISION RULES
(TEXAS ADMINISTRATIVE CODE CHAPTER 364)

Additional Rules and Standards for subdivisions which create two or more lots of five acres or less intended for residential purposes.

The rules of this section supersede any conflicting regulations of the county, namely the Grimes County Subdivision Rules and Regulations.

It is the intent of this section to adopt the applicable provisions of the Texas Administrative Code, Title 31, Natural Resources and Conservation, Part 10 Texas Water Development Board, Chapter 364 Model Subdivision Rules.

A. General Provisions

1. Purpose

The model rules provide the criteria for assuring that an adequate supply of safe drinking water and adequate safe sewer facilities are available to residential areas in accordance with state standards established by the Texas Department of Health and the Texas Commission on Environmental Quality. The model rules prohibit the establishment of residential developments with lots of five acres or less without adequate power supply and sewer services, prohibit more than one single-family, detached dwelling to be located on each subdivision lot, and establish minimum setbacks to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards.

(TAC 364.2; SOURCE: The provisions of this §§364.2 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29 TexReg 1203).

2. Authority and Scope of Rules

These rules are adopted by Grimes County, Texas under the authority of the Local Government Code, Chapter 232 and Water Code §16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

(TAC 364.11; SOURCE: The provisions of this §§364.11 adopted to be effective February 10, 2000, 25 TexReg 800).

3. Purpose

It is the purpose of these rules to promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this county, and to apply the minimum state standards for water and

wastewater facilities to these subdivisions.

(TAC 364.12; SOURCE: The provisions of this §§364.12 adopted to be effective February 10, 2000, 25 TexReg 800).

4. Effective Date

These rules become effective on the 1st day of June, 2008.

(TAC 364.13; SOURCE: The provisions of this §§364.13 adopted to be effective February 10, 2000, 25 TexReg 800).

5. Plat Required

(a) The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.

(b) No subdivided land shall be sold or conveyed until the subdivider:

(i) has received approval of a final plat of the tract; and

(ii) has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.

(c) A division of a tract is defined as including metes and bounds description, or any description of less than whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

(TAC 364.15; SOURCE: The provisions of this §§364.15 adopted to be effective February 10, 2000, 25 TexReg 800).

6. Supersession

These rules supersede any conflicting regulations of the county.

(TAC 364.16; SOURCE: The provisions of this §§364.16 adopted to be effective February 10, 2000, 25 TexReg 800).

7. Severability

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jursidiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgments shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The commissioners' court thereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

(TAC 364.17; SOURCE: The provisions of this §§364.17 adopted to be effective February 10, 2000, 25 TexReg 800).

8. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(a) Commission– the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

(b) Commissioners' Court (or court)– The Commissioners' Court of Grimes County, Texas.

(c) County– Grimes County, Texas.

(d) Drinking water– All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

(e) Engineer– A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

(f) Final Plat– A map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.

(g) Lot– An undivided tract or parcel of land.

(h) Non-public water system– Any water system supplying water for domestic purposes which is not a public water system.

(i) OSSF– On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.

(j) Platted– Recorded with the county in an official plat record.

(k) Public water system– A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition of drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This terms includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served", an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

(l) Purchaser– Shall include purchasers under executory contracts for conveyance or real property.

(m) Retail public utility– Any entity meeting the definition of a retail public utility as defined in Water Code §13.002.

(n) Sewerage facilities– The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

(o) Subdivider– Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

(p) Subdivision– Any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.

(q) TAC– Texas Administrative Code, as compiled by the Texas Secretary of State.

(r) Water facilities– Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

(TAC 364.18; SOURCE: The provisions of this §§364.18 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29 TexReg 1203).

B. MINIMUM STANDARDS

1. Scope of Standards

The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this division is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

(TAC 364.31; SOURCE: The provisions of this §§364.31 adopted to be effective February 10, 2000, 25 TexReg 800).

2. Water Facilities Development

(a) Public water systems.

(i) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

(ii) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§§§ 290.38-290.51 and §§§§ 290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§§§ 230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the

subdivision for a term of not less than 30 years.

(b) Non-public water systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§§§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§§§ 290.104, 290.106, 290.108 and 290.109, either:

(i) without any treatment to the water; or

(ii) with treatment by an identified and commercially available water treatment system.

(c) Transportation of potable water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

(TAC 364.32; SOURCE: The provisions of this §§364.32 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29 TexReg 1203).

3. Wastewater Disposal

(a) Organized sewerage facilities.

(i) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.

(ii) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written statement agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final

plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(b) On-site sewerage facilities.

(i) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.

(ii) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

(iii) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§§§ 285.4, 285.5, and 285.30-285.39. In addition, to the unsatisfactory on-site disposal systems listed in 30 TAC §§285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

(TAC 364.33; SOURCE: The provisions of this §§364.33 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29, TexReg 1203).

4. Greywater Systems for Reuse of Treated Wastewater

(a) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.

(b) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater shall meet the minimum criteria of 30 TAC Chapter 285.

(TAC 364.34; SOURCE: The provisions of this §§364.34 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29, TexReg 1203).

5. Sludge Disposal

The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

(TAC 364.35; SOURCE: The provisions of this §§364.35 adopted to be effective February 10, 2000, 25 TexReg 800).

6. Setbacks

In areas that lack a nationally recognized fire code as listed in Local Government Code §233.062(c) and lack water lines sized for fire protection, setbacks from roads and right-of-ways shall be a minimum of 10 feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-sire sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

(TAC 364.36; SOURCE: The provisions of this §§364.36 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29, TexReg 1203).

7. Number of Dwellings Per Lot

No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

(TAC 364.37; SOURCE: The provisions of this §§364.37 adopted to be effective February 10, 2000, 25 TexReg 800).

C. PLAT APPROVAL

1. Applications for Plat Approval

(a) Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner.

(b) Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of Division 2 and the requirements of Division 3 of this subchapter.

(TAC 364.51; SOURCE: The provisions of this §§364.51 adopted to be effective February 10, 2000, 25 TexReg 800).

2. Final Engineering Report

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of

Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under §§ 364.54 of this title, the schedule shall include the start dates and completion dates.

(a) Public water systems.

(i) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in §§ 364.32(a)(1) of this title. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§§§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

(ii) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§§§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with §§ 364.32 of this title. The

results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to §§ 364.32(b) of this title does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§§§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(c) Organized sewerage facilities.

> (i) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in §§ 364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
>
> (ii) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(d) On-site sewerage facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §§ 285.4(c), including the site evaluation described by 30 TAC §§ 285.30 and all other information required by the county's OSSF order.

(TAC 364.52; SOURCE: The provisions of this §§ 364.52 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29 TexReg 1203).

3. Additional Information

The county may, at its option, require additional information necessary to determine theadequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be limited to:

(a) layout of proposed street and drainage work;

(b) legal description of the property;

(c) existing area features;

(d) topography;

(e) flood plains;

(f) description of existing easements;

(g) layout of other utilities;

(h) notation of deed restrictions;

(i) public use areas; or

(j) proposed area features.

(TAC 364.53; SOURCE: The provisions of this §§ 364.53 adopted to be effective February 10, 2000, 25 TexReg).

4. Financial Guarantees for Improvements

(a) Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the commissioners court shall require the owner of the subdivided tract to execute an agreement with the county in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below.

(b) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements:

> (i) The bond or financial guarantee shall be payable to the county judge of the county, in his official capacity, or the judge's successor in office.

(ii) The bond or financial guarantee shall be in an amount determined by the commissioners court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(iii) The bond shall be executed with sureties as may be approved by the commissioners court. The county shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

(a) registration with the Secretary of State and be authorized to do business in Texas;

(b) authorization to issue bonds in the amount required by the commissioners court; and

(c) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(iv) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(c) Letter of credit. A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements:

(i) Any letter of credit submitted as a financial guarantee for combined amounts greater than $ 10,000 and less than $ 250,000 must be from financial institutions which meet the following qualifications:

(a) Bank qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and

(iii) total assets must be at least $25 million.

(b) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than $25 million or tangible capital must be at least 3.0% of total assets if total assets are less than $25 million; and

(iii) Sheshunoff rating must be 30 or better.

(c) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(ii) Any letter of credit submitted as a financial guarantee for combined amounts greater than $ 250,000 must be from financial institutions which meet the following qualifications:

(a) Bank qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be 30 or better and primary capital must be at least 7.0% of total assets; and

(iii) total assets must be at least $75 million.

(b) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than $75 million or tangible capital must be at least 5.0% of total assets if total assets are less than $75 million; and

(iii) Sheshunoff rating must be 30 or better.

(c) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(iii) The letter of credit shall list as sole beneficiary the county judge of the county, in his official capacity, or the judge's successor in office, and must be approved by the county judge of the county. The form of the letter of credit shall be modeled after the form attached in Appendix 2B.

(iv) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(d) Financial guarantee. The county will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

(e) Alternative to county accepting a financial guarantee. The county may approve a final plat under this section without receiving a financial guarantee in the name of the county if:

(i) the property being subdivided lies wholly within the jurisdiction of the county;

(ii) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and

(iii) the municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality to:

(a) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;

(b) execute the construction agreement with the subdivider; and

(c) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

(TAC 364.54; SOURCE: The provisions of this §§ 364.54 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29 TexReg 1203).

5. Review and Approval of Final Plats

(a) Scope of review. The county will review the final plat to determine whether it meets the standards of Division 2 and the requirements of Division 3 of this subchapter.

(b) Disapproval authority. The commissioners court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.

(c) Prerequisites to approval. Final plat approval shall not be granted unless the subdivider has accomplished the following:

(i) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and

(ii) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the commission of the plans and specifications for such construction, including any change orders filed with these agencies; or

(iii) obtained all necessary permits for the proposed water facilities and

sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Division 3 of this subchapter.

(TAC 364.55; SOURCE: The provisions of this §§ 364.55 adopted to be effective February 10, 2000, 25 TexReg 800; amended to be effective February 10, 2004, 29 TexReg 1203

6. Time Extensions for Providing Facilities

(a) Reasonableness. The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:

(i) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with §§ 364.54 are submitted which will be effective for the period of the extension; and

(ii) the court finds the extension is reasonable and not contrary to the public interest.

(b) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.

(c) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Division 2 of this subchapter.

(TAC 364.56; SOURCE: The provisions of this §§ 364.56 adopted to be effective February 10, 2000, 25 TexReg 800).

7. Criteria for Subdivisions that Occurred Prior to September 1, 1989

(a) Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the county to grant a delay or variance pursuant to Local Government Code §232.043 or a rule of the county adopted pursuant to such provision.

(b) Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards

for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.

(c) Required plat. In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out 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, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the commissioners court, and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the commissioners court as provided in this section in lieu of the filing of a plat of the subdivision.

(d) Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of §§§§ 364.15(b) of this title (sale restrictions), 364.36 of this title (Setbacks), 364.37 of this title (Number of Dwellings per Lot), 364.52 of this title (Final Engineering Report), and 364.54 of this title (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.

(i) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

(ii) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the commissioners court may request to support the application, including:

(a) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;

(b) the name and address of the original subdivider or the subdivider's authorized agent, if known;

(c) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and

(d) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

(iii) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the commissioners court that:

(a) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider;

(b) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;

(c) an existing, currently occupied residential dwelling is located on the lot;

(d) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and

(e) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

(e) Final determination. The commissioners court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

(TAC 364.57; SOURCE: The provisions of this §§ 364.57 adopted to be effective February 10, 2000, 25 TexReg 800)

D. ENFORCEMENT

1. Oversight

The owner, by submitting a plat, acknowledges the authority of the county and state

agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

(TAC 364.71; SOURCE: The provisions of this §§ 364.71 adopted to be effective February 10, 2000, 25 TexReg 800).

2. General Enforcement Authority of County

The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §§§§ 16.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code§232.037 and §§ 232.080.

(TAC 364.72; SOURCE: The provisions of this §§ 364.72 adopted to be effective February 10, 2000, 25 TexReg 800).

Figure: 31 TAC §364.32(a)(1)

APPENDIX 1A. SAMPLE FORM FOR WATER SERVICE AGREEMENT

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED _____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which supplies of drinking water known as _____.

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in _____ County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to _____ County for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

The Subdivider covenants that the water distribution system will be constructed as shown in the Plans and as provided for through the plat-approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The Subdivider has paid the Utility the sum of $ _____ which sum represents the total costs of water meters, water rights acquisition fees, and all membership or other fees associated with connecting the individual lots in the Subdivision to the Utility's water supply system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by _____ County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her

signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20____.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

Figure: 31 TAC §364.33(a)(2)

APPENDIX 1B. SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTEWATER SERVICE FOR THE PROPOSED _____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as _____.

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in _____ County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____.

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to _____ County for its approval. The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the wastewater flow projected from the Subdivision under fully built-out conditions (the projected wastewater flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the capacity to treat the projected wastewater flow, and that it will treat that wastewater flow for at least thirty years. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's wastewater collection system has been connected to the Utility's wastewater treatment plant.

The Subdivider covenants that the wastewater collection system will be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the wastewater collection system.

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system:
The Subdivider has paid the Utility the sum of $ _____ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by _____ County or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20 ___.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

Figure: 31 TAC §364.54(a)

APPENDIX 2A: SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM

1. Parties. This Subdivision Construction Agreement (the Agreement) is by and between the County and the Subdivider. The County is _____ County, Texas, acting by and through its Commissioners Court, or authorized representative as designated by the Commissioners Court. The Subdivider is _____, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the County.

2. Effective Date. This Agreement is effective on the date the County approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

Recitals

3. Subdivider is the owner of the land included in the proposed final subdivision plat of the _____ subdivision, as shown in County's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and

4. Subdivider seeks authorization from the County to subdivide the Property in accordance with the requirements imposed by Texas statute and the County's ordinances, regulations, and other requirements; and

5. County ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and

6. The purpose of this Agreement is to protect the County from the expense of completing subdivision improvements required to be installed by the Subdivider; and

7. This agreement is authorized by and consistent with state law and the County's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider's Obligations

8. Improvements. The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with County orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the County's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the County prior to commencement of construction, and subject to inspection, certification, and acceptance by the County.

9. Completion. Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than three (3) years after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the County no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the County a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

10. Warranty. The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of one (1) year from the date the County accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdivider's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the County's acceptance of dedication of any of the Improvements, the County may require the Subdivider to post a maintenance bond or other financial security acceptable to the County to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the County shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the County.

11. Security. To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the County, a cash deposit to be held by the County in escrow, or an irrevocable letter of credit in the amount of _____ Dollars ($_____) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the County, shall have an expiration date no earlier than one year from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the County's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the County may revise the standard form letter of credit it reasonably considers acceptable and necessary to secure the performance of Subdivider's obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute or confirming letter of credit) is referenced to in this agreement as the "Letter of Credit."

12. Reduction In Letter of Credit. After the acceptance of any Improvement, the amount which the County is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the County shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the County shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to the Estimated Remaining Cost if the County determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the County shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the County estimates to be the cost of completing all Improvements which are incomplete as of the time of such estimate.

County's Obligations

13. Inspection and Certificate. The County agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with County standards and specifications. The inspections and certifications will be conducted in accordance with standard County policies and requirements. The Subdivider grants the County, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

14. Notice of Defect. The County will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and if the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the County may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

15. Use of Proceeds. The County will disburse funds drawn under the Letter of Credit only for

the purposes of completing the Improvements in conformance with the County's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit or any accrued interest earned on the funds. All funds obtained by the County pursuant to one or more draws under the Letter of Credit shall be maintained by the County in an interest bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the County. The County may disburse all or portions of the Escrowed Funds as Improvements are completed and accepted by the County, or in accordance with the terms of a written construction contract between the County and a third party for the construction of Improvements. Escrowed Funds not used or held by the County for the purpose of completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the County to the Issuer of the Letter of Credit no later than sixty (60) days following the County's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

16. Return of Excess Escrowed Funds. No later than sixty (60) days after its receipt of a written request from the Subdivider or the Issuer to return Excess Escrowed Funds to the Issuer, the County shall disburse to the Issuer from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred ten percent (110%) of the estimated cost of constructing Improvements the County intends to construct but which have not been accepted, as such cost is shown on Exhibit B. Notwithstanding the first sentence in this Paragraph, the County shall not be required to disburse Excess Escrowed Funds more frequently than every ninety (90) days.

17. Cost Participation by County. If the County and Subdivider agree the County will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

18. Conditions of Draw on Security The County may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the occurrence of one or more of the following events:
(a) Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;
(b) Subdivider's failure to renew or replace the Letter of Credit at least forty-five (45) days prior to the expiration date of the Letter of Credit;
(c) Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the County, in accordance with Paragraph 11 of this Agreement; or
(d) Issuer's acquisition of the Property or a portion of the Property, through foreclosure or an assignment or conveyance in lieu of foreclosure.

The County shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the County shall provide notice to the Subdivider and the Issuer of the specific default and the notice shall

include a statement that the County intends to perform some or all of Subdivider's obligations under Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the County, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the County shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the County a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft based on an event described in subparagraph (d), the Issuer may deliver to the County a substitute or confirming Letter of Credit.

19. Procedures for Drawing on the Letter of Credit. The County may draw upon the Letter of Credit in accordance with Paragraph 18 by submitting a draft to the Issuer in compliance with the terms of the Letter of Credit governing such draft. The Letter of Credit must be surrendered upon presentation of any draft which exhausts the Stated Amount of such Letter of Credit. The County may not draft under a Letter of Credit unless it has substantially complied with all its obligations to the Issuer under this Agreement and has properly completed and executed the draft in strict accordance with the terms of the Letter of Credit.

20. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the County's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.

21. Remedies. The remedies available to the County, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.

22. Provisions for the Benefit of Issuer. The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the Issuer.

23. Third Party Rights. No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the County (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the County in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.

24. Indemnification. The Subdivider hereby expressly agrees to indemnify and hold the County harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the County if the County is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the County. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the County harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the County, its agents, contractors, employees, tenants, or licensees.

25. No Waiver. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the County, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

26. Attorney's Fees. Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

27. Assignability. The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the County. The County's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The County agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The County, in its sole discretion, may assign some or all of its rights under this

Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

28. Expiration. This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.

29. Notice. Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:
Attn: _____
Printed Name: _____
Office or Position: _____
Address: _____
_____

if to County:
Attn: _____
Printed Name: _____
Office or Position: _____
Address: _____
_____

if to the Issuer: at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

30. Severability. If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parities will be construed as if the part, term, or provision vas never part of this Agreement.

31. Personal Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for _____ County, Texas, or the United States District Court for the _____ District of Texas, _____ Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a Letter of Credit pursuant to the terms of-this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

32. Release Upon Completion. Upon acceptance of all Improvements, the County agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the County for the completion of the Improvements.

33. Captions Immaterial. The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.

34. Entire Agreement. This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

35. Authorization to Complete Blanks. By signing and delivering this agreement to the appropriate official of the County, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

36. Binding Agreement. The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the County. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the _____ day of _____, 20___.

_____ _____

County Official Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

EXHIBIT B: SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and County agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the County in an amount equal to the Estimated Cost of Completion listed below, as follows:

Description of Improvement(s) Estimated Cost of Completion

a)

b)

c)

APPENDIX C

ORDER ADOPTING RULES OF GRIMES COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 2, 2025

The Honorable Joe Fauth III
Grimes County Judge
Grimes County Courthouse
270 Farm- to- Market 149 Road West
Anderson, Texas 77830

RE: Grimes County
On-Site Sewage Facility No. 620086

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the ED's action became effective on the date the ED signed the permit or other action. A copy of the final action is enclosed and cites the effective date.

For certain matters, a **motion to overturn**, which is a request that the commission review the ED's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the Environmental Law Deputy Director (MC 173), and the Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or ED action are governed by Texas Water Code Section 5.351.

Individual members of the public may seek further information by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/cb

cc: Garrett T. Arthur, TCEQ Public Interest Counsel (MC 103)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF THE	§	BEFORE THE EXECUTIVE
APPLICATION OF	§	DIRECTOR OF THE TEXAS
GRIMES COUNTY	§	COMMISSION ON
FOR A TEXAS HEALTH AND SAFETY	§	ENVIRONMENTAL
CODE §366.031 ORDER	§	QUALITY

On April 25, 2025, the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), considered the application of Grimes County for an Order pursuant to §366.031, Texas Health and Safety Code (THSC), and 30 Texas Administrative Code (TAC) §285.10 of the rules of the Commission.

No person has requested a public hearing on the application, therefore the Executive Director, on behalf of the Commission, is satisfied that Grimes County has satisfied the requirements of §366.031, THSC. The Commission finds that the Grimes County Order should be approved.

FINDINGS OF FACT

1. Grimes County drafted an amended Order which regulates on-site sewage facilities.

2. On August 14, 2024, Grimes County caused notice to be published, in a newspaper regularly published and of general circulation, in the Grimes County's area of jurisdiction, of a public meeting to be held on August 21, 2024.

3. Grimes County held a public meeting to discuss its proposed Order on August 21, 2024.

4. The Grimes County Order regulating on-site sewage facilities was adopted on August 21, 2024.

5. A certified copy of the minutes was submitted to the Texas Commission on Environmental Quality.

6. A certified copy of the Grimes County Order was submitted to the Commission.

7. The Order is at least equivalent to the standards of the Commission.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to issue Orders designating local governmental entities as authorized agents. TEXAS WATER CODE ch. 5 and TEXAS HEALTH & SAFETY CODE ch. 366.

2. The Commission may delegate uncontested matters to the Executive Director provided the required notice was given, the applicant agrees to the action and the application is uncontested. TEXAS WATER CODE § 5.122.

3. Notice of Grimes County's intent to adopt a new Order was properly provided. TEXAS HEALTH & SAFETY CODE § 366.031 and TEXAS ADMINISTRATIVE CODE § 285.10.

4. Grimes County agreed to the proposed Order in writing.

5. The proposed Order is uncontested.

6. The Grimes County's proposed Order incorporates the Commission's rules on abatement or prevention of pollution and prevention of injury to the public health; meets the Commission's minimum requirements for on-site sewage disposal systems. TEXAS HEALTH & SAFETY CODE § 366.032.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. Grimes County is hereby authorized to implement its new Order regulating on-site sewage facilities.

2. Any amendments to the Grimes County Order must be approved by the Commission.

3. The Office of Chief Clerk of the Commission is directed to forward a copy of this Order and the Grimes County's adopted Order, marked as Exhibit "A," to Grimes County and all other parties and to issue the Order and cause it to be recorded in the files of the Commission.

Issued this date: April 25, 2025



Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

COUNTY OF GRIMES §

STATE OF TEXAS §

AFFIDAVIT

Before me, the undersigned authority, personally appeared who, being by me duly sworn, deposed as follows:

My name is Vanessa Burzynski I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of the County Clerk's Office for the County of Grimes, Texas. Attached hereto are (7) Seven ( ) pages of records known as (Order) _____. The records are kept by me as County Clerk, County of Grimes, in the regular course of business with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The record attached hereto is the original or exact duplicate of the official record.

Vanessa Burzynski

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Vanessa Burzynski, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 4th day of September, 2024.

(SEAL)

ANA GONZALEZ
Notary Public, State of Texas
Comm. Expires 01-03-2026
Notary ID 133510289

Ana Gonzalez

Notary/Public, State of Texas
My commission expires:

ORDER ADOPTING RULES OF GRIMES COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has established Rules for on-site sewage facilities (OSSFs) to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Texas Legislature enacted legislation, codified as Texas Health and Safety Code (THSC), Chapter 366, which authorizes a local government to regulate the use of OSSFs in its jurisdiction to eliminate and prevent health hazards from the use of OSSFs; and

WHEREAS, the County of Grimes, Texas understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating OSSFs, and may have responsibilities under the following provisions:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 On-Site Wastewater Treatment Research;

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality) and 37 (Occupational Licensing and Registration);

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations) 70 (Enforcement), and 285 (On-Site Sewage Facilities; and

Section 9 of this Order (More Stringent Requirements)

WHEREAS, due notice was given of a public meeting to determine whether the Commissioners Court of Grimes County, Texas should enact an Order regulating the installation and use of OSSFs in the County of Grimes, Texas; and

WHEREAS, the Commissioners Court of Grimes County, Texas finds that the use of OSSFs in Grimes County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of Grimes County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating OSSFs to abate or prevent pollution, or injury to public health in Grimes County, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF GRIMES COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble are true and correct;

SECTION 2. THAT the use of OSSFs in Grimes County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. This Order repeals and replaces any other On-site Sewage Facility Order for Grimes County, Texas.

SECTION 4. THAT an Order for Grimes County, Texas be adopted entitled "On-Site Sewage Facilities," which shall read as follows:

ORDER ADOPTING RULES OF GRIMES COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES

SECTION 5. THAT the County of Grimes, Texas wishing to adopt more stringent requirements for its OSSF ORDER understands that the more stringent requirements in this ORDER take precedence over the corresponding TCEQ rule.

SECTION 6. AREA OF JURISDICTION.

This Order shall apply to all the areas lying within Grimes County, Texas, except for areas regulated under an existing Order, Ordinance or Resolution.

SECTION 7. COMPLIANCE WITH ORDER.

All on-site sewage disposal systems installed in the jurisdictional area of Grimes County must comply with this Order.

SECTION 8. INCORPORATION BY REFERENCE.

The following statutes and rules, including all future amendments to the statutes and rules, are incorporated by reference specifically, but not limited to:

Texas Health and Safety Code Chapters 366 (On-Site Sewage Disposal Systems) and 367 On-Site Wastewater Treatment Research;

Texas Water Code Chapters 7 (Enforcement), 26 (Water Quality) and 37 (Occupational Licensing and Registration); and

30 Texas Administrative Code Chapters 30, (Occupational Licensing and Registrations) 70 (Enforcement), and 285 (On-Site Sewage Facilities).

SECTION 9. MORE STRINGENT REQUIREMENTS

30 TAC § 285.10 allows local governmental entities to propose more stringent standards than minimally required by 30 TAC Chapter 285. Grimes County has determined that more stringent requirements are necessary to protect human health and the environment. The Justification for the more stringent requirements is in Exhibit B

of this ORDER. The following more stringent requirements are adopted by Grimes County, Texas in this ORDER:

A. A permit shall be required for all OSSF regardless of acreage or lot size.

B. *Maintenance Requirements*

1. Beginning on the effective date of this Order, in order to provide greater public health and safety protection, the maintenance for all aerobic treatment units shall be performed by a TCEQ licensed maintenance provider or registered maintenance technician unless:

    a. The property owner is a TCEQ licensed maintenance provider or registered maintenance technician or

    b. The property owner completes the OSSF Homeowner Aerobic Treatment & Surface Application System Operations and Maintenance Class provided by TEEX.

2. The property owner shall submit documentation of completion of the OSSF Homeowner Aerobic Treatment & Surface Application System Operations and Maintenance Class to the TCEQ Designated Representative for Grimes County (see 30 TAC 285.2(17)) ("the DR" herein) if performing his/her own maintenance as provided above.

3. Notwithstanding the foregoing, should one or more of the following occur, a property owner performing his/her own maintenance will be required to contract with a licensed maintenance provider for maintenance of his/her aerobic treatment unit:

    a. The property owner fails to submit the required testing and timely reporting results to the DR;

    b. The property owner falsifies the required documents; or

    c. The DR determines that the owner has violated 30 TAC 285, this Order, or their permit.

C. *Maintenance Inspections and Reports*

1. The required maintenance inspections and test reports, conducted by the above-described qualified property owner or a TCEQ registered maintenance technician or licensed maintenance provider, shall be submitted to the DR every four (4) months and shall contain:

    a. Confirmation that the OSSF meets all inspection requirements as set by this Order, 30 TAC 285, and the inspection requirements

outlined by the manufacturer for the brand being inspected; and

b. A report of the sludge levels in the pump tank, the pH (potential hydrogen) levels in the pump tank, and the condition of the spray area.

D. The use of portable toilets will not be allowed as a permanent solution in lieu of an OSSF.

E. All OSSFs must be installed by a TCEQ licensed Installer I or II, owner installations are prohibited.

F. Any single-family dwelling, commercial or institutional facility, multi-unit residential development, or recreational vehicle park occupied any part of the day or night shall be connected to an OSSF system or other approved method of wastewater treatment and/or disposal.

SECTION 10. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to Grimes County, Texas. A fee of $10 will also be collected for each OSSF permit to be paid to the credit of the TCEQ Water Resources Management Account as required by the THSC Chapter 367.

SECTION 11. APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of Grimes County, Texas.

SECTION 12. ENFORCEMENT PLAN

The County of Grimes, Texas understands that, at a minimum, it must follow the requirements in 30 Texas Administrative Code § 285.71 Authorized Agent Enforcement of OSSFs. This includes timely investigating complaints, notifying complainants of findings, and taking appropriate action related to any documented violations. Records related to these activities shall be retained for review by TCEQ.

The County shall take appropriate and timely action on all documented violations, which may include any available penalties and remedies, pursuant to all applicable provisions related to OSSFs, including those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7 and 26 of the Texas Water Code, and 30 Texas Administrative Code Chapter 285.

SECTION 13. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of Grimes County, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Order are

severable, and if any phrase, clause, sentence, paragraph, or section of this Order should be declared void by a valid judgment or decree of any court of competent jurisdiction the judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order.

SECTION 14. RELINQUISHMENT OF ORDER

If the Authorized Agent of Grimes County, Texas decides to relinquish its authority to regulate OSSFs in its area of jurisdiction, the local governmental entity (previously the Authorized Agent) and the TCEQ shall follow the procedures in 30 TAC § 285.10 (d) (1) through (4).

After relinquishing its OSSF authority, the local governmental entity understands that it may be subject to charge-back fees in accordance with 30 TAC § 285.10 (d) (5) and §285.14.

SECTION 15. TITLE VI COMPLIANCE

If necessary, based on the need for access to information in a language other than English by the community, the Authorized Agent shall provide information regarding this Order, including notice, applications, and enforcement actions, in an alternative language. The Authorized Agent may base its determination on all relevant factors including: whether the elementary or middle school nearest to the site is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B; whether there is newspaper regularly published in an alternative language; or if the AA has historical knowledge.

SECTION 16. EFFECTIVE DATE.

This Order shall be in full force and effect from and after its date of approval as required by law and upon the approval of TCEQ.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 21 DAY OF August, 20 24.



(SEAL)

APPROVED:

County Judge

ATTEST:

County Clerk

EXHIBIT B

A. A permit shall be required for all OSSF regardless of acreage or lot size.

B. *Maintenance Requirements*

1. Beginning on the effective date of this Order, in order to provide greater public health and safety protection, the maintenance for all aerobic treatment units shall be performed by a TCEQ licensed maintenance provider or registered maintenance technician unless:

    a. The property owner is a TCEQ licensed maintenance provider or registered maintenance technician or

    b. The property owner completes the OSSF Homeowner Aerobic Treatment & Surface Application System Operations and Maintenance Class provided by TEEX.

    (1) **Justification**: To ensure that Maintenance Inspections are performed by a qualified individual that has the knowledge needed to safely maintain an OSSF system. Unqualified individuals may overlook situations of that a qualified individual would not.

-

2. The property owner shall submit documentation of completion of the OSSF Homeowner Aerobic Treatment & Surface Application System Operations and Maintenance Class to the TCEQ Designated Representative for Grimes County (see 30 TAC 285.2(17)) ("the DR" herein) if performing his/her own maintenance as provided above.

    (1) **Justification**: To ensure the homeowner knows how to perform a proper maintenance inspection.

3. Notwithstanding the foregoing, should one or more of the following occur, a property owner performing his/her own maintenance will be required to contract with a licensed maintenance provider for maintenance of his/her aerobic treatment unit:

    a. The property owner fails to submit the required testing and timely reporting results to the DR;

    b. The property owner falsifies the required documents; or

    c. The DR determines that the owner has violated 30 TAC 285, this Order, or their permit.

    (1) **Justification**: If any of the above occur it shows that the homeowner is not adequate to perform the maintenance inspections and should no longer be able to do so to ensure that the OSSF system functions properly.

C. *Maintenance Inspections and Reports*

1. The required maintenance inspections and test reports, conducted by the above-described qualified property owner or a TCEQ registered maintenance technician or licensed maintenance provider, shall be submitted to the DR every four (4) months and shall contain:

    a. Confirmation that the OSSF meet all inspection requirements as set by this Order, 30 TAC 285, and the inspection requirements outlined by the manufacturer for the brand being inspected; and

    b. A report of the sludge levels in the pump tank, the pH (potential hydrogen) levels in the pump tank, and the condition of the spray area.

(1) **Justification**: By requiring more information Grimes County can ensure the OSSF systems are functioning properly, to protect the health and safety of our environment and citizens.

D. The use of portable toilets will not be allowed as a permanent solution in lieu of OSSF.

(1) **Justification**: To discourage the use of portable toilets as a long-term replacement for an OSSF system.

E. All OSSFs must be installed by a TCEQ licensed Installer I or II, owner installations are prohibited.

(1) **Justification**: Homeowners do not have the knowledge or experience that a licensed installer does.

F. Any single-family dwelling, commercial or institutional facility, multi-unit residential development, or recreational vehicle park occupied any part of the day or night shall be connected to an OSSF system or other approved method of wastewater treatment and/or disposal.

(1) **Justification**: To ensure proper disposal of sewage and eliminate the possibility of leakage, ponding, or pools of effluent.

APPENDIX D

DEDICATIONS, CERTIFICATIONS, AND ACKNOWLEDGEMENTS

DEDICATIONS, CERTIFICATIONS, ACKNOWLEDGMENTS

THE FOLLOWING IS THE FORM OF DEDICATION
TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS

CHOOSE THE APPROPRIATE FORM FOR THE DEVELOPMENT PLATTED WHERE APPLICABLE.

1. OWNER DEDICATION

A. DEDICATION FOR INDIVIDUALS

THE STATE OF TEXAS §
COUNTY OF GRIMES §

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

The following paragraphs are to be used when the subdivision is located in the unincorporated area of Grimes County:

This is to certify that I (or we), *(name(s) of owner(s)),* have complied with or will comply with all regulations heretofore on file with the County and adopted by the Commissioners' Court of Grimes County."

"FURTHER, I (or we), do hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Grimes County and/or any other public agency the right to enter upon said easement at any and all times for the purpose of construction and/or maintaining drainage work and/or structure". *THESE EASEMENTS FOR DRAINAGE PURPOSES* ***HAVE NOT BEEN ACCEPTED BY GRIMES COUNTY*** *OR ANY OTHER LOCAL GOVERNMENT AGENCY. GRIMES COUNTY HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY DRAINAGE EASEMENT WITHIN THE SUBDIVISION. THE OBLIGATION TO MAINTAIN OR IMPROVE ANY DRAINAGE EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION."*

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

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

2.) Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater."

The following paragraph is <u>required for overhead lines in easements</u>:

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

The following paragraph is to be used when applicable for <u>all residential subdivisions</u>:

“FURTHER, I (or we) do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of manufactured housing subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

WITNESS my hand (or our hands) in _____, Grimes County, Texas, this day of _____, 20_____.

_____
(Signature of owner)

_____
(Printed name of owner)

_____
(Signature of owner(s))

_____
(Printed name of owner(s))

Note: All signatures shall be acknowledged by a Notary Public.

B. DEDICATION FOR CORPORATIONS

THE STATE OF TEXAS §
COUNTY OF GRIMES §

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

The following paragraphs are to be used when the subdivision is located in the unincorporated area of Grimes County:

"This is to certify that we, *(name of President)* and *(name of Secretary*), president and secretary, respectively of *(name of company)* owner of the property subdivided in the above and foregoing map of *(name of subdivision)* have complied or will comply with all regulations heretofore on file with the County and adopted by the Commissioners' Court of Grimes County, Texas."

"FURTHER we, *(name of company),* do hereby dedicate forever to the public a strip, a minimum of land fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Grimes County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures." *THESE EASEMENTS FOR DRAINAGE PURPOSES* ***HAVE NOT BEEN ACCEPTED BY GRIMES COUNTY*** *OR ANY OTHER LOCAL GOVERNMENT AGENCY. GRIMES COUNTY HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY DRAINAGE EASEMENT WITHIN THE SUBDIVISION. THE OBLIGATION TO MAINTAIN OR IMPROVE ANY DRAINAGE EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION."*

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

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

2.) Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater.

The following paragraph is to be used when applicable for all residential subdivisions:

"FURTHER, I (or we) do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of manufactured housing subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted."

IN TESTIMONY WHEREOF, the (*name of company*) has caused these presents to be signed by (*name of President*) its President, thereunto authorized, attested by its Secretary, *(name of Secretary),* and its common seal hereunto affixed this _____day of _____20__.

_____
(Name of Company)

By: _____
(Signature of Company President)

_____
(Printed Name of Company President)

ATTEST: _____
(Signature of Company Representative)

_____
(Printed Name of Company Secretary)

Note: All signatures shall be acknowledged by a Notary Public.

The following paragraph is required for overhead lines in easements:

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

C. ALTERNATIVE PARAGRAPHS TO BE USED AS APPROPRIATE AND AS FOLLOWS:

1. When private roads/streets are established within the plat.

FURTHER, I (or we) do hereby covenant and agree that those streets located within the boundaries of this plat specifically noted as private streets, shall be hereby established and maintained as private streets by the owners, heirs and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for firemen, fire-fighting equipment, police and other emergency vehicles of whatever nature at all times and do hereby bind myself (or ourselves), (or our) heirs and assigns to warrant and forever defend the title to the land so designed and established as private streets.

2. When plat indicates building setback lines and public utility easements are to be established in adjacent acreage owned by the developer.

FURTHER, I (or we) do hereby certify that I am (or we are) the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of *(name of subdivision)* where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

3. When Grimes County does not accept subdivision roads or drainage infrastructure for maintenance.

*ROAD AND DRAINAGE INFRASTRUCTURE HAS **NOT BEEN ACCEPTED BY GRIMES COUNTY** OR ANY OTHER LOCAL GOVERNMENT AGENCY. GRIMES COUNTY HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY ROAD OR DRAINAGE INFRASTRUCTURE WITHIN THE SUBDIVISION. THE OBLIGATION TO MAINTAIN OR IMPROVE ANY ROAD OR DRAINAGE INFRASTRUCTURE SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION. SUCH ROADS ARE OPEN FOR PUBLIC USE EVEN THROUGH CONSIDERED TO BE PRIVATE ROADS, THEREFORE THE OWNERS OF THE PROPERTIES WITH ACCESS FROM THE PRIVATE ROAD SHALL KEEP THE ROADS TO A STANDARD THAT IS REASONABLY SAFE FOR PUBLIC USE."*

4. When Grimes County does not accept storm sewer infrastructure for maintenance.

STORM SEWER INFRASTRUCTURE HAS NOT BEEN ACCEPTED BY GRIMES COUNTY OR ANY OTHER LOCAL GOVERNMENT AGENCY FOR MAINTENANCE. GRIMES COUNTY HAS NO OBLIGATION, NOR DOES ANY OTHER GRIMES COUNTY HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY STORM SEWER INFRASTRUCTURE DRAINAGE INFRASTRUCTURE WITHIN THE SUBDIVISION. APPROVAL OF THE SUBDIVISION IS CONDITIONAL UPON ACCEPTANCE OF PERPETUAL MAINTENANCE RESPONSIBILITY OF STORM SEWER INFRASTRUCTURE BY A PROPERTY OWNER'S ASSOCIATION OR SIMILAR ENTITY UNDER THE TERMS OF A MAINTENANCE AGREEMENT BETWEEN THE ASSOCIATION AND GRIMES COUNTY. STORM SEWER INFRASTRUCTURE INCLUDES THE ENTIRE SUBDIVISION DRAINAGE NETWORK, INCLUDING BUT NOT LIMITED TO STORM SEWER, INLETS, DRAINAGE DITCHES, DRAINAGE EASEMENT, DETENTION BASINS, AND OUTFALLS.

2. LIEN HOLDER ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

Holders of all liens against the property being platted must be made a part of the final plat or prepared as separate instruments which shall be filed for record with the plat.

I (*or we*), *(name(s) of mortgager(s))* owner(s) and holder(s) of a lien(s) against the property described in the plat known as *(name of plat)* said lien(s) being evidenced by instrument of record in Volume _____

Page _____ of the Official Records of Grimes County, Texas, do hereby in all things subordinate to said plat said lien(s), and I (or we) hereby confirm that I am (or we are) the present owner(s) of said lien(s), and have not assigned the same nor any part thereof.

By:_____

(Signature of Lien Holder)

_____

(Printed name of Lien Holder)

Note: All signatures shall be acknowledged by a Notary Public.

3. NOTARY PUBLIC ACKNOWLEDGMENT

A. ACKNOWLEDGMENT FOR INDIVIDUALS

THE STATE OF TEXAS §
COUNTY OF GRIMES §

This instrument was acknowledged before me on the _____ day of _____, 20_____
by _____.

NOTARY PUBLIC, STATE OF TEXAS

_____
Notary Signature

(SEAL)

_____
Notary Printed Name

_____
Notary Commission Expiration

B. ACKNOWLEDGMENT FOR CORPORATIONS

THE STATE OF TEXAS §
COUNTY OF GRIMES §

This instrument was acknowledged before me on the _____ day of _____, 20_____
by _____.

NOTARY PUBLIC, STATE OF TEXAS

_____
Notary Signature

(SEAL)

_____
Notary Printed Name

_____
Notary Commission Expiration

4. SURVEYOR'S ACKNOWLEDGMENT

This is to certify that I, *(name of surveyor)* a Registered Professional Land Surveyor of the State of Texas, Registration No._____ have platted the above subdivision from an actual survey on the ground meeting all minimum standards as set forth by the TBPLS; and that all easements as appear of record in the office of the County Clerk of Grimes County, Texas, are depicted thereon and that all lot corners, angle points and points of curve are properly marked with iron rods of minimum 5/8 inch diameter and thirty (30) inches long, and that this plat correctly represents that survey made by me.

_____
Surveyor Signature

(SEAL)

_____
Texas Registration No.

5. ACCESS ACKNOWLEDGEMENT

Direct vehicular access to the subdivision from (insert road name) is prohibited as directed by (insert government agency).

6. ONE-FOOT RESERVES

One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns, or successors.

7. STORMWATER DRAINAGE EASEMENTS

This easement shall be kept clear of fences, buildings, plants and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement.

8. INCORPORATED CITY ACKNOWLEDGMENT

The following paragraph is to be used when the subdivision is inside the corporate limits of any municipality or within any municipality's extraterritorial jurisdiction.

"This is to certify that the City Commission (or Council) of the City (Town) of (*name of City/Town)*,Texas, has approved this plat and subdivision of (*name of subdivision)* as shown hereon."

"IN TESTIMONY WHEREOF, witness the official signature of the Mayor and Secretary of the City Commission (or Council) of the City of (*name of City/Town)*,Texas, this _____ day of _____, 20_____".

_____	_____
City Secretary	City Mayor
_____	_____
Printed Name	Printed Name

9. COMMISSIONERS' COURT ACKNOWLEDGMENT

The following paragraph is to be used when the subdivision is within the unincorporated areas of Grimes County:

"APPROVED by the Commissioners' Court of Grimes County, Texas, this _____ day of _____, 20_____."

_____

County Judge

_____ Commissioner, Precinct 1

_____ Commissioner, Precinct 3

_____ Commissioner, Precinct 2

_____ Commissioner, Precinct 4

10. COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS §
COUNTY OF GRIMES §

I, _____, Clerk of the County Court of Grimes County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the _____ day of _____, 20_____, at _____ o'clock, ___.m., and duly recorded on the _____ day of _____, 20_____, at _____ o'clock, ___.m., in plat cabinet _____ sheet _____ of record in the Plat Records of Grimes County, Texas.

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

_____
Clerk of the County Court
Grimes County, Texas

11. DIRECTIONS FOR PROPER DEDICATION EXECUTION

All plats submitted for approval, and recording, shall have original signatures in black ink. Each signature shall have, immediately under it in legible lettering or typing in black ink, the name corresponding to the original signature. All corporate, legal, license and registration seals shall be affixed and darkened in such as manner as to be legible.

12. NOTATION FOR ALL PLATS

"No road, street or passageway set aside in this Plat shall be maintained by Grimes County, Texas in the absence of an express Order of the Commissioners' Court entered of record in the minutes of the Commissioners' Court of Grimes County, Texas specifically accepting such road, street or passageway for county maintenance."

13. NOTATION FOR ALL PLATS CONTAINING PRIVATE ROADS

"THIS SUBDIVISION CONTAINS PRIVATE ROADS WHICH ARE NOT INTENDED TO EVER BECOME PUBLIC ROADS. STATE LAW PROHIBITS GRIMES COUNTY FROM MAINTAINING PRIVATE ROADS. PRIVATE ROADS WILL NEVER BE MAINTAINED BY GRIMES COUNTY, TEXAS. GRIMES COUNTY EXPRESSLY DOES NOT ACCEPT RESPONSIBILITY FOR ANY ROADS ON THIS PLAT. UPON APPROVAL OF THIS PLAT, IF ANY, BY THE GRIMES COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE ROAD SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS FOR GRIMES COUNTY, TEXAS. GRIMES COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, ROADS, DRIVEWAYS, AND EMERGENCY ACCESS EASEMENTS, NOTED ON THIS PLAT. THE PROPERTY OWNERS IN THIS SUBDIVISION SHALL BE SOLELY RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, ROADS, DRIVEWAYS, AND EMERGENCY ACCESS EASEMENTS, AND SAID OWNERS AGREE TO INDEMNIFY, DEFEND, AND SAVE HARMLESS GRIMES COUNTY, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS AS SET FORTH HEREIN."

"THE ROADS CONTAINED IN THIS SUBDIVISION ARE PRIVATE ROADS TO BE MAINTAINED BY [MUNICIPAL UTILITY DISTRICT; HOMEOWNERS ASSOCIATION; PROPERTY OWNERS ASSOCIATION] TITLED [NAME OF ENTITY] ESTABILISHED ON [DATE ESTABLISHED] WHICH HAS ASSESSMENT AUTHORITY OVER THE PROPERTY IN THIS SUBDIVISION."

APPENDIX E

RECORD OF ADDENDUMS TO SUBDIVISION REGULATIONS

ADDENDUM #1 TO SUBDIVISION REGULATIONS
As Revised on June 10, 2014

1. Section H Road Acceptance Procedure of the Table of Contents on Page 4 previously read:

   Acceptance into 1 Year Maintenance Period

2. Section I Applicability on page 7 previously read:

   These rules shall apply to all subdivisions of land into two or more parts to (1) lay out a subdivision of the tract, including an addition; (2) lots; (3) or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

3. Section II General Rules Regarding Lot Size paragraph B on page 7 previously read:

   If a subdivision will create two or more lots of five (5) acres or less for residential purposes, the Model Subdivision Rules found in Appendix B hereof and the standard subdivision rules regarding roads and drainage as set forth herein will likely both apply. In other words,

   LOTS ≤ 5 ACRES = MODEL RULES AND STANDARD RULES APPLY.

4. Section II General Rules Regarding Lot Size paragraph C on Page 7 previously read:

   If a subdivision will create lots which are greater than five (5) acres and less than or equal to ten (10) acres in size, only the standard subdivision rules regarding roads and drainage as set forth herein will apply. In other words,

   LOTS > 5 ACRES BUT ≤ 10 ACRES = STANDARD RULES APPLY.

5. Section II General Rules Regarding Lot Size paragraph D on page 7 previously read:

   If a subdivision of land will create two or more lots which are more than ten (10) acres in size and no part of the land subdivided will be laid out for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, then neither the Model Subdivision Rules nor the standard subdivision rules regarding roads and drainage as forth herein will likely apply. In other words,

   LOTS > 10 ACRES AND NO CREATION OF ACCESS, ETC. = NO SUBDIVISION RULES APPLY.

6. The definition of 'Development' was added to Section IV Definitions on page 9.

7. Road Construction Security on page 13 previously read:

   $35.00 per linear foot

8. Road Maintenance Security on page 13 previously referenced a One-Year Maintenance Period.

9. Section VII Plat Requirement Exceptions, Paragraph C on page 15 was added.

10. Section VII Plat Requirement Exceptions, Paragraph D on page 15 was added.

11. Section D Plat Requirements, Paragraph 6 Security, Subsection (a) Roads and Drainage on page 26 previously read:

> After construction of all improvements is complete, the developer shall submit a written request for the improvements to be accepted into the one-year maintenance period. ***See Sample Notice of Construction Complete on Exhibit P***. Upon certification by the County's Representative(s) that all improvements have been constructed in accordance with relevant specifications, a developer's security requirements may be reduced by the Commissioners' Court upon final acceptance of such improvements into the one-year maintenance period. Formal action by the Commissioners' Court must occur to accept the improvements into the one-year maintenance period and to reduce the developer's security. The reduced security amount may be no less than twenty (20%) percent of total construction cost.

12. Section D Plat Requirements, Paragraph 7 Warranty on page 26 previously read:

> The developer should require performance and payment bonds from the contractor for one hundred percent (100%) of the cost of all improvements. The developer shall also provide to the County a one (1) year warranty bond against defective materials or workmanship on the improvements constructed while under the one-year maintenance period.

13. Section H After Recording of Final Plat on page 28 previously read:

> Upon completion of the construction of roads/drainage and/or water/sewer service facilities, the developer shall notify the County's Representative of such. ***See Sample Notice of Construction Complete on Exhibit P.*** The County's Representative shall inspect the improvements and upon certification by such representative that construction of such improvements has been completed, a developer's security requirements may be reduced or released entirely by the Commissioners' Court upon acceptance of the improvements by Commissioners' Court. Formal action by the Commissioners' Court must occur to accept the improvements and reduce/release any security. In the case of road and drainage improvements, the Commissioners' Court may reduce the security to an amount no less than twenty percent (20%) of total construction costs upon acceptance of such improvements into the one-year maintenance period. At the 10th month of the one (1) year maintenance period, the developer shall be responsible for submitting a written notification for a final review to request acceptance into the County Road Network for Maintenance. ***See Sample Notice of Maintenance Period Ending on Exhibit Q.*** Prior to the one-year maintenance period expiration, the Commissioners' Court will consider whether to accept the road and drainage improvements into the County Road Network for Maintenance. ***See Road Acceptance Procedure on page 48.*** The Road Acceptance Procedure is more fully set forth in XIV. H. hereof.

14. Paragraph 12.A.2(a) (Minimums for Residential Lots, Single-Family and Duplexes) of Section A Road/Street and Alleys, Design Recommendations on page 34 previously read:

> Minimum width at front lot line of all lots shall be sixty feet (60').

15. Paragraph 14 Private Roads in Subdivisions on page 36 previously read:

> Grimes County discourages the use of private roads in subdivisions because, in most cases, the construction and/or maintenance costs become the obligation of owners of property abutting such. The Grimes County Commissioners' Court hereby finds that such does not promote the general welfare of its citizens. If private roads will be used, the plat must contain the relevant notation regarding private roads as found in paragraph 10 of

Exhibit B and the procedures established herein regarding security for roads and drainage will remain applicable except that upon inspection by the County's Representative at the end of the one-year maintenance period described herein, the County's Representative will request that the issue of releasing any remaining security without acceptance of the roads into the County Road Network be placed on an agenda for Commissioners' Court consideration. If the Commissioners' Court finds that the improvements in question meet relevant specifications, any remaining security will be released. Should the improvements fail to meet relevant specifications, any security provided for such improvements will be forfeited to the County for the purpose of completing construction of the improvements in accordance with relevant specifications.

16. Section H Road Acceptance Procedure on page 48 (first paragraph) previously read:

    All conditions of final plat approval must be met prior to roads being accepted into the one-year maintenance period. All construction must be in accordance with approved plans and construction standards set forth herein, or as amended and adopted by the Commissioners' Court.

17. Section H Road Acceptance Procedure on page 48 (second paragraph) previously read:

    ACCEPTANCE INTO ONE (1) YEAR MAINTENANCE PERIOD –The developer shall notify the County's Representative, in writing, prior to the completion of the road construction improvements. ***See Sample Notice of Construction Complete on Exhibit P.*** The developer shall provide copies of the quality control test results performed by a certified testing laboratory (all at the developer's expense). The County's Representative shall then inspect the roads and improvements and give written notice of any observed deficiencies. Upon rectification of deficiencies, a request to place the improved roads into the one-year maintenance period shall be forwarded to Commissioners' Court for consideration. Upon acceptance into the one-year maintenance period, the developer's security may then be reduced to an amount no less than twenty percent (20%) of total construction cost of the improvements.

18. Section H Road Acceptance Procedure on page 48 (third paragraph) previously read:

    FINAL ROAD ACCEPTANCE INTO COUNTY ROAD NETWORK FOR MAINTENANCE – After the roads have been accepted into the one-year maintenance period and have been maintained by the developer for a period of ten (10) months, it is the duty of the developer or his/her representative to notify the County's Representative in writing that it is their request to have the County accept the road(s) into the County Road Network for Maintenance. ***See Sample Notice of Maintenance Period Ending on Exhibit Q.***

19. Section H Road Acceptance Procedure on pages 48-49 (fourth paragraph) previously read:

    The County's Representative will then perform an inspection. If deficiencies are observed, notice of such shall be forwarded to the developer for correction. Once the deficiencies have been corrected, the request will be placed on the Commissioners' Court agenda for acceptance by the Commissioners' Court of such into the County Road Network for Maintenance. Upon acceptance into the County Road Network for Maintenance by the Commissioners' Court, the developer's security shall then be released. Should the developer fail to (1) correct the deficiencies noted or (2) notify the County's Representative within ten (10) days of the expiration of the tenth month of the one-year maintenance period of his request for acceptance of the roads into the County Road Network for Maintenance or of his request for an extension of time as provided by paragraph XII D. 6. A., any security provided for such improvements will be forfeited to the County for the purpose of completing construction of such improvements in accordance with relevant specifications.

20. Section H Road Acceptance Procedure on page 49 (first bold paragraph) previously read:

> Grimes County discourages the use of private roads in subdivisions because, in most cases, the construction and/or maintenance costs become the obligation of owners of property abutting such. The Grimes County Commissioners' Court hereby finds that such does not promote the general welfare of its citizens. If private roads will be used, the plat must contain the relevant notation regarding private roads as found in paragraph 10 of Exhibit B and the procedures established herein regarding security for such roads and drainage will remain applicable except that upon inspection by the County's Representative at the end of the one-year maintenance period described herein, the County's Representative will request that the issue of releasing any remaining security without acceptance of the roads into the County Road Network be placed on an agenda for Commissioners' Court consideration. If the Commissioners' Court finds that the improvements in question meet relevant specifications, any remaining security will be released. Should the improvements fail to meet relevant specifications, any security provided for such improvements will be forfeited to the County for the purpose of completing construction of the improvements in accordance with relevant specifications.

21. Exhibit A Development Chronology previously provided for only a one (1) year maintenance period.

22. Exhibit A Development Chronology previously provided for only a one (1) year maintenance period.

23. Exhibit A Development Chronology previously did not provide for development of at least 50% of the lots prior to final acceptance into the County Road Network for Maintenance.

24. Exhibit A Development Chronology previously provided for only a one (1) year maintenance period and did not provide for development of at least 50% of the lots prior to final acceptance into the County Road Network for Maintenance.

25. Exhibit A Development Chronology previously did not provide for the County's Representative to confirm development of at least 50% of the lots has occurred.

26. Exhibit N Sample Construction and Maintenance Bond With Surety previously did not provide for development of at least 50% of the lots in the subdivision prior to the expiration of the maintenance period and acceptance into the County Road Network for Maintenance.

27. Exhibit N Sample Construction and Maintenance Bond With Surety previously did not provide for development of at least 50% of the lots in the subdivision prior to the expiration of the maintenance period and acceptance into the County Road Network for Maintenance.

28. Exhibit P Sample Notice of Construction Complete previously read:

> This written notification is being sent in accordance with the Grimes County Subdivision Rules and Regulations to inform you that construction of XYZ Development is approaching completion. We are requesting a Final Inspection of all improvements to satisfy the requirements and thus have the road improvements placed into the one year maintenance period.

29. Exhibit Q Sample Notice of Maintenance Period Ending previously read:

> This written notification is being sent in accordance with the Grimes County Subdivision Rules and Regulations to inform you that THE MAINTENANCE PERIOD FOR XYZ Development is approaching. We are in the tenth month and request an inspection prior to the end of this phase. We are requesting a Final Inspection of all improvements to

satisfy the requirements and thus have the road improvements placed into the COUNTY ROAD SYSTEM.

ADDENDUM #2 TO SUBDIVISION REGULATIONS
As Revised on April 28, 2015

14a. Paragraph 12.A.5. (Minimums for Residential Lots, Single-Family and Duplexes) of Section A Road/Street and Alleys, Design Recommendations on page 34 previously read:

> Minimum area of lots for approved individual septic facilities and public water supply shall be no less than one(1) acre if a standard septic system is applicable and no less than one and a half (1 ½) acres if an aerobic system is applicable; this excludes any land which is situated in the flag pole area of a flag lot and any land in the Special Flood Hazard Area.

ADDENDUM #3 TO SUBDIVISION REGULATIONS
As Revised on May 10, 2016

10a. Section D Plat Requirements, Paragraph 2 Title Information on page 25 previously read:

> A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas certifying to at least the following concerning the title to the land: A statement of records examined and date of examination within thirty (30) days of submission; name of the fee owner as of the date of examination and the date, file number, and volume and page or the recording of the deed involved; the name of any lien-holder together with the date of filing and volume and page of such lien and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording. The certificate or letter shall be submitted to the County Attorney for review. ***See Letter of Approval-County Attorney on Exhibit H.***

ADDENDUM #4 TO SUBDIVISION REGULATIONS
As Revised on March 28, 2018

7. Road Construction Security on page 13 previously read:

> Estimated cost of construction of the roads, streets, and drainage requirements as presented by developer's engineer and approved by the Grimes County Road and Bridge Engineer/Administrator.

10b. Section D Plat Requirements, Paragraph 6 Security, Subsection (a) Roads and Drainage on page 25 previously did not provide for developers to provide "other acceptable financial guarantee".

12. Section D Plat Requirements, Paragraph 7 Warranty previously read:

> The developer should require performance and payment bonds from the contractor for one hundred percent (100%) of the cost of all improvements. The developer shall also provide to the County security against defective materials or workmanship on the improvements constructed while under the maintenance period until development of at least 50% of the tracts have occurred and at least one (1) year has lapsed.

13. Section H After Recording of Final Plat on page 28 previously read:

> Upon completion of the construction of roads/drainage and/or water/sewer service facilities, the developer shall notify the County's Representative of such. ***See Sample Notice of Construction Complete on Exhibit P.*** The County's Representative shall inspect the improvements and upon certification by such representative that construction of such improvements has been completed, a developer's security requirements may be reduced or released entirely by the Commissioners' Court upon acceptance of the improvements by Commissioners' Court. Formal action by the Commissioners' Court must occur to accept the improvements and reduce/release any security. In the case of road and drainage improvements, the Commissioners' Court will reduce the security to twenty percent (20%) of total construction costs upon acceptance of such improvements into a maintenance period. The developer must renew this maintenance bond until acceptance of such improvements by the County into the County Road Network for Maintenance. No earlier than the 10th month of the maintenance period but after development of at least 50% of the tracts, the developer shall be responsible for submitting a written notification for a final review to request acceptance into the County Road Network for Maintenance. ***See Sample Notice of Maintenance Period Ending on Exhibit Q.*** Prior to the maintenance period expiration, the Commissioners' Court will consider whether to accept the road and drainage improvements into the County Road Network for Maintenance. Should the County Representative determine that the maintenance bond is insufficient to bring the roads to current county specifications, the County may refuse to accept the roads into the County Road Network for Maintenance. ***See Road Acceptance Procedure on page 48.*** The Road Acceptance Procedure is more fully set forth in XIV. H. hereof.

15a. Section C Construction Requirements, Paragraph 1 General Requirements, Subparagraph C Observation During Construction on page 40 previously read:

> The County shall from time to time observe the construction of all drainage structures and roads/streets in the subdivision during the course of construction to see that they comply with the regulations governing the same. In this regard, free access to the subdivision shall be accorded the County by the owner/developer, his agent and employees. Inspection by the County, or its representative, shall not in any way impair or diminish the obligation of the developer to install improvements in the subdivision in

accordance with the County's Regulations. The developer shall bear the expenses for these periodic reviews as specified in the Fee Schedule.

15b. Section 2 Minimum Standards for Improvement of Roads and Streets, Paragraph B Open Ditch Sections, subparagraph 4 on page 41 previously read:

> Each of the facilities described in 1-3 shall be constructed of concrete or flexible base in accordance with the standards outlined herein.

18. Section H Road Acceptance Procedure on page 48 (third paragraph) previously read:

> **FINAL ROAD ACCEPTANCE INTO COUNTY ROAD NETWORK FOR MAINTENANCE** – After the roads have been accepted into the maintenance period and have been maintained by the developer for a period of at least ten (10) months and after development of at least 50% of the tracts has occurred, it is the duty of the developer or his/her representative to notify the County's Representative in writing that it is their request to have the County accept the road(s) into the County Road Network for Maintenance. ***See Sample Notice of Maintenance Period Ending on Exhibit Q.***

19. Section H Road Acceptance Procedure on pages 49 (fourth paragraph) previously read:

> The County's Representative will then perform an inspection. If deficiencies are observed, notice of such shall be forwarded to the developer for correction. Once the deficiencies have been corrected and the County Representative confirms that development of at least 50% of the subdivision has occurred, the request will be placed on the Commissioners' Court agenda for acceptance by the Commissioners' Court of such into the County Road Network for Maintenance. Upon acceptance into the County Road Network for Maintenance by the Commissioners' Court, the developer's security shall then be released. Should the developer fail to (1) correct the deficiencies noted or (2) notify the County's Representative prior to thirty (30) days before the expiration of the tenth month of the twenty-fourth month of the maintenance period of his request for acceptance of the roads into the County Road Network for Maintenance or of his request for an extension of time as provided by paragraph XII D. 6. A., any security provided for such improvements will be forfeited to the County for the purpose of completing construction of such improvements in accordance with relevant specifications. Alternatively, should the County Representative determine that the maintenance bond is insufficient to bring the roads to current county specifications, the County may refuse to accept the roads into the County Road Network for Maintenance.

23. Exhibit A Development Chronology previously did not specify that development of at least 50% of the lots prior to final acceptance into the County Road Network for Maintenance was limited to asphalt roads.

24. Exhibit A Development Chronology previously did not specify that development of at least 50% of the lots prior to final acceptance into the County Road Network for Maintenance was limited to asphalt roads.

25. Exhibit A Development Chronology previously did not specify that the County's Representative confirmation of development of at least 50% of the lots has occurred was limited to asphalt roads.

25a. Exhibit L Final Plat Checklist previously did not include #17 Water/Sewer Plan under Design Standards.

26. Exhibit N Sample Construction and Maintenance Bond With Surety previously did specify that development of at least 50% of the lots in the subdivision prior to the expiration of the maintenance period and acceptance into the County Road Network for Maintenance was limited to asphalt roads.

27. Exhibit N Sample Construction and Maintenance Bond With Surety previously did specify that development of at least 50% of the lots in the subdivision prior to the expiration of the maintenance period and acceptance into the County Road Network for Maintenance was limited to asphalt roads.

29. Exhibit Q Sample Notice of Maintenance Period Ending previously allowed the request to be made after the maintenance period had ended and did not specify that development of at least 50% of the lots in the subdivision had been developed was limited to asphalt roads.

ADDENDUM #5 TO SUBDIVISION REGULATIONS
As Revised on July 8, 2020

6a. Infrastructure Development Plan for Manufactured Home Rental Communities fee on page 13 was previously $100 plus 10.00 per rental space.

6b. Preliminary and Final Plat Fees on page 13 were previously:

Up to 10 acres	$ 150.00
Up to 25 acres	$ 250.00
Up to 50 acres	$ 350.00
Up to 75 acres	$ 450.00

$200.00 for each additional increment of 25 acres

Water and Sewer Service Facilities Security Fees on page 13 were previously included as follows:

Aerobic system	$10,000.00
Well Water	$ 5,000.00
Tie into a Public Water Line	$ 750.00
Cost of Water Line	$4.50/linear foot

6c. Variance Request Fee on page 13 was previously $50.00 per request.

6d. Recording Fees on page 13 previously read:
Shall be the amount as determined by the County Clerk of Grimes County and are subject to change. Certified copy of plat $ 50.00

ADDENDUM #6 TO SUBDIVISION REGULATIONS
As Revised on June 15, 2022

6c(1). Replat Fees previously did not provide for “Plus Plat Fee per acre as listed above”.

6e. Plan Review Fees were not previously required.

8a. Inspection/Review Fees did not provide for “Inspections will be billed at $100 per trip to the construction site.

15a. Supervision and Monitoring of Construction did not previously provide for Inspections intervals by the County Representative.