DEVELOPMENT AND SUBDIVISION REGULATIONS

PREAMBLE

On May 22, 1992, the Midland County Commissioners Court adopted subdivision regulations in order to accommodate more easily the amount and kind of traffic over all streets and roads within subdivisions and similar property development in unincorporated areas of the county, to reduce potential property losses and property damage due to floods, and to provide adequate drainage systems within said subdivisions and similar property development and to facilitate the identification of land within said subdivisions for purposes of placement on the tax roll.

Revisions to these regulations were subsequently adopted on November 13, 2018 and on August 24, 2020.

The purpose of these regulations is to implement the powers and duties of the County authorized under the Texas Local Government Code, the Texas Water Code, the Texas Health and Safety Code, and other laws, to establish the policies of the Commissioners Court and to set forth procedures to be followed in County proceedings in regulating certain activities associated with development in Midland County. The regulations should be interpreted to simplify procedures, avoid delay, save expense, and facilitate the administration and enforcement of laws and regulations by the County.

On December 17, 2024, the Midland County Commissioners Court authorizes this update to the Midland County Subdivision Regulations. These updates will enhance development services in the county and establish a user friendly document for the citizens of Midland County.

Cross References for Required Development Documents

Plat Application and Checklist

Flood Damage Prevention Ordinance

Storm Water Design Manual

Permit Applications

1. Road Crossing Permit
2. Right-of-Way (ROW) Permit
3. Driveway Application
4. Floodplain Permit
5. Permit for Setting Poles
6. Vacation of Right-of-Way (ROW) Application
7. Temporary Utility Clause

Road Dedication Process

Master Thoroughfare Plan

Adopted Fee Schedule

Public Notice Document

TABLE OF CONTENTS

Article 1 - General Provisions 7

Section 1.1 Title 7

Section 1.2 Authority 7

Section 1.3 Purpose 7

Section 1.4 Interpretation 7

Section 1.5 Definitions 7

Section 1.6 Severability and Validity 13

Section 1.7 Effective Date 13

Section 1.8 Compliance Required 13

Section 1.9 Penalty for Violation 14

Section 1.10 Variances 15

Section 1.11 Amendment 16

Article 2 - Subdivision Application Procedure 17

Section 2.1 Plats Generally 17

Section 2.2 Exemptions to Plat Requirements 17

Section 2.3 Compliance with Subdivision Rules Required 17

Section 2.4 Pre-Application Meeting 17

Section 2.5 General Application Processing 18

Section 2.6 Approval Procedures 19

Section 2.7 Plat Approval Process 23

Section 2.8 Drainage 29

Section 2.9 Engineering Plans 29

Article 3 - Lot Standards 33

Section 3.1 Lot Design in General 33

Section 3.2 Manufactured Home or Recreational Vehicle Rental Community 34

Article 4 - Street Construction 39

Section 4.1 Jurisdiction and Applicability 39

Section 4.2 All Streets 39

Section 4.3 Public Streets 40

Section 4.4 Private Streets 40

Section 4.5 Street Design 41
Section 4.6 Construction Standards and Review 45
Article 5 - Permitting and Permits 49
Section 5.1 Permits and Processes For County ROW 49
Section 5.2 Driveway Permits 49
Section 5.3 Right-of-Way (ROW) Use or Crossing Permit 50
Section 5.4 Flood Plain Determinations and Permits 52
Section 5.5 On-Site Sewer Facilities 52
Section 5.6 Overhead Electrical Pole Setting Permit 52
Section 5.7 Other State and Federal Regulations 53
Article 6 - Vacation of Right-of-Way and Easements 54
Section 6.1 Application 54
Section 6.2 Right-of-Way Vacation 54
Section 6.3 Drainage Easement Vacation 54
Section 6.4 Vacation Request for Other than Right-of-Way and Drainage 55
Section 6.5 Right of Way and Easement Vacation Form 56
Article 7 - Water Regulations 57
Section 7.1 Water in General 57
Article 8 - Bonding Procedures 59
Section 8.1 Construction Timing 59
Section 8.2 Payable 59
Section 8.3 Bond Amount 59
Section 8.4 Approval 59
Section 8.5 Date of Effect 59
Section 8.6 Acceptance of Improvements 60
Section 8.7 Certification of Dedication 60
Section 8.8 Issuance of Order 60
Section 8.9 Denial of Certification 60
Section 8.10 Maintenance Bond 60
Article 9 - Absentee HOA and Receivership 62
Section 9.1 Absentee HOA 62
Section 9.2 Receivership Appointment 62

Section 9.3 Receivers Duties and Authorities 62
Section 9.4 HOA's Ability to Contest 62
Section 9.5 Restatement of HOA Authority 62

Article 1 - General Provisions

Section 1.1 Title

This Regulation may be known and cited as the "Midland County Development and Subdivision Rules and Regulations."

Section 1.2 Authority

This document is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 232, Texas Local Government Code as heretofore or hereafter amended.

Section 1.3 Purpose

The purpose of these regulations is to implement the powers and duties of the County authorized under the Texas Local Government Code, the Texas Water Code, the Texas Health and Safety Code, and other laws, to establish the policies of the Commissioners Court and to set forth procedures to be followed in County proceedings in regulating certain activities associated with development in Midland County. The regulations should be interpreted to simplify procedure, avoid delay, save expense, and facilitate the administration and enforcement of laws and regulations by the County. Additional purposes of these revised regulations are:

1. To provide for the orderly, safe, and healthful development of the land in unincorporated areas of Midland County, Texas.
2. To prevent Midland County from being burdened with substandard streets and roadways in the future, thereby protecting the taxpayers from unnecessary maintenance costs.
3. To ensure that the residents of Midland County receive the necessary services for the supply of water, and that new development will be served by adequate sewage treatment systems and drainage facilities.
4. To provide information to the developer, and assist in the preparation of plats and approvals of future development.

Section 1.4 Interpretation

In the interpretation and application of the provisions of these regulations, it is the intention of the County Commissioners that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions outside the limits of a municipality and within Midland County, and, where other Court Orders of the County are more restrictive in their requirements, such other Court Orders shall control.

Section 1.5 Definitions

For the purposes of this Court Order, certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word "person" includes a corporation as well as an individual;
4. The term "shall" is always mandatory;

5. The term "may" is directory.

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

1. **ADDITIONAL REGULATORY FLOOD STUDY (ARFS)** – a flood study adopted by Midland County for regulatory floodplain management use, which has not been published by FEMA in a Flood Insurance Study.
2. **ARFS 1% FLOOD EXTENTS** – the boundary from the additional regulatory flood study, showing the approximate areas inundated to a depth of 0.5 feet or more in a rainfall having a 1% annual chance of occurrence.
3. **BUILDING or SETBACK LINE** – a line established, in general, parallel to the front street line. No building or structure shall be permitted in the area between the building line and the street right-of-way.
4. **COMMERCIAL PROPERTY** – real estate that includes income-producing property, such as office buildings, restaurants, shopping centers, hotels, industrial parks, warehouses, and factories and/or is zoned for business or industrial use.
5. **COMMERCIAL or INSTITUTIONAL FACILITY** – any building that is not utilized as a single family dwelling.
6. **COMMISSIONERS COURT** – the Midland County Commissioners Court.
7. **CONTINUOUS TWO-WAY LEFT-TURN LANE (CTWLTL)** – a clearly marked lane in approximately the center of certain streets, which lane is designated by markings on the street surface or overhead signs or both for use by vehicular traffic from either direction for left turns only.
8. **COUNTY WASTEWATER ORDER** – a waste water order officially adopted by Midland County in accordance with authorizing statutes.
9. **COUNTY FLOODPLAIN REGULATIONS** – a floodplain management regulation adopted by Midland County in accordance with authorizing statutes.
10. **CUL-DE-SAC** – a street or road having one outlet to another street with a vehicular turnaround at the remaining end.
11. **DEVELOPER** – any owner of property who wishes to divide it into two or more smaller tracts, including persons, corporations, organizations, estates, trusts, partnerships, agents, associates, and other entities which undertake the activities covered by these regulations.
12. **DRAINAGE STUDY** – calculations and supporting documents showing the existing watershed characteristics and site water flow conditions, and the effects the proposed subdivision will have onsite and offsite to adjacent and surrounding land.
13. **EASEMENT** – a right given by the owner of a parcel of land to another person, public agency, or private corporation for specific and limited use of that parcel.
14. **EASEMENT (ACCESS)** – an area for restricted use on private property upon which ingress and egress is granted between the private property, a paved public street, private street, or another approved access easement on an adjacent property.

15. **EASEMENT (UTILITY)** - an area for restricted use on private property upon which a public entity or utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on or under any of these easements. The public entity or utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

16. **ENGINEER** – any person registered and currently licensed to practice engineering by the Texas Board of Professional Engineers and Land Surveyors.

17. **EXCEPTION** - An exception is any alternative design, or proposed change to these subdivision ordinance requirements that is requested by the applicant. The exception requested must be reviewed as an integral part of the overall review process as outlined in this Order.

18. **EXTRATERRITORIAL JURISDICTION (ETJ)** – that area outside of, but adjacent and contiguous to, the corporate limits of any city recognized by state statute as the area a city, based on population, could enforce its own subdivision rules and regulations upon – or as defined by the city.

19. **FEMA BASE FLOOD ELEVATION (BFE)** – the computed water surface elevation shown on the FEMA FIRM as the 1% annual chance or 100-year flood frequency flooding elevation.

20. **FLOOD INSURANCE RATE MAP (FIRM)** – an official map of a community, on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to a community.

21. **FLOODPLAIN** – generally, any land area susceptible to being inundated by floodwaters. Specifically, the relatively flat or lowland area adjoining a river, stream, watercourse, lake, playa, or other body of standing water, which has been or may be covered temporarily by flood water. Floodplains are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation. The 100-year floodplain is the area subject to flood for the 100-year flood.

22. **FIRM 100-YEAR FLOODPLAIN** – (see Special Flood Hazard Area).

23. **FLOODWAY** – the channel of a river or other watercourse, and the adjacent areas, within a portion of the 100-year floodplain, that must be preserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot above the 100-year flood elevation before encroachment in the 100-year floodplain.

24. **HOMEOWNERS (PROPERTY OWNERS) ASSOCIATION** – A formal nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a specific residential area is automatically a member and (b) each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property, and (c) the charge if unpaid, becomes a lien against the nonpaying member's property.

25. **INSPECTION PERSONNEL** – any person designated by the Midland County Commissioners Court to perform inspections under the requirements of the Midland County Subdivision Regulations.

26. **LOT** – a distinct and separate tract or parcel of land being a part of a larger tract of land and having frontage on a street or road which is then, or in the future may be, offered for sale,

conveyance, transfer, or improved separately from the remainder of any part of the larger tract, and generally intended to be occupied by one building or a group of buildings.

27. **MANUFACTURED HOME RENTAL COMMUNITY (MHRC)** – a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

28. **ON-SITE SEWAGE FACILITY (OSSF)** – all systems and methods used for the disposal of sewage and wastewater on a specific site other than an organized disposal system operated under a valid TCEQ permit.

29. **OWNER** – the owner of real property subject to a proposed or existing subdivision.

30. **PARKWAY** – within the right-of-way, the area between the property line and the nearest curb or edge of the roadway (if no curb exists).

31. **PAVEMENT WIDTH** – the portion of a street or road with an improved surface intended for vehicular traffic, but not to include parkway or ditches, or similar parts of a right-of-way not intended or used for vehicular traffic.

32. **PLAT** – a map depicting the division or subdivisions of land into, lots, blocks, parcels, tracts, or other portions and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records and prepared as described in these Regulations. A replat will be considered a plat.

33. **PLAYA OR PLAYA LAKE** – a surface feature consisting of a topographic depression which may capture runoff and function as an intermittent lake after rainfall events. The playa has no natural outlet and water must overflow from it, infiltrate or evaporate.

34. **EXTRATERRITORIAL JURISDICTION (ETJ) PLAT** – any plat of a proposed subdivision of land located within the ETJ and reviewed in accordance with the County Subdivision Regulations and the approved Interlocal Agreement.

35. **PRESCRIPTIVE ROAD or RIGHT-OF-WAY** – a road or right-of-way that becomes a county-maintained road or right-of-way by means of continuous public use and County maintenance over a statutorily defined time period.

36. **RECREATIONAL VEHICLES** - Recreational Vehicles: As defined by 24 C.F.R. Section 3282.8(g), a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

37. **REGULATIONS** – refers to these Midland County Subdivision Regulations.

38. **REPLAT** – All plat applications to the County will be considered as a Plat.

39. **RIGHT-OF-WAY (ROW)** – generally, the entire platted, deeded, or dedicated public street which exists between two property lines, whether improved or not, but may also refer to any other public way or portion thereof. In some instances, the term "right-of-way" may describe property for public use through prescriptive rights as identified or limited by legal precedent in the State of Texas.

40. **ROADWAY SURFACE** – the portion of a right-of-way improved, designed, or ordinarily used for vehicular travel and which includes travel lanes, shoulders, and CTWLTL, as applicable.

41. **SHALL** – mandatory and not discretionary.

42. **SINGLE FAMILY DWELLING** – a structure that is either built on, or brought to, the development site for use as a residence for one family.

43. **SPECIAL FLOOD HAZARD AREA (SFHA)** – the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year according to the Flood Insurance Rate Map.

44. **25-YEAR STORM FREQUENCY** - a storm event with a four (4) percent chance of being equaled or exceeded in any given year.

45. **STREET OR ROAD** - a public right-of-way used, or intended to be used, for passage or travel by motor vehicles and classified in accordance with the Thoroughfare Plan and Map. Refer also to **THOROUGHFARE PLAN AND THOROUGHFARE PLAN MAP.**

46. **STREET, COUNTY (ROAD)** – a public street or road which has been accepted for maintenance purposes by the Midland County Commissioners Court, whether acquired by prescription, dedication, or statutory means, or originally constructed by the County. The term "street" and "road" are used interchangeably for the purpose of these regulations. Refer also to **THOROUGHFARE PLAN MAP.**

47. **STREET, PRIVATE** – a road or street that has not been accepted by the Midland County Commissioners Court for maintenance. Some private roads may have been dedicated to the public (see definition of Street or Road, Public). Others may not be dedicated to the public and are under private ownership. In either case, the County is not responsible for maintenance. Refer also to **THOROUGHFARE PLAN MAP.**

48. **STREET, PUBLIC** – any area, parcel, or strip of land which provides vehicular access to adjacent property or land whether designated as a street, road, avenue, lane, thoroughfare, boulevard, place, drive, court, loop, or however otherwise designated, and which is either dedicated or granted for public purposes or acquired for public use by prescription. (Not all Public Road are County Roads nor are they all maintained by the County. See Definition of Street or Road, County. Refer also to **THOROUGHFARE PLAN MAP.**

49. **STREET STUB** – a street or road that is extended to the property line for purposes of future extension onto neighboring property.

50. **SUBDIVIDER** – any person, firm, corporation, partnership, association, or any similar individual or group of agents thereof, who divide or propose to divide land so as to constitute a subdivision, whether or not the individual or group is also a developer of the subdivision.

51. **SUBDIVISION** – Defined by Section 232.001, Local Government Code, as "The division of a tract of land into two or more parts to lay out:

    a. a subdivision of the tract, including an addition;

    b. lots; or

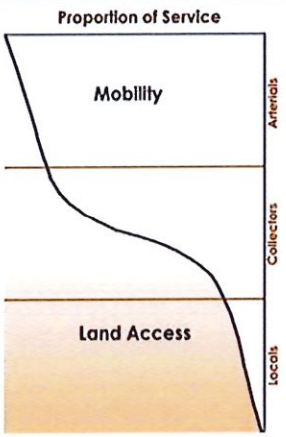
    c. streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use."

52. **SURVEYOR** – a person licensed to practice surveying by the Texas Board of Professional Engineers and Land Surveyors.

53. **THOROUGHFARE PLAN** - a plan adopted by the Commissioners Court or governing body of a city or town which identifies the general routing and classification of proposed streets

and thoroughfares. The plan may also establish the function and capacity of the various thoroughfares as they relate to the land uses, they are proposed to serve. This refers to any plan adopted prior to or after the date of adoption of these regulations.

54. **THOROUGHFARE PLAN MAP** – a graphic component of the Thoroughfare Plan used to depict the transportation network and further facilitate development and redevelopment objectives.

Functional System		Service Provided
Arterial		Provides the highest level of service at the greatest speed for the longest uninterrupted distance with some degree of access control.
Collector		Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.
Local		Consists of all roads not defined as arterials or collectors; primarily providing access to land with little or no through movement.

Streets are typically classified as follows:

a. **ARTERIAL**

(1). **MAJOR ARTERIAL** – a highway intended to move large volumes of traffic around and across the city without direct access to adjacent land providing vehicular movement from one neighborhood to another or to distant points within the City, and including highways leading to other communities. Provides for cross-town movement and continuity and designed to carry higher volumes of traffic between major activity centers such as commercial and employment centers, and neighborhoods, etc. Due to the high traffic volume, direct access is controlled. A road with high density volumes of traffic across lengthy distances within a roadway network, such as an interstate or freeway. These types of roadways are intended to have little to no trip interruptions due to intersections or direct access to abutting properties. Major arterials are also called principal arterials. Major arterials serve as a principal connecting street with State or Federal highways, farm to market roads, or major thoroughfares shown or projected on current transportation plans of the Texas Department of Transportation, the Permian Basin Metropolitan Planning Organization, and cities of Odessa and Midland.

(2). **PRINCIPAL ARTERIAL** – refer to **MAJOR ARTERIAL**.

(3). **MINOR ARTERIAL** – a road that serves as a connection between collector roadways and conveys similar traffic volumes as principal arterials, but for shorter distances. Because providing direct access to adjacent property is not the primary function of an arterial roadway, access points along this roadway should be limited as much as possible.

b. **COLLECTOR** – a road that provides the connection between arterial and local streets and is intended to balance the functions of traffic movement and property access. Compared to arterials, they accommodate lower traffic volumes for shorter distances. There are two types of collectors that are based off the density of the adjacent development, major and minor collectors.

(1). **MAJOR COLLECTOR** – a road that accommodates higher traffic volumes for longer distances than minor collectors.

(2). **MINOR COLLECTOR** – a road that is typically utilized to serve a lower density of development and has a shorter street length than major collectors.

c. **LOCAL** – a road whose primary function is to provide direct access to adjacent land. Local streets also serve to provide short distance trips to access collectors, and further arterials.

55. **VACATION** – to cancel, rescind or render an act that has the effect of voiding a subdivision plat or a portion thereof as public easement, right-of-way, or other dedication.

56. **VARIANCE**: A permit that allows for a departure from the required standards of the Development Rules and Regulations. Variances are intended to resolve practical difficulties or unnecessary physical hardships that my result from the size, shape or dimensions of a site, location of existing structures on the site, or geographic, topographic or other physical conditions on the site or in the immediate vicinity. **Financial and/or economic hardships are not sufficient grounds for the granting of a variance.**

Section 1.6 Severability and Validity

1.6.1 General

1. It is hereby declared to be the intention of the County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Court Order are severable and, if any phrase, clause, sentence, paragraph or section of this Court Order shall be declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Court Order, since the same would have been enacted by the County Commissioners without the incorporation in this Court Order of any such invalid phrase, clause, sentence, paragraph or section.

Section 1.7 Effective Date

1.7.1 Authority

1. This Regulation shall be in full force and effect immediately upon its passage by the Midland County Commissioners Court. Any subdivision for which the Commissioners Court has received a Plat prior to the effective date of this Court Order shall be governed by the regulations in effect at the time the plat was submitted for review.

Section 1.8 Compliance Required

1.8.1 Compliance

1. The owner intending to subdivide a tract of land into two or more parts to lay out a subdivision of the tract, including an addition, lots, 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, shall prepare and submit a plat for approval by the Commissioners Court of Midland County in accordance with Section 2.7.

2. A division of a tract shall include any division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

Section 1.9 Penalty for Violation

1.9.1 Authority

1. The Commissioners Court of Midland County shall have the authority to refuse to approve or authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in these Regulations.

1.9.2 Action

At the request of the Commissioners Court of Midland County, the County Attorney or other attorney representing the County, may file an action in a court of competent jurisdiction to:

1. Enjoin the violation, or threatened violation, of a requirement established by or adopted under these Regulations;

2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted under these Regulations;

3. A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted under this Act by the Commissioners Court.

1.9.3 Submissions

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. Any such inspection or review will not subject the County or the State of Texas to any action for damage.

1.9.4 Penalty for Violation of Texas Water Code

A person who violates a rule adopted by a County pursuant to Section 16.343 of the Texas Water Code is subject to a civil penalty of not less than $50 nor more than $100 for each violation, and for each day of a continuing violation not to exceed $5000 per day.

1.9.5 Class of Violations

A person commits an offense if the person knowingly or intentionally violates a rule adopted by a County pursuant to Section 16.343 of the Texas Water Code. An offense under this Section is a Class B misdemeanor. An offense under Section VIII is a Class A misdemeanor.

1.9.6 Remedies

In addition to other remedies, the Attorney General, the County or District Attorney of the County in which the violation occurred, or other local officials are authorized to apply to the District Court for, and the Court at its discretion may grant the State or political subdivision without bond or other undertaking, any injunction

that the facts may warrant including a temporary restraining order, temporary injunction after notice and hearing, and permanent injunctions enjoining a violation of these Regulations.

1.9.7 WATER AND SEWER SERVICE

The Attorney General may take any action necessary to enforce a requirement imposed by or under Section 232.0035 or 232.0036 of the Texas Local Government Code, or to ensure that the water and sewer service facilities are constructed or installed to service a subdivision in compliance with the model rules adopted under Section 16.343 of the Texas Water Code.

1.9.8 PENALTY FOR VIOLATION TEXAS LOCAL GOVERNMENT CODE

A person who violates Section 232.0035 or 232.0036 of the Texas Local Government Code, or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on the plat or on the documents attached to the plat, as required by Section 232.0035, is subject to a civil penalty of not less than $500 nor more than $1000 plus court costs and attorney's fees for the attorney bringing this action.

1.9.9 CLASS OF VIOLATION

An offense under this Section is a Class B Misdemeanor.

1.9.10 COMMUNICATION OF VIOLATION

Violations will be communicated via Public Notice: Texas Local Government Code. In their interpretation and application, the provisions of these regulations shall be held to be the 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.

Section 1.10 Variances

1. An Owner may request a variance and the Commissioners Court may authorize (by majority consent), a variance from these subdivision rules and regulations when, in their opinion, extraordinary hardship will result from requiring strict compliance.

2. Any variances requested by the Owner shall be a letter submitted in writing to Midland County. The letter shall contain all the specific facts and pertinent data upon which the variance is requested. In addition to the variance request letter, a variance request fee shall be paid to Midland County per variance.

3. Variances shall not have the effect of nullifying the intent and purpose of these rules and regulations.

4. **Financial hardship to the applicant shall not be deemed sufficient reason to constitute the recommendation of a variance.**

5. In granting a variance, the Court shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Court shall take into account the nature of the proposed use of the 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 variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Court finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Court Order would deprive the applicant of the reasonable use of the land,
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant,
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area,
4. 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 this Court Order.

6. Such findings of the Court, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Court meeting at which such variance is granted.
7. After a reasonable review period, the Owner may request consideration for approval by the Commissioners' Court. The Owner's variance request letter and any supporting documents shall be entered into the official minutes of the Court meeting. Such results, as determined by the Commissioners Court, after considering the material submitted by the Owner, shall be final.

Section 1.11 Amendment

The Commissioners Court may from time to time amend this Regulation in accordance with appropriate procedures provided by law. It is the responsibility of the Developer to obtain the most current Subdivision Rules and Regulations as adopted by the Midland County Commissioners Court.

Article 2 - Subdivision Application Procedure

Section 2.1 Plats Generally

2.1.1 Platting Requirements

Every owner of any tract of land situated without the corporate limits of any city in Midland County, Texas, who divides the same into two (2) or more parts for the purpose of laying out any subdivision of any such tract of land, or an addition without the corporate limits of any town, or city, or for laying out suburban lots or building lots, and for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof on said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

2.1.2 Consultation with Incorporated Cities

The owner, owners, subdivider or subdividers shall consult with the City of Midland Planning Department or the City of Odessa Planning Department, as applicable, for plat requirements when the property to be platted is located within either of these cities' extra-territorial jurisdiction. The subdivision approval process within the ETJ of either the City of Midland or the City of Odessa shall be handled by each respective city, and all plats must conform to the City's subdivision rules and regulations.

Section 2.2 Exemptions to Plat Requirements

1. **Texas Local Government Code Section 232.0015 exempts land from any requirement to plat in one or more scenarios listed in that section**.
2. Exemption under the scenarios listed in Texas Local Government Code Section 232.0015 does not release the applicant from the responsibility to meet other applicable County Regulations or ETJ Requirements.
3. A property owner claiming an exemption under this subsection must file an affidavit with the County Clerk that identifies and attests to the exemption and deliver a copy of the recorded affidavit to Midland County Public Works.

Section 2.3 Compliance with Subdivision Rules Required

1. The County will not approve a plat unless the Application meets the County's requirements for completion.
2. The property owner is responsible for complying with applicable laws, court orders, County regulations and plans, including these Subdivision Regulations.
3. The County is not responsible for enforcing regulations outside of its authority.

Section 2.4 Pre-Application Meeting

2.4.1 Purpose

1. The pre-application meeting is a voluntary meeting that allows for the exchange of non-binding information between the applicant and the County, including requirements and timelines for approval before the applicant submits a plat application.
2. This exchange of information is intended to promote an efficient and orderly review process and is not required if the application is required to be processed through a municipality's development review process.

2.4.2 Pre-Application Meeting Occurence

1. The applicant is strongly encouraged to consult informally with the pertinent County staff and become familiar with the County's development regulations and process.
2. At the pre-application meeting, the applicant may attend in person, by teleconference, by video conference, or through a representative or development professional such as a licensed engineer, surveyor, or other qualified professionals.
3. A pre-application meeting does not vest a permit, application, or another type of development approval, as defined under Texas Local Government Code Chapter 245.

Section 2.5 General Application Processing

2.5.1 Application Form

1. In agreement with Texas Local Government Code Section 232.0025(a), the County is authorized to create any Application Form necessary and impose requirements for the Determination of completeness through checklists, plan specifications, standardized requirements for property description and applicant contact information and any other information necessary to determine compliance with County standards.
2. Midland County creates, maintains, and updates the application forms.
3. An application form may not be required for land located in the ETJ of a municipality that has entered into a resolution or agreement with the Commissioners Court under Texas Local Government Code Chapter 242 that:
    1. Grants authority to the municipality to regulate platting within the municipality's ETJ, or
    2. Establishes a set of consolidated regulations.

2.5.2 Application Fees

1. The County will not consider an application complete if the applicant has not paid the fees shown in the County's adopted Fee Schedule.
2. Fees are not refundable unless Midland County accepted the application in error or unless the Commissioners Court of Midland County failed to approve, approve with conditions, or disapprove the plat application.
3. The Commissioners Court may amend the Fee Schedule at any time.
4. In agreement with Texas Local Government Code Section 232.0021, the following shall apply to application fees and related purposes.
    1. The Commissioners Court may impose an application fee to cover the cost of the County's review of a subdivision plat and inspection of street, road, and drainage improvements described by the plat.

2. The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of the proposed street and drainage improvements, or any other reasonable criteria as determined by the Commissioners Court.

3. The owner of the tract to be subdivided must pay the fee at the time directed by the County before the County conducts a review of the plat.

2.5.3 PLAT APPLICATION REQUIREMENTS

Before Midland County can review a plat application for Determination of Completeness, the applicant must complete the following, as applicable:

1. The property owner must initiate and sign the application or designate an agent to act on the property owner's behalf.
    1. If the applicant is a designated agent, the application must include a statement from the property owner authorizing the agent to initiate the application on the owner's behalf.
    2. The statement must be signed by the property owner and notarized.
    3. Every application must include evidence of ownership.
2. A will-serve letter from utility providers who will serve the subdivision with water or sewer.
3. If the subdivision will use on-site water wells, a certification of groundwater availability prepared by a licensed Engineer or geoscientist under Texas Local Government Code Section 232.0032 shall be included.
4. A drainage study complying with Section 2.8 will be required with all plats.

Section 2.6 Approval Procedures

2.6.1 APPLICABILITY

In agreement with Texas Local Government Code Section 232.0023, the plat application approval procedures under Texas Local Government Code 232 (Subchapter A) apply to the County regardless of whether the County has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Texas Local Government Code Section 242.001(d).

2.6.2 TIMELY APPROVAL OF PLATS

1. In agreement with Texas Local Government Code Section 232.0025(b), if an applicant submits a plat application to Midland County that does not include all of the documentation or other information required, Midland County shall, not later than the 10th business day after the date Midland County receives the incomplete application, notify the applicant of the missing documents or other information. Midland County shall allow the applicant to timely submit the missing documents or other information.

2. In agreement with Texas Local Government Code Section 232.0025(c), an application is considered complete when all documentation or other information required is received. Acceptance by Midland County of a completed plat application with the documentation or other information required shall not be construed as approval of the documentation or other information.

3. In agreement with Texas Local Government Code Section 232.0025(d), except as provided by 2.5.B.4 (reference: Texas Local Government Code Section 232.0025(f)), the Commissioners Court or the Court's designee shall approve, approve with conditions, or disapprove a plat

application not later than the 30th day after the date the application is deemed complete by Midland County. An application is approved by the Commissioners Court unless the application is disapproved within that period and in accordance with subsection 2.6.C (reference: Texas Local Government Code Section 232.0026).

4. In agreement with Texas Local Government Code Section 232.0025(f), the 30 day period under 2.6.B.3 (reference: Texas Local Government Code Section 232.0025(d)):
    a. May be extended for a period not to exceed 30 days, if:
        (1). Requested and agreed to in writing by the applicant and approved by the Commissioners Court of Midland County; or
        (2). Chapter 2007, Government Code, requires the County to perform a takings impact assessment in connection with the plat application unless waived per Section 2.6.B.7 of these Subdivision Requirements; and
    b. Applies only to a decision wholly within the control of the Commissioners Court of Midland County.
5. In agreement with Texas Local Government Code Section 232.0025(g), the Commissioners Court of Midland County shall make the determination under 2.6.B.4.a (reference: Texas Local Government Code Section 232.0025(f)(1)) of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the Commissioners Court.
6. In agreement with Texas Local Government Code Section 232.0025(h), the Commissioners Court of Midland County may not require an applicant to waive the time limits or approval procedure.
7. In consideration of expediting the approval process for platting, the applicant may voluntarily elect to waive the rights granted under Chapter 2007, Government Code, by executing a "Waiver of Takings Impact Assessment (TIA)." The Waiver must be included with the plat application if the applicant elects to exercise this option.

2.6.3 CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS

1. In agreement with Texas Local Government Code Section 232.0026(a), if the Commissioners Court conditionally approves or disapproves of a Plat Application, then the Commissioners Court shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.
2. In agreement with Texas Local Government Code Section 232.0026(b) each condition or reason specified in the written statement:
    1. Must:
        a. Be directly related to the requirements; and,
        b. Include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and
    2. May not be arbitrary.

2.6.4 APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL

1. In agreement with Texas Local Government Code Section 232.0027, after the conditional approval or disapproval of a plat application under subsection 2.6.C (reference: Texas Local Government Code Section 232.0026), the applicant may submit to the Commissions Court of Midland County that conditionally approved or disapproved the application, a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The Commissioners Court of Midland County may not establish a deadline for an applicant to submit the response.

2.6.5 APPROVAL OR DISAPPROVAL OF RESPONSE

1. In agreement with Texas Local Government Code Section 232.0028(a), the Commissioners Court of Midland County that receives a response under subsection 2.6.D (reference: Texas Local Government Code Section 232.007) shall determine whether to approve or disapprove the Applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under subsection 2.6.D (reference: Texas Local Government Code Section 232.007).

2. In agreement with Texas Local Government Code Section 232.0028(b), the Commissioners Court of Midland County that conditionally approves or disapproves a plat application following the submission of a response under subsection 2.6.D (reference: Texas Local Government Code Section 232.007):

    1. Must comply with subsection 2.6.C (reference: Texas Local Government Code Section 232.0026); and

    2. May disapprove the application only for a specific condition or reason provided to the applicant for the original application under subsection 2.6.C (reference: Texas Local Government Code Section 232.0026).

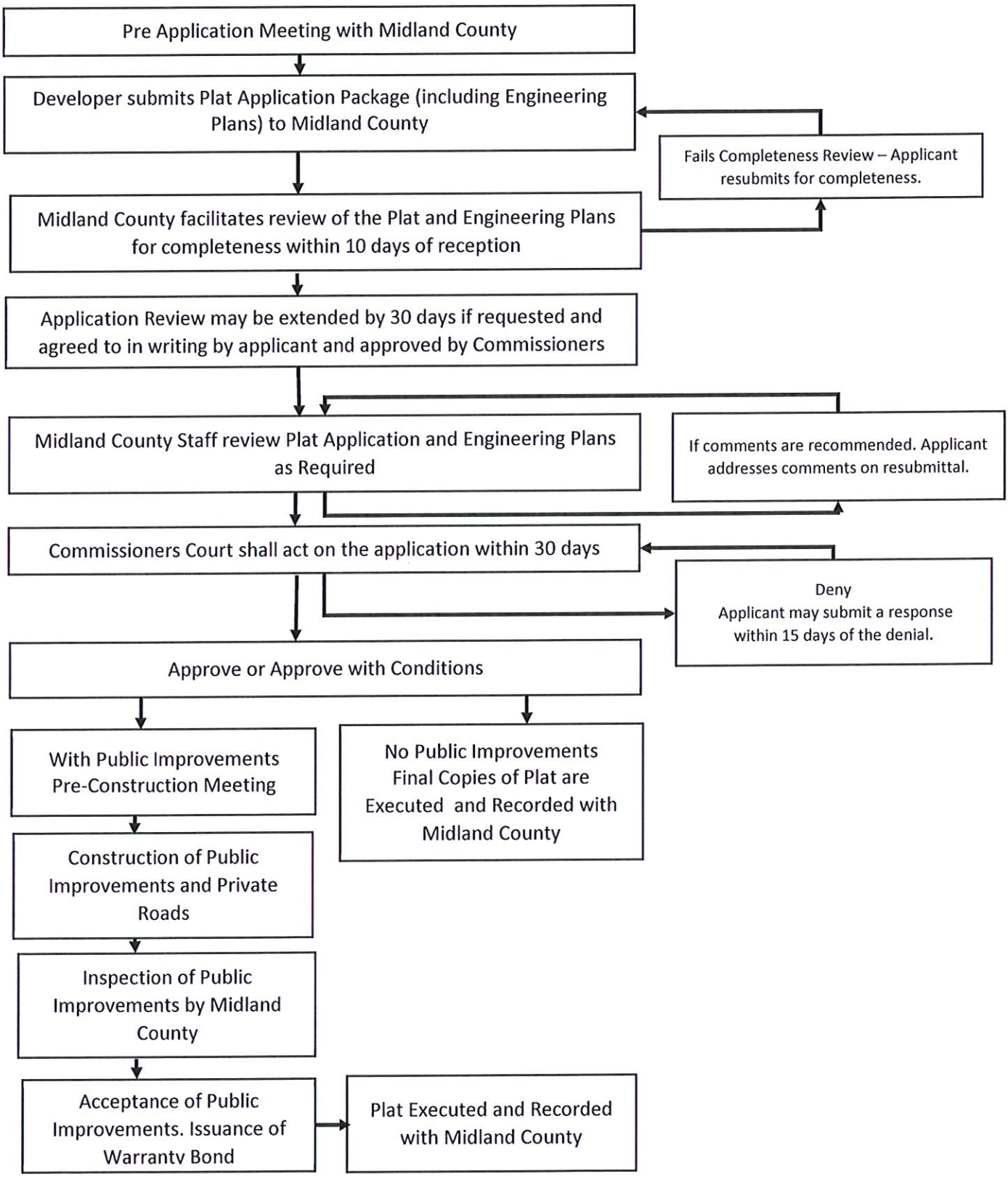
3. In agreement with Texas Local Government Code Section 232.0028(c), the Commissioners Court of Midland County that receives a response under subsection 2.6.D (reference: Texas Local Government Code Section 232.007) shall approve a previously conditionally approved or disapproved plat application if the Applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

4. In agreement with Texas Local Government Code Section 232.0028(d), a previously conditionally approved or disapproved plat application is approved if:

    1. The applicant filed a response that meets the requirements of subsection 2.6.E.3; and

    2. The Commissioners Court of Midland County that received the response does not disapprove the application on or before the date required by subsection 2.6.E.1 and in accordance with 2.6.C (reference: Texas Local Government Code Section 232.0026).

2.6.6 PLAT APPROVAL FLOWCHART



Section 2.7 Plat Approval Process

2.7.1 Purpose and Applicabilty

1. A Plat creates a legal record of the property and may dedicate property for public and common use, such as right-of-way and easements.
2. The County shall not require a Preliminary Plat. An applicant may receive approval of a Plat before any engineering plans are approved, or infrastructure is built or inspected.
3. An applicant may voluntarily submit a Preliminary Plat or phasing plan, or a municipality may require a Preliminary Plat if the municipality has not delegated platting authority to the County under an executed interlocal agreement.

2.7.2 Application Review and Approval Criteria

1. The plat approval procedures are detailed in subsection 2.6 (Approval Procedures). The following is a synopsis of the subsection 2.6 procedures.
2. Following the filing of a complete Plat application, the Commissioners Court will take one of the following actions:
    1. Approve the Plat (Texas Local Government Code Section 232.0025);
    2. Approve the Plat with conditions (Texas Local Government Code Section 232.0026); or
    3. Disapprove the Plat (Texas Local Government Code Section 232.0026).
3. If approved with conditions or disapproved, the Commissioners Court will provide a written comment outlining each condition for disapproval or approval, citing all applicable ordinance, laws, statutes, and processes.
    1. The applicant may respond to resolve all conditions associated with disapproval or conditional approval of a Plat application.
    2. The Commissioners Court will approve, disapprove, or approve a response to the conditions associated with disapproval or conditional approval no later than fifteen (15) calendar days after the response is submitted.
4. The Commissioners Court will use the following criteria to determine whether the Plat should be approved or disapproved.
    1. The Plat conforms to the standards of this Subdivision Regulations; and
    2. All conditions of approval and disapproval are addressed.

2.7.3 Plat Form and Content

The Plat shall include the following information:

1. The Plat shall carry the legend "Plat."
2. The Plat shall be drawn to a scale no less than 1" = 200' on an 18" x 24" or a 24"x36" sheet. All text shall be legible. Font is recommended to be Times New Roman with a plotted text height no smaller than 0.10".
3. A complete Title Block in the lower right corner of all plat sheets that provides the following information:
    1. Name of the subdivision, including the number of lots and blocks arranged in systematic order

2. The name and number of existing survey, abstract, and tract number the subject property is within.
3. Date the plat was prepared, with an up-to-date revision log, if applicable.

4. The name, address, phone number, and email of the property owner(s), applicant or agent, surveyor, engineer, and commercial developer (as appropriate) provided near the Title Block.
5. A vicinity map has been provided showing the location of the subdivision in relation to nearby thoroughfares and incorporated areas.
6. A key identification of all unique symbols, abbreviations, and lines used on the plat document.
7. A metes and bound description (titled "Legal Description") of the limitations of the subdivision starting from the Point of Beginning (POB) provided on the face of the plat. The POB must be related to a corner of the original survey of which the plat or lot is a part.
8. The Point of Beginning (POB) is clearly identified and uses the National Geodetic Survey for bearing. At least two other corners of the subdivision are shown related to the most recent datum released by the National Geodetic Survey for bearing. Length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
9. The accurate location, material, and size of all monuments and benchmarks are provided.
10. Sufficient data to reproduce all streets, blocks, lots, and easements on the ground using currently acceptable surveying methods is provided.
11. All abstract lines, survey lines, county lines, or other corporate boundaries within 100 feet of the limits of the subdivision are shown and represented with a light line, intermittent with two dashes.
12. All property lines, rights-of-way, ownership information, easements, and recording information within 100 feet of the limits of the subdivision are provided. Surrounding property and right-of-way lines are represented with a lightweight solid line. All lot numbers and lines with accurate dimensions in feet and hundredths of feet with bearings and angles to street and alley center lines shall be accurately shown on each lot and not by separate table.
13. All streets are named and labeled as "public" or "private" rights-of-way.
14. All existing easements, with recording information, that impact the subject property within 100 feet of the limits of the subdivision are shown and represented with a lightweight, dashed line.
15. The boundary of the subdivision is represented with a bold line, intermittent with two dashes, and is provided with bearings and distances corresponding to the Legal Description.
16. Internal lot lines, including rights-of-way, are represented with a medium weight, solid line.
17. All proposed easements within the subdivision are represented with a medium weight, dashed line, and are labeled as "by this Plat ", as applicable.
18. All proposed setbacks within the subdivision are represented in accordance with Midland County's minimum building requirements for properties adjacent to County maintained roads and State Highways.
19. All proposed easement and lot lines are provided with bearings and distances. Lines that are identical in bearing and length to others that have already been specified are indicated as such.
20. All unique curved lines are assigned a number that corresponds to a curve table containing the following:

1. Chord and direction
2. Delta and Radius
3. Tangent length and offset
4. Arc length

21. Any FIRM special flood hazard area and floodways within the subdivision have been identified, and
    1. The finished floor elevation of all lots lying wholly or partially within the SFHA has been provided.
22. Drainage easements have been provided for any floodway, depression, or flow path as described in the Drainage Manual.
23. Easement and right-of-way dedication language is provided and specifies the body responsible for maintenance in perpetuity.
24. The locations of existing gas, oil, and water wells are identified, as well as any pipelines known to cross the site. A note shall be provided on the plat "All pipelines and wells which have not be specifically surveyed are approximate from available resources (Texas Railroad Commission). Location is based on surface indications and is considered approximate."
25. All lots and blocks have been assigned a legible, intuitive number and letter. Open space and utility lots have been designated with an "X" following the lot number.
26. All lots are recorded in a lot tabulations table, grouped by systematic order, containing the following information:
    1. Lot number
    2. Block letter
    3. Gross and net acreages and square feet
    4. Purpose (e.g., residential, open space, utility).
27. If a public water purveyor is the intended source of water supply, documentation confirming that the development lies within the intended Certificate of Convenience and Necessity (CCN) must be provided. If the development is outside the intended purveyor's CCN, an application for acceptance into the CCN must be submitted and a letter of acceptance from the purveyor shall be provided prior to submitting the Plat.
28. All lots served by individual water wells must meet the requirements set forth in TCEQ Title 30 TAC Chapter 285 for On-site Sewage Facilities.
29. The Plat shall include the boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
30. The Plat shall include an accurate location of the subdivision with reference to the abstract and survey records of Midland County, Texas.
31. The Plat shall include the location of County limit lines, municipal limit lines, the outer border of any municipality's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary. Otherwise, the plat shall contain a notice that the subdivision or any part thereof is not located within the extraterritorial jurisdiction of any municipality.

32. If the current property qualifies for an agricultural tax exemption and the proposed use of the property is subject to a change in tax exemption, the Plat shall contain a statement notifying lot owners that should the property change land use, the property may be subject to roll-back taxes for the previous three years.

33. A Permit to construct access driveways to connect to Midland County Right-of-way is required to be obtained prior to any driveway culvert installation. A note should be included on the Plat indicating this requirement.

34. The Plat shall include the exact layout including, but not limited to:

    1. Accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use or maintenance of the property owners in the subdivision.

    2. Certification by a Professional Land Surveyor to the effect that the plat represents a survey made by the surveyor and that all the monuments shown thereon actually exist, and that their location, size and material description are correctly shown.

    STATE OF TEXAS §

    § CERTIFICATE OF SURVEYOR

    COUNTY OF MIDLAND §

    I, the undersigned, a (Professional Land Surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

    (Surveyor's Seal)

    _____

    Professional Land Surveyor

    Date_____

    3. A certificate of ownership and dedication of all public streets, alleys, and easements (as applicable) to public use forever, signed and acknowledged before a Notary Public by all owners and Lien Holders of the land, along with a complete and accurate metes and bounds description of the land subdivided and the streets dedicated. For private subdivisions, the entity responsible for maintenance should be named.

STATE OF TEXAS §

§ OWNER'S ACKNOWLEDGMENT AND DEDICATION

COUNTY OF MIDLAND §

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the _____subdivision to Midland County, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

_____

Owner

Date:_____

STATE OF TEXAS §

§

COUNTY OF MIDLAND §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this_____day of_____, 20 .

NOTARY PUBLIC

_____County, Texas

4. Signature block, as shown below, to be completed by the Commissioner's Court.

THE COMMISSIONER'S COURT OF MIDLAND COUNTY, TEXAS ON

_____, 20 _____ VOTED AFFIRMATIVELY TO ADOPT THIS PLAT

AND APPROVE IT FOR FILING OF RECORD.

BY:_____MIDLAND COUNTY JUDGE

5. The plat shall contain a notice which states that no building shall be built in a SFHA, unless it is in compliance with the minimum finished floor elevation requirements.
6. The Plat shall contain a notice that due to unknown locations of underground utilities, in particular gas and oil facilities, the Developer is to make known all locations of existing pipeline and/or easements, including blanket easements, across the property.

2.7.4 SUPPORTING DOCUMENTATION

1. Provide letters of correspondence verifying the following entities and/or utilities, as affected by the property being platted, have been notified about the upcoming development.
    1. Electric
    2. Natural Gas
    3. School District (for proposed developments of 25 lots or more)
    4. Any other holder of dedicated easements or rights-of-way within or immediately adjacent to property.
2. If a public water purveyor is intended to serve the Development, documentation shall be provided confirming that agreements are in place to provide water service to all lots within the Development.
3. Approval from the County 911 Service Administrator is required for street names and street address numbering of all houses or other buildings contemplated to be erected within the subdivision as developed.
4. If entrances or driveways are proposed for the development fronting TxDOT controlled highways, farm-to-market roads, or other roads, copies of appropriate correspondence (including traffic studies) with TxDOT showing approval for construction is required to be submitted with the Plat.
5. A Drainage Study for the property being platted, demonstrating compliance with Drainage Manual.
6. Subdivision Restrictions
7. The Plat Application shall include a copy of the subdivision's restrictions, or the restrictions can be included on the plat,

2.7.5 REQUIRED NOTES

The following statements shall appear on any plat containing private streets, drives, emergency access easements, recreation areas, and open spaces:

1. All private roads will be signed in a manner that indicates its' private status.
2. MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES; AND, THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS MIDLAND COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH
3. If On-Site Sewage Facilities are to be used, the OSSF installed on this plat shall be installed in accordance with TCEQ guidelines and the Midland County On-Site Sewage Facility Order.
4. Any plat that includes a drainage easement to Midland County will include the following language as a note:
    1. Midland County and its employees, contractors, agents, successors, and assigns shall have the free and uninterrupted right and privilege at any and all times to enter, or any part thereof, for the purposes of establishing, constructing, installing, realigning, modifying, replacing, improving, operating, maintaining, inspecting, repairing and removing drainage facilities, including but not limited to the right to cut and trim bushes and trees and to remove sediment,

and for enforcement of the County Subdivision Regulations and Flood Damage Prevention Regulations, or for any other ancillary public use as usual and customary in connection therewith.

2. Developer may not use any part of the property described herein if such use will damage, destroy, injure, and/or unduly interfere with Midland County's use of the property. Developer expressly covenants and agrees for itself, its legal representatives, successors and/or assigns, that no building, roadways, or curbs and gutters of any kind will be placed on the property described herein. Written permission for above ground appurtenances must be obtained from Midland County prior to installation.

3. The maintenance of any stormwater facility in this easement is the responsibility of the property owner. Property owner agrees to maintain the facility in working order, with inspections and corrective action made at least annually. Reports of such inspections and maintenance shall be kept for inspection by the Midland County Judge's Office on request, or may be forwarded to the County Judge's office at 500 N. Loraine St, Suite 1100, Midland, Texas 79701.

4. Midland County shall have the right to mitigate deficiencies in the function of the stormwater facility, and to be reimbursed by the property owner, if the County finds it necessary for public health and safety.

2.7.6 Compliance Required

No plat, replat, or amended plat may be filed in the County Clerk's office until the developer has complied with the requirements of these regulations, Texas Local Government Code Chapter 232 and Texas Property Code Section 12.02. These include the requirement that the plat, replat, or amended plat or replat have attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property.

Section 2.8 Drainage

1. When developing in Midland County, a drainage study specific to the drainage areas found within and adjacent to the proposed development or subdivision shall be submitted with the subdivision plat. This study shall comply with Drainage Manual

2. When FEMA has designated areas of special flood hazards (A zones) by the publication of the County's SFHA or FIRM, but has neither produced water surface elevation data nor identified a floodway, the County shall;

    1. Require that all new subdivision proposals and other proposed developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data; and,

    2. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed in Section 2.7 above, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the County's SFHA or FIRM meet the standards.

3. Comply with the Drainage Manual requirements for use of any Additional Regulatory Flood Study that covers the site and can serve as best available data for A zones.

Section 2.9 Engineering Plans

Midland County requires as part of the Plat Application additional information in the form of Engineering Plans to be submitted and approved by the Director of Public Works in order to accurately assess the

compliance of the subdivision with these subdivision requirements and any requirements by the State of Texas.

1. General

    1. All improvements shall be designed in accordance with this Court Order.

    2. Copies of complete Engineering Plans, Specifications, engineering calculations, and detailed cost projections, for streets, drainage, sanitary sewers, water distribution, and any other improvements to be constructed, are required to be submitted with the Plat. Engineering plans must be 100% complete at the time of submittal. Any incomplete sets of Engineering Plans shall be returned unreviewed.

    3. The Engineering Plans shall be submitted on standard 24" x 36" sheets.

    4. Each sheet of the Engineering Plans shall contain a title block, including space for the notation of revisions. This revision block is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date that the revision was made.

    5. Each sheet of the Engineering Plans shall include north arrow, scale, date, and benchmark description to a NGVD datum. Scales shall be no less than 1 inch equals 40 feet horizontally and 1 inch equals 4 feet vertically.

    6. Each sheet shall bear the seal and signature of the Licensed Professional Engineer in the State of Texas who prepared the plans.

    7. The cover page of the Engineering Plans shall bear a signature block for approval for construction as follows:

THESE ENGINEERING PLANS HAVE BEEN REVIEWED BY MIDLAND COUNTY. THEY HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE SUBDIVISION RULES AND REGULATIONS. THIS APPROVAL DOES NOT RELIEVE THE DESIGN ENGINEER OR THE CONTRACTOR FROM THEIR RESPONSIBILITY FOR THE ACCURACY OR CORRECTNESS OF THE PLANS AND SPECIFICATIONS. CONSTRUCTION NOT COMMENCED WITHIN ONE YEAR OF SIGNATURE DATE BELOW, SHALL BE SUBJECT TO ALL REQUIREMENTS AND STANDARDS OF THE THEN EXISTING MIDLAND COUNTY SUBDIVISION REGULATIONS.

DIRECTOR OF PUBLIC WORKS: _____

DATE _____ , 20____

2. Paving Plans

    1. The Engineering Plans shall include a plan and profile of each street with stationing, top of curb grades, if applicable, or street center line, borrow ditch flow line and existing and proposed CONTOUR lines. A typical cross-section of proposed streets shall show the width of roadway, pavement type, and roadway ditch dimensions as referenced by this Regulation.

    2. Two (2) copies of the geotechnical report, including soil borings and analysis necessary to provide recommendations for pavement thickness and cement or lime content, shall be submitted with the Engineering Plans.

    3. The Engineering Plans shall clearly show the street grades, elevations and vertical curve information.

3. On-site Sewage Facilities Plans

At the discretion of County Public Works, there may be special circumstances when OSSF are proposed to be used, where the Engineering Plans shall clearly show that such systems are not in conflict with any existing or proposed wells or that such systems will not be situated within a floodplain.

4. Storm Drainage Plans

    1. The Engineering Plans shall include a plan and profile of proposed storm sewers or channels, showing stationing, hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc.

    2. All drainage easements required on the Plat shall be shown on the drainage plans.

    3. The Engineering Plans shall include a drainage area map of the subdivision showing the entire watershed and the limits of all onsite and off-site watersheds draining to the project. LiDAR is available from USGS or from TxGIO data hub.

    4. Calculations showing the anticipated storm water flow and volume, including watershed area, percent runoff, runoff coefficients, storm intensity and time of concentrations showing basis for design may be included in the drainage study or in the engineering plans

    5. The Engineering Plans shall include a detailed plan for any detention or retention basins, channels other than borrow ditches, bridges, culverts, catch basins, any other drainage structures, or any other improvements to be made and shall include all of the following:

        a. The open channel or storm drain grades, design flow of water, design depth of water and design velocity of water and capacity.

        b. A plan and profile of all culverts and bridge class drainage culverts under any street with the design flow of water, headwater and tailwater depth, freeboard, and tailwater velocity.

        c. The size of all driveway culverts to carry the design flow of water at each point of installation, including design flow and velocity data.

        d. A grading plan is required for the inlet and outlet of all bridge class drainage culverts, box culverts, multiple barrel culverts, and culverts 36-inches and larger.

        e. Typical borrow ditch sections and the width of any right-of-way or easement needed.

        f. A summary sheet of all drainage facilities.

        g. The seal and signature, prominently displayed on each sheet, of the Licensed Professional Engineer responsible for the design.

    6. If multiple development phases are proposed, engineering plans must include all necessary drainage improvements (including detention structures and grading) in the initial phases of construction to prevent unwarranted downstream impacts. Construction of these improvements shall be completed prior to the sale of any lots.

5. Water Line Plans

When water lines are planned to serve the subdivision, the Engineering Plans are required to include a water line layout showing proposed locations of water lines, valves, fire hydrants, fittings, water services, etc. Water line profiles should be shown for water lines 8-inches in diameter and larger, detailing proposed pipe grades and depths. The seal and signature of the Licensed Professional Engineer responsible for the design shall be prominently displayed on each sheet.

6. Sanitary Sewer Plans

When sanitary sewers are planned to serve the subdivision, the Engineering Plans are required to include a sanitary sewer plan and profile with proposed grades and pipe sizes indicated and showing locations of sanitary sewer manholes, sewer services etc. The seal and signature of the Licensed Professional Engineer responsible for the design shall be prominently displayed on each sheet.

7. Erosion Control Plan

The developer must submit an erosion and stormwater quality control plan to comply with Texas Commission on Environmental Quality (TCEQ) construction general permit, TXR150000.

8. Traffic Control Plan If Requested.

The developer must submit a traffic control plan, in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices (TxMUTCD).

9. Existing County Road Grading Plans

    1. For driveway culverts proposed to be placed along existing and proposed County Roads, all roadway ditches should be designed in accordance with County standards. When the installation is proposed along an existing County Road and the existing roadway ditch section cannot adequately convey the proposed Driveway Culvert installation, the Engineering Plans are required to show the proposed ditch grading.

    2. The grading plans shall further show the existing topography of the proposed subdivision by use of contour lines. Said contour lines shall be based on a vertical interval of two (2) feet for terrain with a slope of two be based on data provided by Midland County, or in lieu thereof, by any governmental agency or department, which shall be specified on the grading plan.

    3. The grading plans shall also indicate by use of contour lines any changes in the existing topography proposed by the land owner or subdivider. Said contour lines shall be based on a vertical interval of two (2) feet for terrain with a slope of two (2) percent or more and on a vertical interval of one (1) foot for terrain with a slope of less than two (2) percent. Said contour lines shall further be based on data provided by Midland County, or, in lieu thereof, by any governmental agency or department, which shall be specified on the plat. The extent to which any watercourse or natural drainage will be altered or relocated as a result of any development shall be included on the grading plan.

Article 3 - Lot Standards

Section 3.1 Lot Design in General

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

3.1.1 Lot Size Single Family Dwellings

The minimum lot size for subdivision of single family dwellings utilizing individual on-site sewage facilities shall be one (1) acre.

3.1.2 Building Setbacks

Building setback lines be fifty (50) feet from the edge of the right of way along all state or federal roads and highways. The building setback lines from all other streets and roads shall be twenty-five (25) feet. Building setback lines shall be shown on the Plats.

3.1.3 Road Frontage

Lots shall have minimum road frontage as indicated by the following:

Lot Size	Minimum Frontage
Less than one (1) acre or in cul-de-sac	80 feet
Greater than or equal to one (1) acre, but less than two (2) acres	120 feet
Greater than or equal to two (2) acres but less than five (5) acres	200 feet
Greater than or equal to five (5) acres	275 feet

*Minimum cord length along a curve, and minimum frontage in cul-de-sacs shall be measured at the building line.

3.1.4 Connection to Right-of-Way

All lots shall abut and have direct access to a County street or road, or abut and have direct access to a private or public road that has been constructed to the current construction standards of these Regulations, and which has the required dedicated right of way.

3.1.5 Frontage of Lots

Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from arterial roadways or to overcome specific disadvantages of topography and orientation.

3.1.6 Lot Markings

Lot markers shall be iron pins not less than one half inch (1/2") in diameter and no less than eighteen (18") inches long and shall be set flush with the ground at each lot corner. All lot corners shall be set prior to the acceptance of the public improvements.

Section 3.2 Manufactured Home or Recreational Vehicle Rental Community

3.2.1 Purpose

1. The purpose of this Section is to provide uniform standards for a new Manufactured Home Rental or Recreational Vehicle Community.
2. The regulations in this section are established to protect the health, safety, and general welfare of the residents of the County, especially those residing in a manufactured home or recreational vehicle Community.
3. This section applies to manufactured homes in these regulations and in Texas Occupations Code Section 1201.002 and Section 1201.003(12) and recreational vehicles as defined in these regulations.
4. The term "Applicant" as used in this Section 3.2, applies to the owner, developer, or designer of the Manufactured Home Rental Community.

3.2.2 Applicability

1. The development of a Manufactured Home Rental Community is subject to Texas Local Government Code Section 232.007.
2. A Manufactured Home Rental Community is not a subdivision and does not require a plat under Texas Local Government Code Section 232.007, unless required by a resolution or agreement under Texas Local Government Code Chapter 242 granting authority to the municipality to regulate platting within the municipality's ETJ or establishing a set of consolidated regulations.

3.2.3 Conflict Between Regulations

If any requirements conflict with state or federal law, the state or federal law will prevail.

3.2.4 General Development Standards

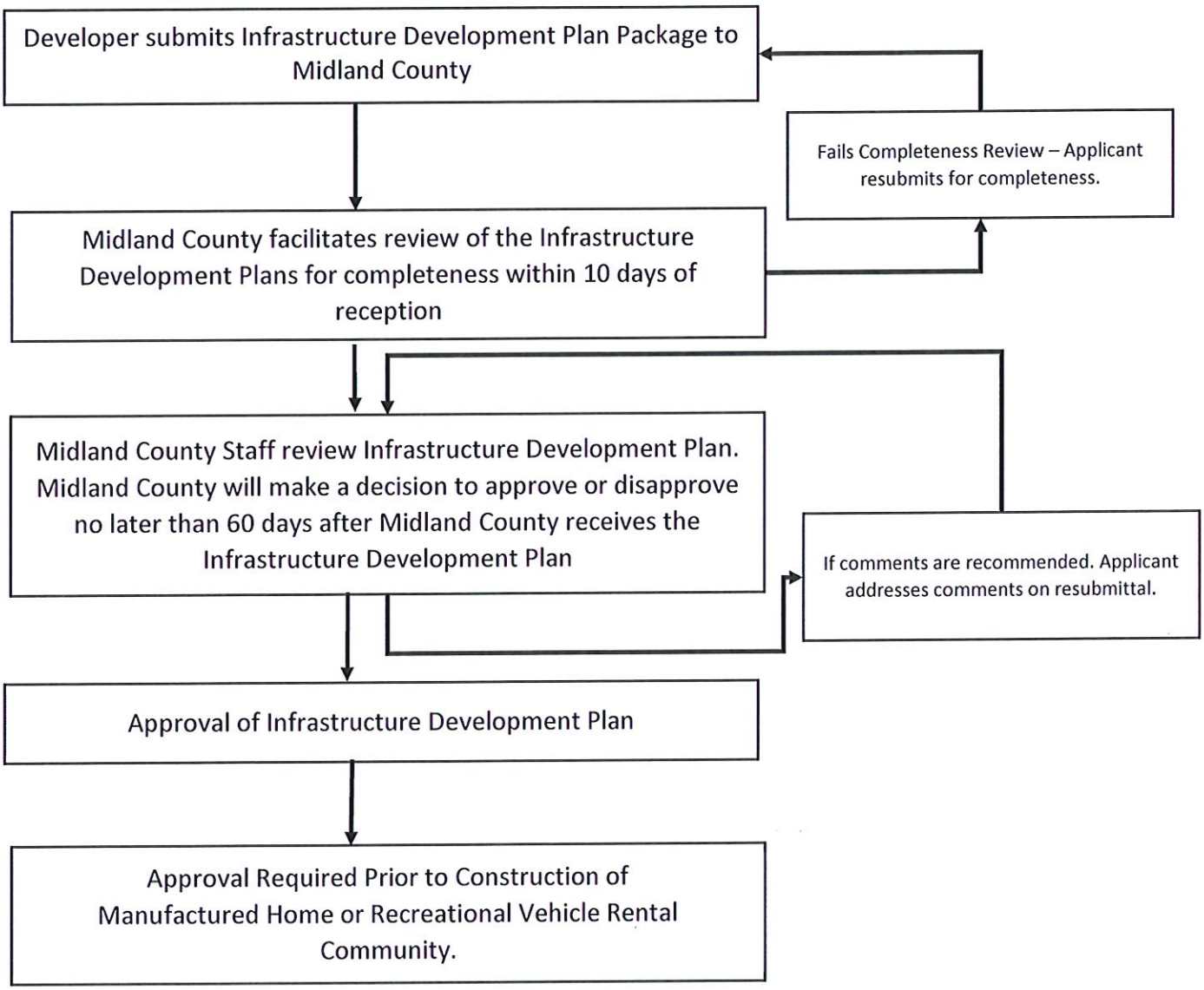
1. The Manufactured Home or Recreational Vehicle Rental Community may access public right-of-way only from paved, community-owned, and maintained interior roadways.
2. Interior roadways within the Manufactured Home or Recreational Vehicle Rental Community must be private.
3. The applicant for a Manufactured Home or Recreational Vehicle Rental Community must design the private interior roadways to the same standard as a Local Roadway and provide additional width as needed to allow for delivery and removal of manufactured home units or recreational vehicles.
4. A Manufactured Home or Recreational Vehicle Rental Community is subject to the adopted Midland County Fire Code, specifically as it pertains to the installation of fire hydrants.

3.2.5 Infrastructure Development Plan

1. The applicant for a Manufactured Home or Recreational Vehicle Rental Community must submit an Infrastructure Development Plan.
2. Review and Decision by Midland County
    1. Midland County will review the Infrastructure Development Plan and provide any comments to the applicant.
    2. The applicant is responsible for responding to comments before the deadline set by Midland County.

3. Midland County will make a decision to approve or disapprove no later than sixty (60) days after Midland County receives the Infrastructure Development Plan for review. Midland County will notify the applicant in writing no later than ten (10) calendar days after Midland County makes the decision to approve or disapprove.

3.2.6 INFRASTRUCTURE DEVELOPMENT PLAN FLOWCHART



3.2.7 INFRASTRUCTURE DEVELOPMENT PLAN REQUIREMENTS

The following will be required to be submitted with an infrastructure development plan.

1. The following supporting plan sheets:
    1. Site Boundary Survey
    2. Water Utility Plan (if applicable)
    3. Wastewater Utility Plan (if applicable)

4. Drainage Plan
5. Roadway and Paving Plan

2. Title block provided on the lower right corner of the page with:
    1. Name of the proposed development
    2. Subdivision name with lot, block, and recording information (if platted)
    3. Survey name and abstract number
    4. Gross acreage
    5. Date of preparation.
3. Name of the property owner
4. Name of the surveyor or engineer that prepared the plans.
5. Sign and seal of the licensed professional engineer or registered professional land surveyor.
6. The location of proposed and existing manufactured homes / recreational vehicles.
7. FEMA designated floodways (if applicable).
8. The location of existing or proposed easements.
9. The name and width of existing and proposed interior streets (all interior streets shall be private and shall be designated as such on the infrastructure development plan).
10. The name and right-of-way width of County roads which access to the development will be taken.
11. Water Utility Plan (if applicable)
    1. Existing and proposed water lines intended to serve the site.
    2. Provisions for adequate public or community water supply in accordance with Texas Health and Safety Code Chapter 341 and Article 7.
12. Wastewater Utility Plan (if applicable)
    1. Provisions for adequate sanitary sewer facilities including sanitary sewer lines or an On-Site Sewage Facility (OSSF) in accordance with the Health and Safety Code Chapter 366.
    2. Existing and proposed sewer (including the location of septic systems) intended to serve the site.
    3. Approved TCEQ Community Wastewater Treatment System (if applicable).
13. Drainage Plan
    1. Adequate drainage structures in accordance with Article 6.
14. Roadway and Paving Plan
    1. Specifications for interior roadways in accordance with Article 4.
    2. All interior streets inside the Manufactured Home or Recreational Vehicle Rental Community shall be private.

3.2.8 APPROVAL REQUIRED PRIOR TO CONSTRUCTION

1. Midland County must approve the Infrastructure Development Plan before construction of the Manufactured Home or Recreational Vehicle Rental Community begins.

2. Inspection

    1. Midland County or its representatives may conduct an inspection of the property.

    2. Midland County will notify the applicant upon determining whether the Manufactured Home or Recreational Vehicle Rental Community conforms to the approved Infrastructure Development Plan.

3.2.9 AREA STANDARDS

1. Size of Lots

    1. **Minimum Lot Area –** Two (2) acres with no more than twelve (12) manufactured homes per acre with wastewater connections, otherwise, one (1) unit per acre with individual on-site-sewer facilities.

    2. **Separation of Manufactured Homes –** Twenty (20) feet. Ten (10) feet when set end to end.

2. Size of Setbacks

    1. Each manufactured home shall be located at least twenty-five (25) feet from the property lines of the manufactured home rental community which abuts a public street or highway.

    2. Vehicular entrances to or exits from a Manufactured Home or Recreational Vehicle Rental Community shall be at least 200 feet along streets from any school, public playground, church, hospital or library.

3.2.10 STREETS AND WALKWAYS

1. Each Manufactured Home or Recreational Vehicle Rental Community shall adjoin a public street and each manufactured housing shall have direct access to a private interior street at least twenty-five (25) feet in width. The internal street or streets shall be continuous and connect with other internal streets or with public streets or be provided with a paved cul-de-sac.

2. Internal access drives shall be provided to each manufactured home space and shall be at least twenty-five (25) feet in width.

3. Walkways not less than two (2) feet wide shall be provided from the manufactured house or recreational vehicle to the service buildings within each Manufactured Home or Recreational Vehicle Rental Community.

3.2.11 ANCHORING AND STORAGE OF MANUFACTURED HOMES

1. Each manufactured house shall rest upon a concrete slab of sufficient strength to support the wheels and the front parking jack. Each slab shall be at least eight (8) feet by ten (10) feet and have a minimum thickness of four (4) inches.
2. Each manufactured home shall be firmly anchored to the slab upon which it rests by means of tie-downs and anchors secured in accordance with regulations established by the Texas Manufactured Housing Standards Act.
3. The area underneath a manufactured house shall not be used for storage but shall be screened with material similar in composition and characteristics to that used to construct the manufactured house.

Article 4 - Street Construction

Section 4.1 Jurisdiction and Applicability

These Regulations are subject to any County Thoroughfare Plan adopted by the Midland County Commissioners Court before or after the adoption of these Regulations. Any County Thoroughfare Plan adopted by the Midland County Commissioners Court is expressly incorporated into these Regulations to the same extent as if included herein.

Section 4.2 All Streets

1. All public streets or roads must have the minimum right-of-way dedicated to the County as described for each road designation in Section 4.5 below. Access easements are not allowed unless used as cross access easements for commercial development.
2. All private streets shall be designed with the minimum right-of-way designated as either:
    1. Lot and block within the subdivision to be maintained by a Home Owners Association or Property Owners Association or other entity with financial responsibility of maintain the roads; or,
    2. Lot and block within the subdivision to be maintained by a single landowner.
3. Cross access easements may not be used as private roads for access to residential lots.
4. All public and private streets shall accommodate drainage within the right-of-way, preferably outside of the travel lanes and within the parkway.
5. A drainage study is required for all subdivisions that include new public or private streets
6. Traffic Studies
    1. The purpose of this Section shall be to establish policies governing traffic flow and safety on street facilities within the Midland County limits. The purpose of these policies is to protect the general health, safety and welfare of the public by reducing traffic congestion, improving traffic safety and flow, and ensuring that traffic to be generated from the proposed development can be adequately and safely served by the existing and future street system.
    2. All proposed single-family (100 lots or greater), multi-unit residential, or non-residential developments are required to submit a Trip Generation Threshold Analysis, prepared by a licensed engineer in the State of Texas, with experience in Transportation Engineering, to determine if the development is expected to generate:
        a. 1,000 or more vehicle trips per day; OR
        b. 100 or more vehicle trips in the peak direction (i.e. inbound or outbound) during the site's peak traffic hour (typically AM, PM or Saturday peak);
        c. 100 parking spaces per driveway.
    3. An electronic copy of the Threshold Analysis and/or Traffic Impact Analysis shall be submitted for review concurrently with the submittal of the Plat.
    4. If required by criteria determined through completion of Threshold Analysis, a TIA shall be prepared and sealed by a Licensed Professional Engineer in the State of Texas with experience in Transportation Engineering.

5. Prior to Plat approval, revisions to the TIA shall be made, as required by the County.

4.2.1 Surface Grading

Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible.

4.2.2 Minimum and Maximum Grade of Streets

The minimum SLOPE of all streets and roads shall be 0.5 per cent, and the maximum SLOPE of all streets and roads shall be three (3) percent.

4.2.3 Drainage Ditches

All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage shall have a minimum depth of twelve (12) inches below the level of the edge of the adjacent street or road.

4.2.4 Permanent Drainage Structures

Permanent drainage structures, including, but not limited to, culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage flow paths described in the Drainage Manual, including ditches, with driveways, roads and streets. Any such structures must conform to and be installed in accordance with standard and accepted engineering practices.

4.2.5 Engineered Design

The exact dimensions and type of said permanent drainage structures, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by an engineer prior to the grantee submitting the plan requesting granting or denying preliminary authorization of a subdivision plat.

4.2.6 Reinforced Embankments

All low water crossings and all roadways crossing streams must have reinforced embankments to prevent erosion of said embankments. The reinforcing material must be concrete, which shall have a test strength of 3,000 pounds per square inch.

Section 4.3 Public Streets

1. All County maintained public streets and roads shall be paved in accordance to the specifications herein.
2. The Commissioners Court, however, shall have the power to require that all streets and roads within the same subdivision remain unpaved. If the Court elects to impose such a requirement, the Court must do so in its order granting or denying preliminary authorization of the plat.

Section 4.4 Private Streets

1. The roads must meet all County Road standards, except where specific variance has been granted by the Commissioners' Court for adequate cause in each case.
2. Where specific variance has been granted from County Road standards, at the discretion of the Commissioners Court, the number of lots served by said private road may not exceed six (6).

3. Where specific variance has been granted from County Road standards, at the discretion of the Commissioners Court, lots within the development shall have an average size greater than five (5) acres.
4. Where specific variance has been granted from County Road standards, at the discretion of the Commissioners Court, there may be no further subdivision of lots.
5. Where specific variance has been granted from County Road standards, at the discretion of Commissioners Court, engineering plans shall be provided in accordance with this Section.
6. The Plat and Subdivision Restrictions must contain a statement that Midland County will never accept or maintain the roads unless they meet county standards in effect on the date of acceptance.
7. The Plat and Subdivision Restrictions must contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance. The provisions for perpetual maintenance shall be submitted with the Plat for review.
8. The Plat must contain a requirement that every deed contain a notice to the grantee that all roads and streets are private, that the owners will be perpetually liable for the maintenance, that the county has no intent to accept it for maintenance, and that the quality of the roads and streets affect access by public services such as police, fire and EMS.
9. The Owner and/or Developer will place a sign at the entrance of the subdivision clearly stating that the roads are privately maintained roads and that "County Maintenance Ends".
10. Any Owner that gates the entrances to the subdivision shall provide either a crash gate or a lock box and a letter of approval from all of the affected emergency response agencies stating their approval of full time access to the subdivision.
11. No proposed privately maintained roads may be constructed off of any existing or proposed privately maintained road. In addition, extensions of an existing privately maintained road are not allowed unless the existing and proposed roads meet County standards. Proposed privately maintained roads must have access to a County Road or State maintained road unless a variance is granted by the Commissioners Court.

Section 4.5 Street Design

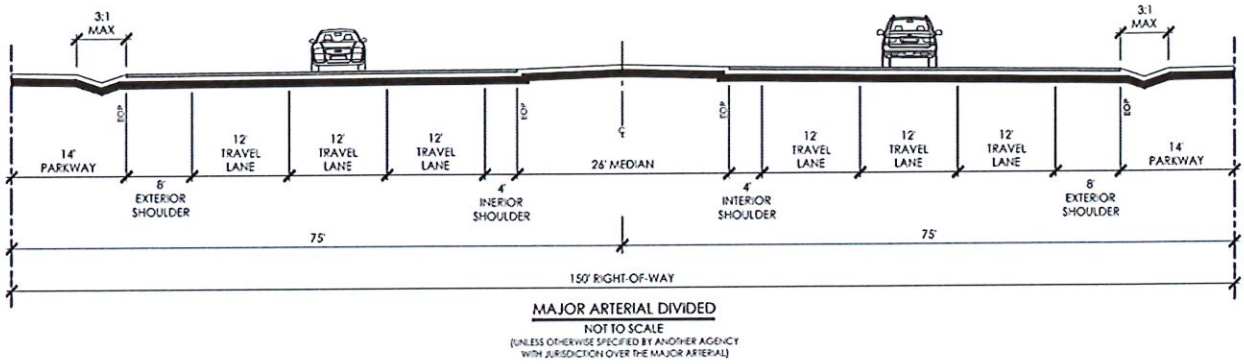
4.5.1 Arterial Streets

1. The designation of a street or road as an arterial may be made by the Commissioners Court in its order granting or denying preliminary authorization of the plat.
2. Arterial streets or roads shall be designed to the following minimum criteria by street classification as specified herein.

4.5.2 Major Arterial

1. Minimum right-of-way width of one hundred fifty (150) feet, unless otherwise specified by another agency with jurisdiction over the major arterial;
2. Six (6) travel lanes each a minimum of twelve (12) feet wide;
3. Two (2), forty-eight (48) foot wide roadway surfaces each include an eight (8) foot wide exterior shoulder and a four (4) foot wide interior shoulder; and
4. Separated by twenty- six (26) foot wide median.

5. Design speeds shall be between sixty (60) and seventy (75) miles per hour.



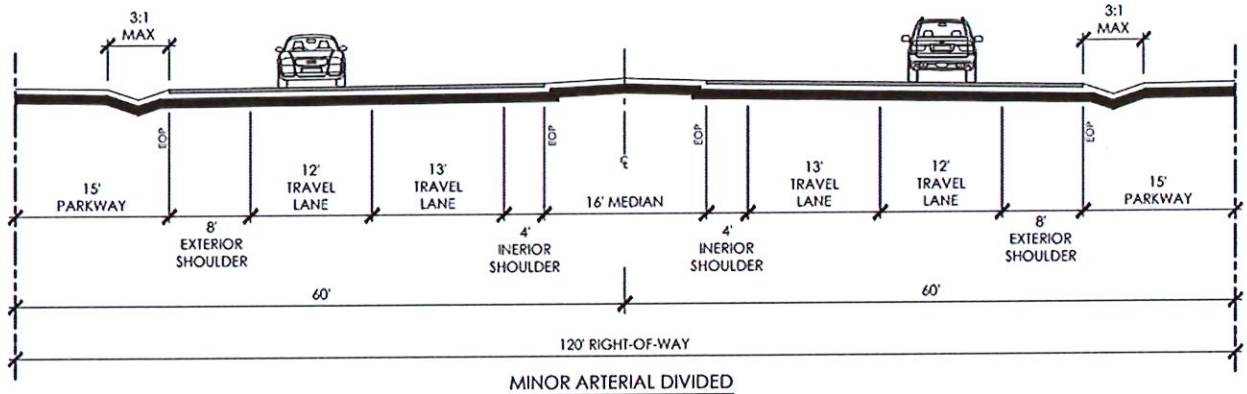
MAJOR ARTERIAL DIVIDED
NOT TO SCALE
(UNLESS OTHERWISE SPECIFIED BY ANOTHER AGENCY WITH JURISDICTION OVER THE MAJOR ARTERIAL)

4.5.3 PRINCIPAL ARTERIAL

Designed the same as a Major Arterial

4.5.4 MINOR ARTERIAL

1. Minimum right-of-way width of one hundred twenty (120) feet, unless otherwise specified by another agency with jurisdiction over the minor arterial;
2. Four (4) travel lanes with exterior lanes a minimum of twelve (12) feet wide and interior lanes a minimum of thirteen (13) feet wide;
3. Two (2), thirty-seven (37) foot wide roadway surfaces each include an eight (8) foot wide exterior shoulder and a four (4) foot wide interior shoulder; and
4. Separated by a sixteen (16) foot wide median.
5. Design speeds shall be between sixty (60) and seventy-five (75) miles per hour.



MINOR ARTERIAL DIVIDED
NOT TO SCALE
(UNLESS OTHERWISE SPECIFIED BY ANOTHER AGENCY WITH JURISDICTION OVER THE MINOR ARTERIAL)

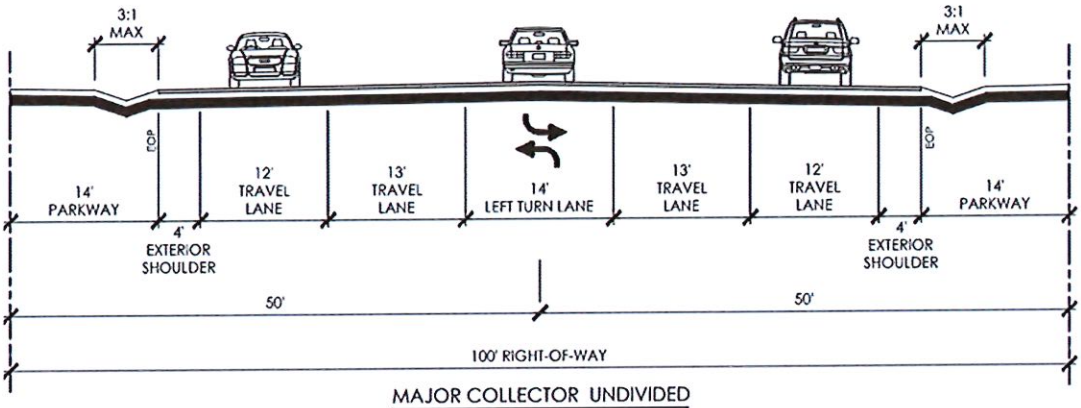
4.5.5 COLLECTOR STREETS

The following minimum design standards apply to all categories of collector streets

4.5.6 MAJOR COLLECTOR

1. Minimum right-of-way width of one hundred (100) feet, unless otherwise specified by another agency with jurisdiction over the major collector;

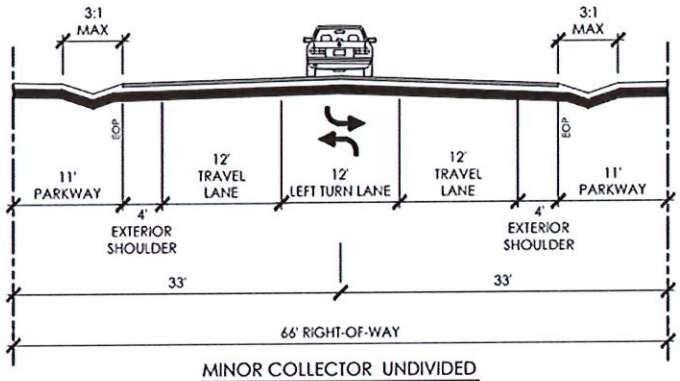
2. Four (4) travel lanes with exterior lanes a minimum of twelve (12) feet wide and interior lanes a minimum of thirteen (13) feet wide; and
3. One (1), seventy-two (72) foot wide roadway surface including four (4) foot wide shoulders and a fourteen (14) foot wide Continuous Two-Way Left-Turn Lane (CTWLTL).
4. Design speeds shall be between forty (40) and sixty (60) miles per hour.



MAJOR COLLECTOR UNDIVIDED
NOT TO SCALE
(UNLESS OTHERWISE SPECIFIED BY ANOTHER AGENCY WITH JURISDICTION OVER THE MAJOR COLLECTOR)

4.5.7 MINOR COLLECTOR

1. Minimum right-of-way width of sixty-six (66) feet, unless otherwise specified by another agency with jurisdiction over the minor collector;
2. Two (2) travel lanes each a minimum of twelve (12) feet wide; and
3. One (1), forty-four (44) foot wide roadway surface including four-foot wide shoulders and a twelve (12) foot wide CTWLTL.
4. Design speeds shall be between 40 and 60 miles per hour.



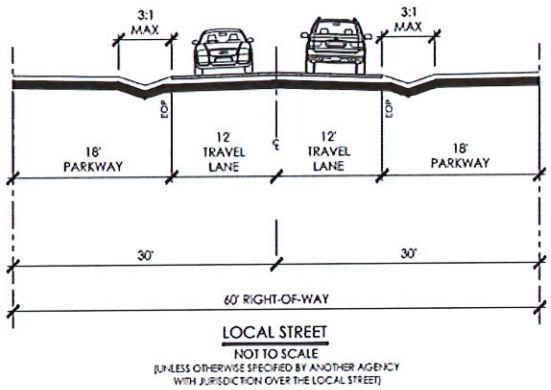
MINOR COLLECTOR UNDIVIDED
NOT TO SCALE
(UNLESS OTHERWISE SPECIFIED BY ANOTHER AGENCY WITH JURISDICTION OVER THE MINOR COLLECTOR)

4.5.8 LOCAL STREETS

The following minimum design standards apply to all categories of local streets, including residential streets.

1. Minimum right-of-way width of sixty (60) feet, unless otherwise specified by another agency with jurisdiction over the local street;

2. Two (2) travel lanes each a minimum of twelve (12) feet wide;
3. One (1), twenty-four (24) foot wide roadway surface, without shoulders; and
4. No median.
5. Design speeds shall be maximum of thirty-five (35) miles per hour.
6. Residential street speeds shall be maximum of thirty-five (35) miles per hour.



4.5.9 CUL-DE-SAC / DEAD END STREETS

1. All permanent dead-end streets or roads shall have a turnaround with a pavement radius of fifty (50') feet.
2. The maximum length for cul-de-sac streets shall be six hundred (600) feet.

4.5.10 INTERSECTIONS / LAYOUT

1. Streets or roads should be designed and constructed so as to intersect with each other at 90-degree angles.
2. No street or road shall be constructed with an abrupt offset or "jog" in it.
3. Variance to Intersection / Layouts
    1. Where compliance with this regulation is impossible, due to terrain, the subdivider may file a written petition with the Commissioners Court for a variance contemporaneously with the original submission of the plat to the Court in accordance with Section 1.10.
    2. Said petition shall state concisely why the condition of the terrain or existing man-made structures make it impossible to comply with this regulation.
    3. The Court shall rule on said petition in its order granting or denying preliminary authorization of the plat.

4.5.11 STREET STUBS

1. Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivisions shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivisions.
2. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.
3. Street stubs more than two hundred (200) feet long shall have a temporary turnaround with a right-of-way radius of fifty (50') feet.

4.5.12 TWO POINTS OF ACCESS

1. Two (2) points of access to a county or public road must be provided for any subdivision with more than ten (10) lots.

4.5.13 ACCESS MANAGEMENT

2. New streets must be located such that there is 660 ft to the nearest county road intersection.

Section 4.6 Construction Standards and Review

4.6.1 SUBGRADE

1. Preparing Right of Way
    1. All Right-of-Way preparation or clearing and grubbing shall be completed before starting the subgrade preparation.
    2. Subgrade shall be free of boulders, stumps, and other foreign matter.
2. Subgrade
    1. Tests must be made to determine the appropriate stabilizers and optimum quantities for desired results to meet road design.
    2. The subgrade shall be scarified and shaped in conformity with the typical sections and the lines and grades indicated, or as established by Midland County, by the removal of existing material or addition of approved material. All unsuitable material shall be removed and replaced with an approved material.
    3. Fills must be placed and compacted on horizontal lifts not exceeding twelve inches (12") depth to the specified density. Fill sections whose depth exceeds eight feet (8'), at any point on the cross-section, shall require a slope stability analysis or approval of Midland County.
    4. The subgrade shall be compacted by approved mechanical equipment observed by Midland County or their agency.
        a. The compacted surface shall be proof-rolled using a loaded tandem-axle dump truck or water truck of 25 tons or heavier. Passing proof-roll tests must show less than ½ inch deflection and no area pumping. County representative to be present for the test.
        b. If the subgrade fails to meet the density specified, it shall be reworked as necessary to obtain the density required at the sole expense of the contractor.

4.6.2 BASE MATERIALS

Proposed base material shall be crushed rock conforming to TxDOT Item 247, Grade 1-2 or better. The flexible base material shall be installed in four to six (4"-6") inch compacted lifts to a total final thickness as defined by the cross sections above. Additionally, the flexible base material in each lift shall be compacted to a minimum of 98 percent of the material's dry density as per ASTM D698 (Standard Proctor) with a minimum moisture content of plus or minus four (4) percent. Testing shall be completed every three hundred (300) feet – alternating lanes.

4.6.3 ASPHALT STANDARDS

1. Finished minimum asphalt thickness per the cross sections above
2. Asphalt shall be a Type D HMAC that meets TxDOT Item 341M of the said Texas Department of Transportation Standard for material and testing requirements. Testing shall be completed every three hundred (300) feet – alternating lanes.
3. The asphalt used under this item shall be specified by the County Public Works Department and Road & Bridge Department and shall meet the requirements of Item 300 (Asphalts, Oils and Emulsions) of the said Texas Department of Transportation Standard.

4.6.4 PRIME COAT SPECIFICATIONS

Prime coat shall be used per TxDOT Item 310. There are multiple materials accepted for use as Prime in the specification called "Item 300: Asphalts, Oils, and Emulsions." MC-30, AE-P, EAP&T, and PCE, are stated in the specification as acceptable. The application rate is dependent on the material used and should be sufficient to reduce dust and provide good adhesion. Too high of a rate will inhibit proper adhesion. If AE-P, EAP&T, or PCE are used, adequate penetration into the base material must also be ensured.

4.6.5 ADDITIONAL INFORMATION

1. The center line of each street in every subdivision shall have an elevation of at least one-fourth (1/4) inch per foot of width above the elevation of the edges of said street. The Commissioners Court may, in its order granting or denying preliminary authorization of a plat, permit inverted crowns for purposes of drainage, when necessitated by topography. See the Drainage Manual.
2. Every connection to the County Road system shall require a roadway access or Commercial driveway permit, to be approved by the Commissioners Court in accordance with approved standards, prior to the start of any construction or grading.

4.6.6 ROAD NAMES, SIGNS AND PAVEMENT MARKINGS

1. All roads shall be named, with prior approval for said name from Midland County. Roads must be named in a manner to avoid confusion in identification. Roads that are extensions of existing roads must carry the names of those in existence. that are not continuous, or which have 90 degree turns, shall have different names. The road names shall be displayed on standard intersection road marker signs erected by the Owner in compliance with the TxMUTCD "Street Name Signs" and at the locations as indicated on the engineering plans.
2. Traffic control signs (such as stop, yield, and speed limit signs) shall be installed by the Owner of said subdivision in compliance with the latest version of the TxMUTCD and at the locations as indicated on the approved engineering plans. Other traffic control signs, as shown on the engineering plans, shall be installed to indicate any unusual traffic or road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with latest version of the TxMUTCD and the construction cost shall be borne by the Owner.

3. A speed limit of 30 mph for local roads, 30 mph for collector roads and 45 mph for arterial roads within all platted subdivisions is hereby adopted. This limit may be changed only by Commissioners Court upon the basis of an engineering and traffic investigation showing that the prima facie maximum reasonable and prudent speed for a particular road (or part of a road) should be different.

4. The placement of a stop sign or a yield sign on the minor road at intersections shall be evaluated on a case-by-case basis in accordance with the TxMUTCD. An all-way stop sign (multi-way stop) is a traffic control device used to assign the right of way at intersections if certain traffic conditions exist and where the volumes of traffic on the intersecting roads is approximately equal. An all-way stop shall be installed only where warranted.

4.6.7 UNPAVED ROADS

If the County Commissioners grant variance from road standards or find that a particular road is not required to be paved at the standards above. A justification for the variance and a design standard provided by the developer must be approved by the Public Works Department and Commissioners Court in order to be granted this variance.

4.6.8 CURB AND GUTTER

1. A variance is required if street is designed **for** curb and gutter. Refer to Section 1.10 for the variance process.

2. Streets with curbs and gutters shall be designed as follows:

    1. Plasticity index of the sub-grade soil shall be determined by the AASHTO method of testing.

    2. When the plasticity index exceeds "20", lime shall be added to the sub-grade, which shall be stabilized to a depth of twelve (12) inches.

4.6.9 TCEQ PERMITS

Prior to construction of streets and drainage systems for the subdivision, the contractor shall obtain coverage under TCEQ construction general permit TXR150000, and submit a copy of the Notice of Intent to the Director of Public Works. Failure to comply with the construction general permit will be grounds for the County to stop work on the project until deficiencies are resolved

4.6.10 POST CONSTRUCTION

Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other construction material created by said construction must be removed and dumped at an authorized refuse and/or fill site. Construction materials shall be as those defined in the State of Texas Solid Waste Regulations. Solid waste which does not meet the definition of construction materials, nor meets the definition of a hazardous waste, shall be disposed of in a State of Texas permitted solid waste disposal site.

1. The grantee shall hold harmless Midland County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of his permit.

2. The grantee shall furnish all materials necessary for the construction of the access driveways and their appurtenances authorized by the permit. All materials shall be of satisfactory quality and shall be subject to inspection and approval of the County.

3. The County reserves the right to inspect these installation at the time of construction and at all times thereafter, and to require such changes, maintenance, and repairs as may at any time be considered necessary to provide protection of life and property on or adjacent to the roadway.

4. The cost of changes, maintenance and repairs of private and commercial driveways, islands and other access driveway appurtenances on the right of way will be the responsibility of the grantee.
5. No driveway, approach, or other improvement constructed on the right of way shall be rebuilt, relocated or its dimensions altered without a duly executed permit from the County.
6. The grantee shall not be permitted to erect any sign, either fixed or movable, on or extending over any portion of the right of way.

Article 5 - Permitting and Permits

Section 5.1 Permits and Processes For County ROW

The intent of these regulations is to assure maximum safety to the traveling public.

1. Driveways and Onsite Sanitary Sewer System Permit Applications must include Flood Permit Application, if the location of the work is within a FEMA defined flood hazard zone.
2. 911 supplied address are required for all Driveway and OSS permit applications
3. All proposed driveways shall be permitted with the County
4. All proposed roads and ROW crossings shall be permitted with the County
5. All proposed usage of county ROW shall be permitted with the County.
6. Applications for permits shall be made by the owner or lessee, who shall represent all parties in interest
7. See Department of Public Works Home Page on the Midland County website for applications, requirements, fee schedule and procedures.
8. Temporary use permits for county facilities require Commissioners Court action similar to permanent permit application construction.

Section 5.2 Driveway Permits

5.2.1 Commercial Driveway Permits

Design requirements for access driveways are as follows:

1. Locations of access driveways shall be selected to provide maximum safety for roadway traffic and for users of the driveway.
2. At any intersection of a County Road with another roadway, road or street, where additional sight distance right of way exists, no access driveway will be permitted within the frontage thereof. At any other intersection, access driveways shall be restricted for a sufficient distance from the intersection to preserve the normal and safe movement of traffic through it.
3. Radii for all access driveways shall be not less than ten (10') feet.
4. Drainage in roadway side ditches shall not be altered or impeded. When drainage structures are required, size of opening and other design features shall be indicated by an engineer.
5. The driveway shall not impede the natural flow of water in the roadway ditches.
6. The grade on the driveway shall be so constructed as to conform to the slope of the roadway shoulder from the edge of the travel way to the shoulder line and thence shall be sloped downward at approximately one quarter to one (1) inch per foot for a distance necessary to place the low point of the driveway not less than six (6) inches below the shoulder elevation. If valley gutters are used, the lowest point of the gutter shall be a minimum of at least two feet in width maintained.
7. The minimum and maximum design limits should not be considered absolute in all instances as the County may require a design between these limits in order to provide reasonable safety—depending upon type, speed, and volume—for roadway traffic and to provide for reasonable access for the grantee.

8. End treatment for driveways requiring a structure (pipe, box, paved dip, etc.) shall be designed by an engineer to be traversable by a colliding vehicle without abrupt change in speed or roll-over.
9. Link to driveway application commerical

5.2.2 RESIDENTIAL DRIVEWAYS

A private driveway is an entrance to and/or exit from a residential dwelling, farm or ranch adjacent to a County Road for the exclusive use and benefit of the grantee.

1. Cost of materials and installation of all private access driveways shall be the responsibility of the grantee.
2. The width shall not exceed twenty (20') feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.
3. The angle of the access driveway from the roadway pavement shall be ninety (90°) degrees.
4. Maintenance of all private access driveways shall be the responsibility of the grantee.
5. The Typical Access Layouts in the Driveway Standards Detail to these development regulations illustrate the various control dimensions that are to be used and the latitude permitted by these regulations.
6. Access driveways to fenced oilfield properties or other properties that will be a destination for tanker trucks, tractor-trailers and vehicles of a similar size must be designed to allow these vehicles to be off of the right of way when they stop while waiting for the gate to be opened. The driveway must be designed and built with the entrance gate offset from the ROW no less than the maximum length of vehicle plus six (6) feet (minimum of fifty-nine (59) feet) reasonable expected to utilize the driveway and gate.
7. Link to driveway application residential

Section 5.3 Right-of-Way (ROW) Use or Crossing Permit

A Right-of-Way (ROW) Permit application is required for any contractor to conduct work within Midland County's dedicated ROW. Right-of-Way (ROW) Use

https://www.co.midland.tx.us/DocumentCenter/View/4286/Application-for-ROW-Permit-PDF

or Crossing Application can be found on the Midland County Website:

https://www.co.midland.tx.us/DocumentCenter/View/263/Application-for-Road-Crossing-PDF

5.3.1 THE ROW PERMIT REQUEST WILL REQUIRE THE FOLLOWING INFORMATION:

1. Location, boundary, and type of work to be performed within the Midland County ROW.
2. Timeframe in which the work is to be completed.
3. Traffic Control Plan.
4. Name of responsible party, company name performing the work and twenty-four hour emergency contact information will be provided.
5. Additional information regarding permit:
    1. Applicant shall repair the roadway and ROW to the condition that existed prior to commencement of the work on the ROW.

2. Applicant indemnifies Midland County against all losses, damages, liabilities, expenses or cost incurred by Midland County as the result of actions, suits or proceedings resulting from the performance of any work in connection herewith as a result of the work performed by applicant or its agents, employees, contractors and subcontractors.
3. In the event it becomes necessary after the date of this agreement for the said County roadway to be widened, applicant will be responsible for all expenses and costs in connection therewith for adjusting, lowering, deepening and casing said pipeline in the County roadway.
4. In the event any of the cut sections of the identified County Road should sink or drop within a five-year period after the above mentioned repair of such section, the applicant will be responsible for all costs incurred in connection with the adjustment and repair of such damaged sections.

5.3.2 Depth of Road Bores and Use of County ROW

1. All road bores shall be placed at a depth of six (6) feet under county roads within the County ROW.
2. All proposed use of County ROW for any utility (franchise utilities or public) shall be permitted through the County. For all use of County ROW, the following schedule of depth of cover above the top of pipe shall be used.
3. All utility line bores shall be encased with a minimum of schedule 40 steel casing pipe and the casing ends shall be sealed with end caps.

Type of Pipe	Minimum Depth of Cover Above Top of Pipe
Copper	24"
Fiber	36"
Gas	36"
Power / Electric	48"
Water and Sewer	24"
Oil and Gas Production Lines	48"
Reclaimed Water	24"

5.3.3 Horizontal Locations

At the furthest possible line away from the edge of road. Plan documents including ROW conditions, previously existing underground and above ground conditions are to define the locations of the new utility. These documents shall be approved by the County and included in the permit prior to installation.

5.3.4 Method of Installation

The proposed method of installation shall be by mechanical boring. If open cut ditches are requested or required, approval shall be obtained from the County.

1. Casings at road crossings for all utilities
2. All vaults shall be of the load baring variety subject to approval by the County.

Section 5.4 Flood Plain Determinations and Permits

The owner or developer shall make application to the Midland County Floodplain Administrator for a floodplain determination prior to any construction activity on the site or at time of plat application, whichever is earlier. Owners or developers who are not subdividing property into two (2) or more parts, and thus do not require plats under the provisions of this court order, shall still make application to the Midland County Floodplain Administrator for a floodplain determination. See the Drainage Manual for requirements of the permits. Application shall be on forms supplied by the Floodplain Administrator. Floodplain application may be found on the Midland County website: https://www.co.midland.tx.us/DocumentCenter/View/4802/Floodplain-Permit-Application-PDF

Elevations

For properties within the SFHA or ARFS 1% limits and 1-foot depth or greater, the owner or developer holding the floodplain permit shall provide the elevation of the lowest floor after concrete placement and prior to framing. The lowest floor elevation shall be determined by a registered land surveyor, registered professional engineer or a registered architect. FEMA requires that the finished floor elevation be provided on the latest elevation certificate form.

5.4.1 Flood Damage Prevention Regulations

The owner or developer holding the floodplain permit shall comply with the provisions of the Midland County, Texas flood damage prevention regulations. The Midland County Revised Order Establishing Regulations for Flood Damage Prevention may be found on the Midland County website: https://www.co.midland.tx.us/DocumentCenter/View/3070/Flood-Damage-Prevention-Regs-1992--Revised-2022-PDF?bidId=

5.4.2 Depth of Cover in a Special Flood Hazard Zone

The depth of cover for buried facilities such as pipelines or utility lines in a playa or flood plain is three (3) feet. For buried facilities in the floodway, the depth is six (6) feet.

Section 5.5 On-Site Sewer Facilities

If private sanitary sewage disposal is proposed, i.e. a septic tank or other treatment system serving one or more lots that is not part of a publicly-owned treatment works, the owner or developer shall install the sewage disposal system in accordance with the rules and regulations of the State Health Department, the local health authority and Midland County's regulations for flood damage prevention. The sewage disposal system shall not be placed in use until the local health authority has inspected the installation and approved the system for operation.

Midland County On-Site Sewer Facilities application may be found on the Midland County Website: https://www.co.midland.tx.us/DocumentCenter/View/3071/Septic-Permit-Application

Section 5.6 Overhead Electrical Pole Setting Permit

A permit is required prior to the setting of electrical poles for any purpose within the Midland County Right-of-Way. The Pole Setting Application may be found on the Midland County website: https://www.co.midland.tx.us/DocumentCenter/View/4433/Permit-to-Set-Poles-PDF

Section 5.7 Other State and Federal Regulations

Developer is responsible for compliance with all applicable state and federal regulations, including but not limited to endangered species act, US Army Corps of Engineers Section 404 wetland requirements, and archeological and historical site preservation.

Article 6 - Vacation of Right-of-Way and Easements

Section 6.1 Application

An application form, as shown in Vacate Right-of-Way (ROW) Application to these regulations, will be required to initiate a request for any vacation. This form must be filled out and signed by the person(s) requesting the vacation, or their authorized agent.

Section 6.2 Right-of-Way Vacation

6.2.1 Vacation Process

1. Right-of-Way Vacation (for any right-of-way in Midland County which is outside an incorporated area). The person making a request for right-of-way vacation shall submit a letter to the Commissioner of the Precinct in which the right-of-way is located, with a copy to the Public Works Department. The letter should state the reason for the request. The following documents shall be attached to the letter:

    1. Approval or concurrence with the request by all adjacent and abutting property owners.
    2. Letter from all utility companies (electric, telephone, cable, water and wastewater, natural gas, etc.) serving the area stating they have no need for the right-of-way requested for vacation for the installation of utilities or a sketch and field notes on any required easement to remain for utilities.
    3. Sketch and field notes on the right-of-way to be vacated.
    4. If the right-of-way to be vacated was dedicated by a plat approved by the City of Midland or the City of Odessa under their extra-territorial jurisdiction authority, then attach letters from the City of Midland or the City of Odessa, as applicable, concurring with the vacation request.

6.2.2 Agenda

The request for vacation will be placed on the agenda for consideration by the County Commissioners Court for the earliest practicable regular Commissioners Court meeting following the receipt of all documents in the Public Works Department.

6.2.3 Public Hearing

If the request is considered favorably by the Commissioners Court, a public hearing will be scheduled for Commissioners Court on a date no earlier than the second Monday of a month following the third Monday of the previous month. This will allow time for posting notices in the Courthouse and in the local newspaper for a minimum period of three (3) weeks and for the public hearing to be held on a Regular Session (second Monday or fourth Monday of the month) as required by Texas law. Following the public hearing, the Commissioners Court may take action on the request on the same date.

Section 6.3 Drainage Easement Vacation

6.3.1 Drainage Easement Vacation Oustide Incorporated Area

The person(s) making a request for a drainage way vacation shall submit a letter to the Commissioner of the Precinct in which the drainage easement is located with a copy to the Public Works Department. The letter should state the reason for the request. The following documents shall be attached to the letter:

1. If the drainage easement is also a public utility easement and that public utility easement is outside the extra-territorial jurisdiction of the City of Midland or the City of Odessa, then attach letters from all utility

companies (electric, telephone, cable, water and wastewater, natural gas, etc.) serving the area stating they have no need for the public utility easement which has been requested for vacation.

2. If the drainage easement is also a public easement and is within the extra-territorial jurisdiction of the City of Midland or the City of Odessa, then the public utility easement must be vacated by the applicable City prior to vacation of the drainage easement by Midland County.

3. Sketch and field notes on the easement to be vacated.

4. The request for drainage easement vacation will be investigated and a recommendation made by the Midland County Public Works Director prior to the Public Hearing. The County may require the person(s) making request for vacation to perform a drainage study to prove that vacation of the drainage easement will not result in detrimental drainage conditions.

6.3.2 AGENDA

The request for vacation will be placed on the agenda for consideration by the County Commissioners Court for the earliest practicable regular Commissioners Court meeting following the receipt of all documents in the County Road Department.

6.3.3 PUBLIC HEARING

If the request is considered favorably by the Commissioners Court, a public hearing will be scheduled for Commissioners Court on a date no earlier than the second Monday of a month following the third Monday of the previous month. This will allow time for posting notices in the Courthouse and in local newspaper for a minimum period of three (3) weeks and for the public hearing to be held on a Regular Session (second Monday of fourth Monday of the month) as required by Texas law. Following the public hearing, the Commissioners Court may take action on the request on the same date.

Section 6.4 Vacation Request for Other than Right-of-Way and Drainage

1. Vacation requests for public utility easements outside the extra-territorial jurisdiction of the City of Midland or the City of Odessa will be processed by Midland County through the Commissioners Court only if these public utility easements were established by a plat approved by the Commissioners Court of Midland County. The procedure shall be as stated for public utility easements on the drainage easement vacation procedure, Section 6.3.

2. Vacation requests for an entire plat or a portion of a plat will follow the procedure for drainage easement vacation except Section 6.3.3.D (reference to a drainage study) shall be omitted. Road rights-of-way on a plat or portion of a plat for vacation may require vacation by separate action under right-of-way vacation procedure.

3. Vacation requests for public utility easements inside the extra-territorial jurisdiction of the City of Midland or the City of Odessa will be referred to the appropriate City. County jurisdiction may also apply.

4. Vacation requests for private access easements outside the extra-territorial jurisdiction of the City of Midland or the City of Odessa must be negotiated between the grantee and grantor of such easements, or their heirs, successors or assigns.

5. Vacation requests for private streets or for reserves must be made to the property owner.

Section 6.5 Right of Way and Easement Vacation Form

Midland County Vacate Right-of-Way / Public Utility Easement /Land / Street Application may be found on the County website: https://www.co.midland.tx.us/DocumentCenter/View/4505/Vacate-ROW-Application-PDF

Article 7 - Water Regulations

Section 7.1 Water in General

In any area of the County that potable water is supplied or eligible to be supplied by a Potable Water Supplier, each subdivision shall contain and each developer shall provide, construct and install all water lines, to insure access to water for each lot unless a variance is obtained by the Midland County Commissioners Court that the Potable Water Supplier has agreed to supply, and has the ability to supply, potable water to all lots located within the subdivision.

7.1.1 Compliance with Texas Health Code

Developers shall comply with Chapter 341 of the Texas Health Code.

7.1.2 Water Quality, System Design, Construction and Operation

Where drinking water is to be supplied to a subdivision from a central system, the water quality and system design, construction, and operation shall meet the minimum criteria set forth in 25 TAC Section 337.201-337.212, and 25 TAC 337.1-337.18.

7.1.3 Intended Water Supply for Subdivision is Groundwater

1. A plat application for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land must have attached to it a statement that:
    1. Is prepared by an engineer licensed to practice in the State of Texas or a geoscientist licensed to practice in the State of Texas; and,
    2. Certifies that adequate groundwater is available for the subdivision.
2. The Commissioners Court of Midland County may waive the requirement prescribed above in Subsection A, if
    1. Based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, Midland County or appropriate municipal authority determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land and,
    2. The proposed subdivision divides the tract into not more than ten (10) parts.
3. The property subject to the above waiver must comply with the requirements of Subsection A if:
    1. The tract is subsequently divided in a manner that results in the original tract being subdivided into more than ten (10) parts; or,
    2. The Commissioners Court of Midland County determines that the proposed subdivisions is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

7.1.4 Connection to Existing System

Developers who proposed to supply drinking water by connecting to an existing central system must provide a written agreement with the public Midland County Subdivision Regulations water supplier. The agreement must accommodate the total flow anticipated from the ultimate development and occupancy of the proposed subdivision.

7.1.5 TRANSPORTATION POTABLE WATER

Transportation or conveyance of potable water by transport truck or other mobile device to supply domestic needs of the subdivision is not acceptable except in the case of emergency. NOTE: Absence of a water system meeting the standards of these Regulations due to the negligence of the developer does not constitute an emergency.

7.1.6 EXISTING WATER SUPPLY

Where water supplies are to be provided by an existing political subdivision of the state, including a city, municipal utility district, water control and improvement district, nonprofit water supply corporation, special utility district, or an existing investor-owned water supply corporation, the developer shall furnish a certificate of convenience and necessity.

7.1.7 APPROVAL OF PLANS

Before final approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project.

7.1.8 ENGINEERING REPORT

If well water is proposed to be the source of water supply for the subdivision, the final engineering report shall include a well water availability study which shall include comments regarding the long term (30 years) quantity and quality of the available well water supplies relative to the ultimate needs of the subdivision.

7.1.9 TCEQ APPROVAL REQUIRED

In any area not controlled by an approved rural water supplier, developer shall provide written approval from the Texas Commission on Environmental Quality (TCEQ) for the quantity and quality of water to be provided to the proposed subdivision prior to submittal of the Plat.

Article 8 - Bonding Procedures

A performance bond furnished to guarantee maintenance of improvements within a subdivision may be offered by the subdivider of land and accepted at the discretion of the Commissioners Court.

Section 8.1 Construction Timing

The developer shall complete all construction of improvements within two (2) years after approval of Plat. The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond for the proper construction of the streets and roads in all subdivisions. Such bond may be either a performance bond executed by a surety company authorized to do business in the State of Texas or an irrevocable letter of credit from an acceptable Texas bank.

Section 8.2 Payable

Such performance bond or letter of credit shall be made payable to "County Judge or His Successors in Office," conditioned that the owner or owners of any such tract of land to be subdivided will complete all roads and streets and other required construction within such subdivision in accordance with these Regulations.

Section 8.3 Bond Amount

The performance bond or letter of credit shall be in an amount equal to one hundred twenty five (125%) percent of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structures, and all other associated construction improvements based on certified developers/engineers estimated cost.

Section 8.4 Approval

The performance bond or letter of credit, in the amount as established in Section 8.3 herein, shall be presented to the Commissioners Court when the subdivision plat and plans are presented to the Court for final approval. The County Attorney must have approved, in writing, of the form of said bond or letter of credit prior to the date of submission to the Commissioners Court. No subdivision plat or plans can receive final authorization without being accompanied by a performance bond or letter of credit meeting the requirements of this Article.

Section 8.5 Date of Effect

The performance bond or letter of credit shall go into effect on the day the subdivision plat and plans receive final authorization and shall remain in full force, and in effect, until all roads, streets, street signs, underground utilities, required drainage structures, and all other associated construction improvements in the subdivision have been completed to the satisfaction of the Midland County Commissioners Court, and the construction has been released by the County Judge on the recommendation of Commissioners Court.

If any or all of the streets, roads, drainage and drainage structures, as constructed by owner, fail to meet the requirements of these Regulations and the developer fails or refuses to correct the defect within sixty (60) days, from the date the Commissioner with precinct jurisdiction issues notice, in writing, the unfinished improvements shall be completed at the cost and expense of the oblige or surety/financial securities as provided.

Section 8.6 Acceptance of Improvements

When all streets and roads in a subdivision have been constructed in compliance with these Regulations, and the owner or owners of such tract desire that Midland County accept the dedication of such roads for public use and maintenance, the owner or owners shall give written notice of this fact to the Commissioners Court by giving said notice to the County Judge.

Section 8.7 Certification of Dedication

Application for certification and acceptance of dedication of streets and roads in a subdivision will not be considered by the Commissioners Court prior to the expiration of twelve (12) calendar months from the date of final authorization of a subdivision hereunder or the sale of sixty per cent (60%) of the individual lots or parcels contained in the subdivision, whichever event occurs first in time.

Section 8.8 Issuance of Order

Within thirty (30) days of the receipt of said notice by the County Judge, if the provisions of Section 8.7 of these Regulations have been met, the Commissioners Court shall pass an order granting or denying certification that the streets and roads in said subdivisions have been constructed in compliance with these Regulations and accepting or refusing to accept any dedication of such streets and roads for public use and maintenance. An order denying such certification and acceptance shall be based on substantial evidence. The failure to pass such an order shall be deemed as certification of the streets and roads hereunder and acceptance of any dedication of such streets and roads for public use and maintenance. Midland County will not accept dedications of, nor maintain, alleys.

Section 8.9 Denial of Certification

In the event said certification is denied, the performance bond or letter of credit posted by the owner or owners of the subdivision land shall immediately be forfeited in favor of Midland County. The County Treasurer is hereby directed to collect all sums owned on such forfeited bonds or letters of credit and to deposit said sums into the County Treasury.

Section 8.10 Maintenance Bond

To insure roads, streets, street signs, underground utilities, required drainage structures, and all other construction is maintained to the satisfaction of Midland County, a maintenance bond executed by a surety company authorized to do business in the State of Texas, and made payable to the County Judge of Midland County, Texas or his successors in office, shall be substituted for the construction bond at the time of release of said construction bond.

The maintenance bond amount shall be equal to actual cost, or 10% of the estimated cost as defined by Section 8.3, of the roads, streets, street signs, required drainage structures, and all other construction.

The conditions of the maintenance bond shall stipulate that the developer shall guarantee to maintain, to the satisfaction of Midland County, all of the streets, roads, drainage structures, and drainage ditches and channels which have been constructed to specifications with construction in a good state of repair for a period of one (1) year from the date of official release of the construction security. Construction security will be released by the County Judge on recommendation of the Commissioners Court.

The developer shall retain an engineer of the county's choosing, licensed by the State of Texas, to perform annual inspections of roads, streets, street signs, underground utilities, drainage structures, and all other construction for which maintenance security is held. These inspections shall contain the seal and signature of the engineer responsible for the inspection, and be filed with the County Clerk of Midland County, Texas.

In the event any or all of the roads, streets, street signs, underground utilities, drainage structures, and all other construction improvements are not being maintained in a good state of repair, the engineer performing the inspection shall advise both the developer and the Midland County Judge in writing and, if, after ninety (90) days, the developer fails or refuses to repair said items, the deficiencies shall be corrected at the cost and expense of the obligee or financial security.

Article 9 - Absentee HOA and Receivership

This Article is intended for the extremely rare occurrence of a failed Home Owners Association. This provision provides for Midland County to temporarily appoint a Receiver with the full powers of the HOA board until the Home Owners Association can adequately execute its responsibility under the Covenants, Conditions, and Restrictions.

Section 9.1 Absentee HOA

In the event, the HOA ceases to enforce the covenants, conditions, and restrictions or fails to maintain the infrastructure to the point, it creates public nuisance and/or reasonable safety concerns. The HOA may be declared an Absentee HOA by Midland County via an action from the Commissioners Court.

Section 9.2 Receivership Appointment

Upon declaring the HOA to be an Absentee HOA, the Midland County Commissioner Court will appoint a receiver to execute the duties of the HOA. The Receiver's fees shall be reimbursable to the County by the HOA.

Section 9.3 Receivers Duties and Authorities

The Receiver shall have the same powers as the HOA board and will work to apply the CC&R's, repair the infrastructure, and reestablish the proper function of the HOA.

Section 9.4 HOA's Ability to Contest

If the HOA be declared an Absentee HOA by the Commissioners Court this action is final and binding according to Article 9.6 Higher Authority.

Section 9.5 Restatement of HOA Authority

Once the HOA board has been reestablished and functioning, it shall request that the Commissioners Court remove the Receiver and reestablish the HOA governance. This restatement of HOA governance shall be at the sole discretion of the Commissioner Court.

Introduced, read and passed by the affirmative vote of the Commissioners Court of Midland County, Texas.

SIGNED: Terry Johnson, County Judge

ATTEST: Alison Haley, County Clerk
by Ana Almeida