227076

CORYELL COUNTY ORDINANCE - 2009-1

CORYELL COUNTY

SUBDIVISION REGULATIONS

Approved and Adopted
by the
Coryell County Commissioners' Court

APRIL 20, 2009, *2009*

John E. Fitt

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CORYELL COUNTY, TEXAS
SUBDIVISION REGULATIONS

REGULATING THE FILING FOR RECORD OF SUBDIVISION PLATS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL SUBDIVISIONS SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED CITY IN CORYELL COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF CORYELL, IN COMMISSIONERS' COURT OF CORYELL COUNTY, TEXAS.

Whereas, Coryell County has established standards and specifications for construction of roads and drainage, private sewage facilities and development within the flood plain, and

Whereas, Chapters 232 and 233, Texas Local Government Code, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment, and

Whereas, the Commissioners' Court, empowered with the authority to formulate such rules and regulations by Chapter 232, and the Commissioners' Court has favorably received and voted on these rules, recommended these regulations adopted.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF CORYELL COUNTY, TEXAS, AS FOLLOWS:

GENERAL PROVISIONS

Every owner (hereinafter called "sub-divider") of any tract of land situated outside of the corporate limits of any city in Coryell County, Texas, who may hereafter divide the same in two (2) or more parts for laying out lots or for the purpose of laying out streets, alleys, or parks, or other portions intended for public use 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 of all lots, streets, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots.

Said map or plat shall be prepared in compliance with this ordinance and with the subdivision statutes of the State of Texas and shall be submitted to the Commissioners' Court for approval prior to filing with the County Clerk.

A division of a tract includes any division, regardless of whether it is made 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.

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AREAS WITHIN ETJ OF MUNICIPALITY

In areas within the Extraterritorial Jurisdiction of the City of Copperas Cove and the City of Gatesville, the municipality and the county have entered into an interlocal agreement that establishes the city hall as the one office that is authorized to accept plat applications for tracts of land located in the extraterritorial jurisdiction of each of these cities, to collect municipal and county plat application fees in a lump-sum amount, and to provide applicants one response indicating approval or denial of the plat application.

Pursuant to the interlocal agreements with the City of Copperas Cove and the City of Gatesville, any sub-divider filing a plat, preliminary and/or final, with the city hall involving an area in the ETJ of the city shall, within three (3) days, deliver a courtesy copy of said plat to the Coryell County Attorney's Office. This is to insure the Coryell County Commissioner's Court has an opportunity to have input on any affect that the plat may have on other areas of the county.

RE-PLATS

In the event that the proposed development is a re-subdivision or re-plat of a recorded subdivision, the Sub-divider will be required to meet the requirements of this Ordinance for re-subdivisions (Please see page 13), as well as these specifications. An existing subdivision plat may be vacated by the owners thereof in conformance with this Ordinance and upon approval by the Commissioners' Court.

It shall be unlawful for any individual to cause to be recorded any such plat, vacating plat or re-plat, unless and until the same shall have been approved by the Commissioners' Court.

NO SEPTIC PERMITS UNTIL FINAL PLAT

No permit shall be issued by Coryell County for the installation of septic systems on any lot in a subdivision for which a final plat has not been approved and filed for record, or on any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

COUNTY ASSUMPTION OF MAINTENANCE OF ROADS

Coryell County shall not repair, maintain, install or provide any streets or roads in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall Coryell County repair, maintain, or install any streets or roads until such time as the roads or streets have been accepted by the Commissioners' Court.

LEGAL PROVISIONS

ENFORCEMENT

It shall be unlawful for any lots in a subdivision to be sold prior to the approval of the final plat by the Commissioners' Court.

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On behalf of Coryell County, the County Attorney or other attorney may, when directed by the Commissioners' Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Order or the standards referred to herein with respect to any violation which occurs within Coryell County's jurisdiction.

In addition to any other remedy provided by law, the County and its officers have the right to enjoin any violation of this Order by any lawful procedure.

Conflicting Orders. If any other County Order is in conflict with this Order, the most stringent rules will apply. Nothing will be permitted under the provisions of this Order that is in violation of another valid Order of the County.

Severability Clause. If any provisions of this Order or the application thereof to any person or circumstance is held invalid the remainder of the Order and the application of such provision to their persons or circumstances shall not be affected thereby.

Penalty for Violation. The Commissioners' Court of Coryell County, Texas, will cause an employee of the Court or any other person or persons it so designates to review periodically those deeds or sales contracts being recorded in the County Clerk's Office to see that any subdivisions affected thereby shall comply with requirements of Chapters 232 and 233 of the Texas Local Government Code and this Order.

If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in this Order and in the State Statutes, the Commissioners' Court of Coryell County, Texas, or its representative can so notify the party selling or transferring title in whole or in part to comply with the said requirements.

In the event the said notified party refuses to comply with the requirements of the State Statutes and this Order, the Commissioners' Court can take appropriate action to obtain compliance. Any party violating any provisions of this Order, adopted pursuant to Chapter 232 of the Local Government Code, shall be guilty of a Class B misdemeanor and each act of the violation shall constitute a separate offense. A Class B Misdemeanor is punishable by a fine not to exceed $2,000, a term in the County Jail not to exceed 6 months, or a combination of fine and jail.

VARIANCE

In approving a variance, the Commissioners' Court shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the Commissioners' Court shall take into account the nature of the proposed use of the land involved and existing uses of the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commissioners' Court finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of this Order would deprive the applicant of the reasonable use of his land; and
2. That the granting of the variance will not be detrimental to the public health, safety, or

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welfare, or injurious to other property in the area; and

3. 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 Order.

Such findings of the Commissioners' Court, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general intent of this Order so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone shall not be deemed to constitute hardship. No variance shall be granted as to required improvements.

BOND REQUIREMENTS

The Sub-divider shall cause the execution of a bond to take place prior to the subdivision of the tract unless an alternative financial guarantee is provided. The bond must:

1. Be payable to the County Judge of Coryell County.
2. Be in the amount determined by the Commissioners' Court to be adequate to ensure proper construction of the roads and streets in the subdivision.
3. Be executed with sureties as may be approved by the Court.
4. Be conditioned that:
    a. the sub-divider will construct any roads, streets, and drainage requirements in accordance with the specifications adopted by the Court, and
    b. within a reasonable time as set by the Court.

In lieu of the bond, a sub-divider may deposit cash, a letter of credit issued by a federally insured financial institution or other acceptable financial guarantee. If a letter of credit is used, it must:

1. List as the sole beneficiary the County Judge of Coryell County.
2. Be conditioned that:
    a. the sub-divider will construct any roads, streets, and drainage requirements in accordance with the specifications adopted by the Court, and
    b. within a reasonable time as set by the Court.

REASONABLE TIME

At the time a preliminary plat is approved by the Court, the Court shall set a reasonable amount of time after the approval of the Final Plat that the sub-divider shall cause to have placed on the face of the bond, within which all roads and streets shall be completed.

RELEASE OF BOND

To be released from the obligation to maintain a bond herein, a sub-divider must appear before the Commissioner's Court and obtain an Order of the Court stating that all of the roads and streets and drainage in the subdivisions have been constructed in accordance with the

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specifications adopted by the court within a reasonable time set by the Court.

EXCLUDED TRANSACTIONS

The following types of transaction will not be considered a subdivision as defined in this ordinance; however, this list is not to be considered exclusive of similar transactions and is in addition to the general rules set out in this ordinance, to-wit:

1. An owner who divides the tract into two or more parts, if the owner does not lay out a part of the tract for the purpose of streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and

(a) the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution, (If a tract described ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.), or

(b) the owner divides the tract into four or fewer parts, if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, (If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.), or

(c) all the lots are sold to veterans through the Veterans' Land Board program, or

(d) the land belongs to the state or any state agency, board, or commission or is owned by the permanent school fund or any other dedicated funds of the state, or

(e) all of the lots of the subdivision are more than 10 acres in area, or

(f) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this ordinance, or

(g) all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract, or

(h) all of the lots of the subdivision are created as the result of a court ordered partition, or

(i) partitions between a husband and wife, partners, stockholders of a corporation, and other types of joint tenants.

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2. The division of a tract into two or more parts if:

   (a) the owner of the land is a political subdivision of the state;

   (b) the land is situated in a floodplain: and

   (c) the lots are sold to adjoining landowners.

3. Boundary line transactions.

4. Transfer of rights-of-way or easements.

PLATTING PROCEDURES

The following procedures shall be followed in the process of review and approval of all subdivision plats by Coryell County Commissioners' Court.

Subdivision plats shall be submitted to the Commissioners' Court for review and approval on two (2) readings before they may be recorded with the County Clerk.

All subdivisions shall be submitted for Second Reading (Record Plat) within one (1) year after the date of the First Reading (Preliminary Plat) approval.

SUBMISSIONS AND COPIES

All submissions of information required herein shall be made a minimum of thirty (30) calendar days prior to the date of the Commissioners' Court meeting at which action is being requested. The information will be deemed to have been submitted when it is delivered to the Office of the Coryell County Attorney. Ten (10) copies of the plat and one (1) copy of all other required information shall be submitted, along with one electronic copy of the plat(.tif format preferred, or auto cad if .tif not available).

LETTER OF TRANSMITTAL

All submissions shall be accompanied by a Letter of Transmittal which shall include the name, address, and telephone number of the person who will be representing the request before the Commissioners' Court and stating what action is being requested.

MEETING WITH PRECINCT COMMISSIONER

It shall be required that the Sub-divider meet with the Commissioner in whose precinct the proposed subdivision is located prior to the Commissioners' Court meeting to review the plat. The request for said meeting shall be made of the commissioner a minimum of thirty (30) days prior to the Commissioners' Court meeting at which action is being requested.

APPROVAL OF COUNTY DESIGNATED REPRESENTATIVE (DR) FOR ON-SITE SEWAGE FACILITIES (OSSF)

The plan for sewage (waste water) disposal shall be shown on the preliminary and final plat. After approval of the Preliminary Plat, if the developer intends that each lot is to be serviced by an OSSF, a copy of a Site Evaluation Letter prepared by a licensed OSSF site evaluator shall be provided to the County's DR. The County's DR shall review the Site Evaluation Letter. If the Site Evaluation Letter meets with the DR's approval, the DR shall sign the final plat approving the proposed sewage disposal plan outlined in the Site Evaluation Letter. The Site Evaluation Letter shall be submitted with the final plat to the Commissioners' Court. No final plat shall be accepted until the County's DR has approved the sewage disposal plan.

PUBLIC WATER SYSTEMS

Where water is to be provided by a public water supply, certification shall be provided by the service area entity (water supply district) that the proposed water supply and distribution system is adequate to provide water in sufficient quality, quantity, and pressure to serve the proposed subdivision. The certification may be by separate instrument, but may be noted on the plat if signed by the servicing entity.

USE OF GROUNDWATER

If a plat is submitted for a subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the final plat application must include a statement that is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state that certifies that adequate groundwater is available for the subdivision.

All such Groundwater Availability and Usability Statements and Certifications, must comply with, and be in the form set out in, T.A.C. Title 30, Part 1, Chapter 230, and providing the following information:

1. the estimated drawdown of the aquifer at the pumped well(s) over a ten-year period and over a 30-year period;

2. the estimated drawdown of the aquifer at the subdivision boundary over a ten-year period and over a 30-year period;

3. the estimated distance from the pumped well(s) to the outer edges of the cone(s)-of-depression over a ten-year period and over a 30-year period;

4. the recommended minimum spacing limit between wells and the recommended well yield; and

5. the sufficiency of available groundwater quality to meet the intended use of the platted subdivision.

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PRELIMINARY PLAT
(First Reading)

The Sub-divider shall cause to have prepared a Preliminary Plat of the proposed development which shall show (See Checklist, Appendix A).

1. Typical lot dimensions,

2. Street right-of-way widths,

3. Areas for recreational use, such as parks or green belts,

4. Proposed land use of all lots being subdivided,

5. Provide volume, page, reference and names of all owners of the property surrounding the proposed subdivision,

6. Land use of all contiguous tracts, i.e., undeveloped, subdivided, etc,

7. All major topographic features such as river, creeks, bluffs, etc., on or adjacent to the property as well as elevation contours at no greater than ten (10) foot intervals.

8. Areas of Special Flood Hazard as shown by the current Flood Hazard Boundary Maps as authorized by FEMA. In cases where no maps exist, contact the Coryell County Flood Plain Administrator. Each tract shall be inspected and flood plain determination made on its own merits,

9. Master Development Plan. (If subdivision is portion of a larger tract of land, exterior boundary of the parent tract shall be shown on the Preliminary Plat and future plans for the remaining property noted. If the parent tract is larger than 320 acres, the Preliminary Plat may be prepared at a scale no smaller than one inch (1") equal to one thousand feet (1,000') with the area proposed to be subdivided detailed at a scale no smaller than one inch (1") equals two hundred feet (200'),

10. North arrow,

11. Location map showing the location of the proposed subdivision in relation to major roads, towns, cities, and topographic features,

12. Name and address of the owner of the property, plus volume & page reference,

13. Name and address of developer,

14. Total acreage within the proposed subdivision,

15. Total number of lots,

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16. Total area within road right-of-ways and length of roads,

17. Statement as to the jurisdiction with responsibility for the maintenance of roads within the subdivision,

18. Name of proposed subdivision: Said name shall not conflict in spelling, pronunciation, or in any other way with the name of any other subdivision within Coryell County, unless the proposed subdivision is contiguous to an existing subdivision and is an additional phase of that development,

19. Names of roadways: Said names shall not duplicate any other streets within Coryell County unless they are extensions of said streets, and comply with requirements of 9-1-1 addressing regulations, and

20. Location of all wells, water, oil and natural gas, where applicable, and a statement that all unused wells are capped or plugged.

PRELIMINARY PLAT FEES

A Preliminary Plat Review Fee of One Hundred Twenty Five Dollars ($125.00) per plat, plus Five Dollars ($5.00) per lot shall be paid at the time of submission of the Preliminary Plat to the County Clerk. Additional fees include the Records Preservation Fee of Five dollars ($5.00) per plat and the Courthouse Security Fee of One Dollar ($1.00) per plat also payable at the time of submission of the Preliminary Plat.

RECORD PLAT
(Second Reading)

Upon approval of the Preliminary Plat, the Sub-divider shall revise the plat in accordance with the requirements and recommendations of the Commissioners' Court and shall cause to be prepared a final plat of the proposed subdivision, an original and ten (10) copies of which shall be supplied to the County Attorney's Office for distribution, such plat having incorporated any changes. The Final Plat shall contain all information required herein for the Preliminary Plat as well as the following: (See Checklist, Appendix B)

1. All information required for the Preliminary Plat,

2. Name of proposed subdivision,

3. Lot and block numbers,

4. Proposed street names which shall not duplicate the name of any existing street unless the proposed street is an extension thereof. Street names shall be pre-approved by the 9-1-1 coordinator. Location of street addresses will be furnished by Coryell County in accordance with 9-1-1 regulations,

5. Acreage, to two decimal points, of all lots and tracts

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6. Name and address of the surveyor and/or engineer,

7. Location and size of all proposed drainage structures, including capacities of the structure for carrying or detaining stormwater,

8. Location, size, and proposed use of all easements required for the proper drainage and/or utility service,

9. Boundaries of incorporated city limits and/or ETJ's and a statement that "This property is/is not located within the municipal limits or ETJ boundaries of any community,"

10. Statement of how utilities will be provided to the development, including names of utility companies, i.e., water, sewer, power, etc. If not available, a statement so indicating shall be placed on the plat,

11. Description of monument used to mark all boundary, lot and block corners, and all points of curvature and tangency on street right-of-ways,

12. Acknowledgment and certificate of dedication by the owner (See Appendix C),

13. Certificate of road maintenance (see Appendix H),

14. Certificate of County approval (See Appendix I),

15. Certificate of recording (See Appendix D),

16. Water supply certification (See Appendix E),

17. Certificate of County Designated Representative on OSSF's (See Appendix K),

18. Certificate of surveyor (See Appendix F), and

19. Certificate of engineer (attendance may be required) (See Appendix G).

Additional information required to be submitted with the Final Plat:

1. Proposed restrictive covenants, if any,

2. Tax certificate showing all taxes are currently paid on the property to be subdivided,

3. In the event the sub-divider proposes to use privately maintained roads, the proposed Articles of Incorporation and By-laws of the Homeowner's Association or other entity responsible for road maintenance.

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4. Construction plans of all required streets and drainage improvement, including construction plans for tying into any currently existing County or State roadway,

5. A Bond to secure performance on construction of all improvements, as specified herein,

6. A receipt from the Clerk`s Office showing the Preliminary Plat fees have been paid, and

7. A sign-off from Texas Department of Transportation (TXDOT) to approve road access if required.

8. A copy of the Warranty Deed in the name of the applicant.

9. A Corporate resolution approving plat application, if the property is owned by a corporation.

RECORD PLAT FEES

A sub-divider shall be prepared to tender to the County Clerk the filing fee of Thirty Six Dollars ($36.00) to file the Final Plat in the Deed Records of Coryell County, upon approval of the Commissioners' Court. No Final Plat shall be approved by the Commissioners' Court until such tender is presented.

AMENDMENT TO EXISTING PLAT / RE-PLAT

The Owner of an existing lot or lots in a platted subdivision may submit an application to re-subdivide or amend the existing plat by submitting the following to the Coryell County Commissioners' Court:

(1) Amendment to Plat Application(Meeting the requirements fro a Record Plat herein),

(2) the filing fee, and

(3) a new lot number designation, or other re-plat designation.

The Commissioner in whose precinct the property is located shall have a review period of seven (7) days prior to Commissioners' Court action.

The Commissioners' Court may approve the Amendment to Plat or Re-Plat upon a finding that the Amendment to Plat or Re-Plat conforms to the requirements of these Regulations.

Pursuant to Texas Local Government Code § 232.011, "Amending Plat," the commissioners court may, without notice, a hearing, or the approval of other lot owners, approve the filing, recording, or approval of an amending plat and issue an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes:

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(1) to correct an error in a course or distance shown on the preceding plat;

(2) to add a course or distance that was omitted on the preceding plat;

(3) to correct an error in a real property description shown on the preceding plat;

(4) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(5) to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or

(6) to correct an error in courses and distances of lot lines between two adjacent lots if:

(A) both lot owners join in the application for amending the plat;
(B) neither lot is abolished;
(C) the amendment does not attempt to remove recorded covenants or restrictions; and
(D) the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

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

AMENDMENT TO PLAT / RE-PLAT FEES

A Plat Review Fee for an amendment or re-plat of Fifty Dollars ($50.00) per plat shall be paid at the time of submission of the amendment or re-plat to the County Clerk. Additional fees include the Records Preservation Fee of Five dollars ($5.00) per plat and the Courthouse Security Fee of One Dollar ($1.00) per plat also payable at the time of submission of the Plat.

DESIGN STANDARDS

The following criteria shall be deemed the minimum standard by which subdivisions in Coryell County shall be designed.

LOTS

The size, width, depth, shape, and orientation of lots shall be appropriate for the area of the County in which the subdivision is located, and for the type of development and use contemplated.

Minimum lot dimensions shall conform to the following conditions:

1. When the lot or tract shall contain both an on-site sewage facility and a private water well, the minimum lot size shall be ONE (1) ACRE.

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2. When the lot or tract shall contain an on-site sewage facility and be served by a public water supply, the minimum lot size shall be ONE-HALF (1/2) ACRE.

3. When the lot or tract shall be connected to a community sewage system and be served by a private water well, the minimum lot size shall be ONE-HALF (1/2) ACRE.

4. When the lot will have community water and sewage systems, the area of the lot shall be at least ONE-HALF (1/2) ACRE.

All size requirements shall be exclusive of easements and/or roadways.

NUMBER OF DWELLINGS PER LOT

When lots are less than five (5) acres in size, no more than one (1) single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat when applicable. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision when applicable. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

RESTRICTION ON BUILDING IN THE FLOODPLAIN

Pursuant to the Flood Control Insurance Act, Texas Water Code, Section 16.315, Coryell County has adopted an ordinance governing construction in the flood plain, as shown by the current Flood Hazard Boundary Maps as authorized by FEMA. Any plat presented that contains area within the flood plain, shall note on the face of the plat that there are restrictions on construction in any area designated as being in the flood plain.

For those subdivisions in which special flood hazard areas are identified, the placement of an elevation benchmark with the location, description, and elevation of the benchmark is required to be identified on the face of the plat. The elevation of this benchmark shall be tied into a benchmark shown on the FIRM panel. All subdivision designs shall adhere to the current Coryell County ordinance governing construction in the flood plain.

SETBACK LINES

Building setbacks from roads and right-of-ways shall be a minimum of twenty five (25) feet, setbacks from adjacent property lines shall be a minimum of ten (10) feet. Setbacks shall not conflict with separation or setback lines required by rules governing public utilities, OSSF's, or drinking water supplies.

Well and Septic Set Back Lines for shall be at least fifty feet (50') from the property lines on all sides and in every dimension.

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EASEMENTS

Utility Easements. In residential areas, easements shall be provided for installation of utilities. In general, the rear easement shall be sixteen feet (16') wide except where water mains are installed, then they shall be eighteen feet (18') wide and the water main shall occupy the center of the easement. Standard location for electric lines in easements will be on the north or west side of the easement and all telephone lines on the south or east side of the easement. Any gas line will be located in the center of the easement except when that easement is occupied by a water main, then they shall be two feet (2') from the water main. Any other requirements will be determined by the Commissioners' Court. Dedicated easements shall be maintained by the owner of the property upon which the easement is located. They shall be located entirely on lots fronting on one street only. No structure of any type shall be placed on said easement and unrestricted passage must be maintained at all times.

Drainage Easements. Where the subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines for such water course and of sufficient width to convey all storm and flood water flowing through as may be determined by the Commissioners' Court through its authorized representative, to accommodate further width or construction and allow access for maintenance. In subdivisions entirely containing "acreage tracts" of five (5) acres or more in size, an easement will be accepted.

ROADWAYS

Dedication of Maintenance of Streets. Disapproval of a plat by the Commissioners' Court shall be deemed a refusal by Coryell County to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the County concerning the maintenance of or improvements to any such dedicated parts until the Commissioners' Court has actually accepted the roads. It shall be unlawful for Commissioners to maintain the streets and roads in a subdivision, and Coryell County will not accept or maintain said streets and roads unless and until such streets and roads have been constructed as specified, the required utilities and drainage facilities have been installed and such improvements have been accepted in writing by the Commissioners' Court.

All roads and streets will not receive consideration for final approval by Commissioners' Court until at least one (1) year after original construction of streets and roads is completed. In subdivisions in which insufficient development or building has taken place after the one year period and where there has been insufficient use of the streets and roads to insure their stability, then such streets and roads will not be accepted by Commissioners' Court until such time as there is sufficient development to insure street and road stability. Sufficient development shall be defined as fifty percent (50%) occupancy of the total lots or tracts within said subdivision. Upon final approval, title to all streets and roads shall be acceptable to the County for their maintenance by a Warranty Deed, or Grant of right-of-way, which shall be acceptable to the Commissioners' Court. Accompanying such deed or grant of right-of-way shall be an adequate description of streets and roads, either by reference to the approved subdivision plat or by field notes prepared by a registered professional engineer from a survey made on the ground. From the date of adoption of this Order forward, all streets and roads in any subdivision for which a

plat has been filed shall adhere to the Road Construction Specifications which follow, whether or not an eventual request for County maintenance is planned.

Road Construction Specifications.

Definitions:

Collector Street: A street or roadway which has the primary function to collect and distribute traffic from local access streets to arterials or thoroughfares.

Local Street: A low volume, low-speed street, designed to provide access to abutting residential, commercial, or industrial land.

Road Construction Specifications for major thoroughfares, such as freeways, expressways, and major arterial streets, will be designed on a case by case basis with the approval of the County Engineer.

Streets or roads defined as **Collectors** herein:

Minimum right of way		80 feet
Minimum crown width of roadway	(Sub-grade)	40 feet
Ditch front and back slope		4:1 max.
Minimum ditch depth		1.0 foot
Minimum width of base material	(Base)	30 feet
Minimum depth of compacted base material		10 inches
Minimum width of surface	(Asphalt)	30 feet
Minimum width of curbed section, when curbed		40 feet
Cross-Slope		3/8 in. / foot

Minimum type of surface - Asphalt Prime Coat with 1 ½ inch HMAC overlay.

Streets or roads defined as **Local Streets** herein:

Minimum right of way		60 feet
Minimum crown width of roadway	(Sub-grade)	36 feet
Ditch front and back slope		4:1 max.
Minimum ditch depth		1.0 foot
Minimum width of base material	(Base)	28 feet
Minimum depth of compacted base material		8 inches
Minimum width of surface	(Asphalt)	28 feet
Minimum width of curbed section, when curbed		40 feet
Cross-Slope		3/8 in. / foot

Minimum type of surface - Asphalt Prime Coat with 1 ½ inch HMAC overlay.
Cul-de-sacs shall have a minimum radius of 60 feet paved surface.

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All excavation, embankment, materials, and flexbase shall meet requirements of the current TXDOT Standard Specifications Manual. All road building specifications shall comply with the current TXDOT Standard Specifications Manual.

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The entire right-of-way will be cleared of all timber, roots, brush, fences, boulders, or other obstructions, unless a variance is granted by the Commissioners' Court. Upon completion of all construction, the right-of-way shall be seeded with native grasses, or other plants as approved by the County Engineer.

Inspection. The County Engineer is authorized to examine all work performed and materials furnished, including preparation, fabrication, and material manufacture. The County Engineer will inform the Contractor of failures to meet the requirements set out herein, and may reject work or materials, and suspend work until any issues are worked out.

The Contractor shall give the County Engineer sufficient notice of each level of construction, and allow a complete and detailed inspection. Work performed without notice and inspection, may be ordered removed and replaced at the Contractor's expense.

Sub-grade. The preparations of the sub-grade shall follow engineering practices as required by TxDOT. The sub-grade shall be compacted by ordinary compaction by any method, type, and size of equipment which will give the required compaction. The sub-grade shall be tested and approved by an approved independent testing laboratory as per testing requirements by TXDOT specifications prior to any application of base material. Proof rolling may be required.

Base Material. Base material shall be delivered in vehicles of uniform capacity and it shall be the responsibility of the Contractor that the required amount of the specified material shall be delivered in each one hundred feet (100') station. The material shall be scarified, thoroughly wetted, mixed, manipulated, and bladed so as to secure a uniformly wetted material, and pulled in over the sub-grade in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and re-compacting by sprinkling and rolling. The base material shall be tested and approved by an approved independent testing laboratory as per testing requirements by TXDOT specifications prior to the application of prime coat and HMAC application.

Surface Treatment. The HMAC must be tested and approved by an approved independent testing laboratory as per TXDOT testing requirements and specifications. All expenses for the testing of sub-grade, base, and HMAC to meet TXDOT specifications by the approved independent testing laboratory shall be the responsibility of the owner of the subdivision. All test reports shall be submitted to the Coryell County Road and Bridge Department.

Utilities in right-of-way. In a subdivision where water lines or other utilities are installed on rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders.) Any roadway crossings shall be cased, at a minimum, from ditch line to ditch line. Fire hydrants shall be equipped with connections compatible with local Fire Department equipment.

After roads and streets have been dedicated to and accepted by Coryell County so that future maintenance responsibilities become a function under the Coryell County Commissioners' Court, the installation of any further water or utility lines, side roads, etc., on right-of-way shall

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be prohibited unless expressly permitted in writing by the Commissioners' Court.

Miscellaneous. Subdivisions must have control signs, guard rails, and other safety features installed at required locations on all subdivision right-of-way dedicated for public use. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulders) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street shall be indicated by installation of protective posts or other devices equipped with reflectorized markers.

Right-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches, and hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place on a right-of-way provided that safety on the streets and roads is not impaired.

The installation of any traffic control sign, such as denoting speed limits, yield right-of-way, stop sign, stop ahead signs, etc., shall be coordinated with the County Engineer and with the Coryell County Sheriff's Department, which shall have control of law enforcement activities on all roads, streets, and thoroughfares dedicated to public use in subdivisions in Coryell County whose roads have been accepted by the County. Speed limit designations of public streets should be assigned in accordance with street and road conditions, but under no circumstance shall speed limits exceed thirty (30) miles per hour. Thorough-fares not dedicated to public usage shall be clearly marked as such.

In cases where the new roads and streets as platted intersect with established roads and streets, the new roads and streets shall be, if practicable, a continuation without offset of any intersecting road or street on the opposite side of said established road or street.
Adequate off-street parking space must be provided in business or commercial areas.

Drainage. Generally, it is desired that surface drainage from private property be taken to roads and streets, or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited.

Drainage in the subdivision shall be designed to avoid concentration of storm water from each lot to adjacent lots, to provide positive drainage away from all buildings, and to coordinate individual lot drainage with the general storm drainage pattern for the area.

Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches often called "bar" ditches. Seeding of native grasses, or other plants as approved by the Commissioners' Court, shall be required to deter erosion.

All drainage structures shall be of permanent type, either concrete or metal. Drainage calculations shall be made using Talbot's Formula or other methods satisfactory to the Commissioners' Court. Drainage structures shall be designed using a ten (10) year flood frequency for cross drainage structures and a two (2) year flood frequency for driveway structures. All cross drainage structures on curbed roads shall consist of the structure, concrete headwalls, concrete wingwalls, and concrete toe walls. All cross drainage structures on

uncurbed roads shall consist of the structure and concrete safety end treatments, complete with toe walls and pipe runners, if required. The size of the culverts shall be subject to the approval of the Commissioners' Court, but under no circumstances shall they be less than twenty-four inches (24") in diameter.

All roadways crossing streams or roadways subject to flooding must be rip-rapped on both sides as specified by the County. Concrete used as rip-rap must test 2500 psi.

MANUFACTURED HOME RENTAL COMMUNITIES

Pursuant to Texas Local Government Code § 232.007, "Manufactured Home Rental Communities," Coryell County has adopted minimum infrastructure standards for manufactured home rental communities located in the county outside the limits of a municipality. Those regulations can be found in Coryell County Ordinance 2009-2, a copy of which can be obtained from the Coryell County Judge's Office.

"Manufactured home rental community" means 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.

A manufactured home rental community is not a subdivision. Tracts of land or lots subdivided for establishment of homes, either permanent or mobile, or both, pursuant to the provisions of the Texas Local Government Code, Chapter 232, as amended, are subject to these Subdivision Regulations. The transfer of title of one or more lots or units, but less than the whole, of any tract will cause these Subdivision Regulations to become applicable.

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AT___O'CLOCK__M
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CORYELL COUNTY
SUBDIVISION PLATTING CHECKLIST
FIRST READING
(PRELIMINARY)

Name of proposed Subdivision _____
Name and address of Owner/Developer _____
_____
Plus Volume, Page and Reference _____
Names of adjoining Owners _____
Plus Volume, Page and Reference _____
_____
_____
Land use of Adjoining Owners _____
_____
Master of Development Plan (if subdivision is a portion of a larger tract) _____
Location Map _____
Scale (not smaller than 1"-200') _____
North Arrow _____
Contour Information _____
Major Topographic Features _____
Total Acreage in Subdivision _____
Total number of lots in Subdivision _____
Typical Lot Dimensions _____
Land use of Lots, Parks. Green belts _____
Total length of Roads _____
Width of Right-of-Way _____
Special Flood Hazard Areas/Note _____
Road Maintenance (County/Home Owners Assn.)_____
Approval of TxDot for entrance from public Road or highway or by County if entrance Is from County road _____
Location of all wells, both water and oil, where Applicable, and a statement that all unused Wells are capped or plugged _____

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AT___O'CLOCK__M
APR 20 2009
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CORYELL COUNTY
SUBDIVISION PLATTING CHECKLIST
SECOND READING
(FINAL)

All information required for Preliminary Plat _____

Lot and block numbers _____

Street names, which must be pre-approved by the 9-1-1 Coordinator_____

Acreage of each lot or parcel _____

Name and address of surveyor/Engineer _____

Location and size of drainage structures _____

Location, size, and proposed use of easements _____

Incorporated City's Boundary/ETJ/Note _____
_____

Servicing Utilities Companies/Note _____
_____
_____

Restrictive Covenants _____

Tax Certificates _____

Home Owners' Assn. Inc. Articles and
By-Laws (if available) _____

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AT___ O'CLOCK__M
APR 20 2009
COUNTY CLERK, CORYELL CO. TEXAS

CERTIFICATE OF DEDICATION
BY OWNER
(When the Owner is an Individual)

STATE OF TEXAS
COUNTY OF CORYELL

KNOW ALL MEN BY THESE PRESENTS, that I _____, owner of _____ acres of land out of _____ Coryell County, Texas, as conveyed to me by deed dated _____, and recorded in Volume _____, Page _____, Coryell County Records, DO HEREBY subdivide _____ acres of land out of the _____,

(Note: If the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision) to be known as the _____ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or owners of the property shown hereon for private streets) the use of the streets and easements shown hereon.

WITNESS MY HAND, this the _____ day of _____, 20___.

_____
Signature of Owner

STATE OF TEXAS
COUNTY OF CORYELL

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/she executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20___.

_____
NOTARY PUBLIC, State of Texas

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AT___O'CLOCK__M
APR 20 2009
COUNTY CLERK, CORYELL CO TEXAS

CERTIFICATION OF DEDICATION
BY OWNER
(When the Owner is a Corporation)

STATE OF TEXAS
COUNTY OF CORYELL

KNOW ALL MEN BY THESE PRESENTS THAT _____,
a corporation organized and existing under the laws of the State of Texas, with it's home address at _____,
owners of _____acres of land out of the _____,
(if the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision), to be known as the _____ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or "owners of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

IN WITNESS WHEREOF, THE SAID _____ has caused these presents to be executed by it's _____, hereunto duly authorized, this the _____ day of _____, 20____.

_____ ATTEST: _____
(Name, Title) (Name, Title)

STATE OF TEXAS
COUNTY OF CORYELL

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 as _____ of _____ and acknowledged to me that he/she executed the same in such capacity as the act and deed of said corporation for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

_____
Notary Public, State of Texas

FILED
AT____O'CLOCK__M
APR 20 2009
COUNTY CLERK, CORYELL CO.

Appendix D

CERTIFICATE OF RECORDING

STATE OF TEXAS
COUNTY OF CORYELL

I,_____, County Clerk of Coryell County, Texas, do hereby certify that the foregoing instrument of writing with it's certificate of authentication was filed for record in my office on the _____ day of _____, 20____, at _____o'clock _____.m., in the Plat Records of Coryell County, Texas, in Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____, A.D., 20____.

_____
Coryell County Clerk

FILED
AT___O'CLOCK__M
APR 20 2009
COUNTY CLERK, CORYELL CO TEXAS

WATER SUPPLY CERTIFICATE
(Public Water Supply System)

(Name of water company), an approved public water supply system, certifies that the proposed water supply and distribution system is adequate to provide water in sufficient quality, quantity, and pressure to serve the proposed subdivision and provisions have been made to provide service to each lot in accordance with the policies of the water supply system.

_____ _____

Name and Title of Office
Water Supply Company

Date

WATER SUPPLY CERTIFICATE
(Use of Groundwater)

I, (Name of Engineer or Geoscientist), am a licensed (Engineer or Geoscientist) licensed to practice in the State of Texas, and do hereby certify that adequate groundwater is present and available to provide water for each lot in this subdivision.

_____ _____

Name and Title of Engineer or Geoscientist

Date

FILED
AT ___ O'CLOCK __ M
APR 20 2009
COUNTY CLERK, CORYELL CO.

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF CORYELL

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat complies with the survey related requirements of the Coryell County Subdivision Regulations and further certify that this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

_____ _____

Registered Professional Surveyor Date

No. _____

FILED
AT____O'CLOCK__.M
APR 20 2009
COUNTY CLERK, CORYELL CO. TEX.

CERTIFICATE OF ENGINEER

STATE OF TEXAS
COUNTY OF CORYELL

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, Registered Professional Engineer in the State of Texas, hereby certify that this plat complies with the engineering related requirements of the Coryell County Subdivision Regulations.

_____ _____

Professional Engineer Date

No. _____

The Engineer may be required to be present at the presentation of the plat to the Commissioners' Court.

FILED
AT____ O'CLOCK M
APR 20 2009
COUNTY CLERK CORYELL

Appendix H

CERTIFICATE OF ROAD MAINTENANCE
(When Roads are to be retained as Private Roads)

"In approving this plat by the Commissioners' Court of Coryell County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Sub-divider and/or subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the sole responsibility of the Sub-divider and/or subsequent owners of the subdivision and will not be the responsibility of Coryell County."

Sub-divider or Representative _____ Date _____

CERTIFICATE OF ROAD MAINTENANCE
(When Roads are to be dedicated to Coryell County for Maintenance)

"In approving this plat by the Commissioners' Court of Coryell County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Sub-divider and/or subsequent owners of the property until such time as the Commissioners' Court approves the dedication of the roads to the County for maintenance by way of a Warranty Deed. Acceptance of this plat does not constitute acceptance of the roads shown hereon by Coryell County."

Sub-divider or Representative _____ Date _____

FILED
AT ___ O'CLOCK ___ M.
APR 2[illegible] 2009
COUNTY CLERK CORYELL

CERTIFICATE OF COUNTY APPROVAL

STATE OF TEXAS
COUNTY OF CORYELL

I,_____, County Clerk Coryell County, Texas, do hereby certify that on the _____ day of _____A.D., 20_____, the Commissioners' Court of Coryell County, Texas, passed an Order authorizing the filing for record of this Plat, and said Coryell County Order has been duly entered in the minutes of the said Court in Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

_____
County Clerk
Coryell County, Texas

_____
County Judge
Coryell County, Texas

FILED
AT___ O'CLOCK
APR 2 0 2009
COUNTY CLERK

LIEN HOLDER'S ACKNOWLEDGMENT

I (We) (Name of Lienholder(s): _____
owner(s) and holder(s) of a lien(s) against the property described within the Amendment to Plat. said lien(s) being evidenced by instrument of record in Document Number _____, of the Real Property Records of Coryell County, Texas, do hereby in all things subordinate to said amendment to Plat said lien(s) and I (we) hereby confirm that I Amendment to Plat (we are) the present owner(s) of said lien(s) and have not assigned the same nor any part thereof.

_____
Signature of Lien holder(s)

_____

_____
Name(s) printed

STATE OF TEXAS
COUNTY OF _____

SWORN TO AND SUBSCRIBED before me by _____
on the _____ day of _____, 20_____.

_____
Notary Public, State of Texas

FILED
AT____O'CLOCK__M.
APR 20 2009
COUNTY CLERK, CORYELL CO. TEXAS

Appendix K

CERTIFICATE OF COUNTY DESIGNATED REPRESENTATIVE ON OSSF'S

I, _____, Coryell County Designated Representative for OSSF's, have reviewed the Site Evaluation Letter submitted with this Final Plat, and hereby approve the sewage disposal plan set out therein.

_____
Designated Representative

STATE OF TEXAS
COUNTY OF _____

SWORN TO AND SUBSCRIBED before me by _____
on the _____ day of _____, 20_____.

_____
Notary Public, State of Texas

FILED
AT ___ O'CLOCK ___M
APR 20 2009
COUNTY CLERK, COPVE[illegible]

Distribution of copies is as follows: ONE ELECTRONIC COPY TO COUNTY ATTORNEY OFFICE, one (1) copy to the Clerk of the Court, one (1) signed copy to the Appraisal District, and eight (8) copies to the Court's designee, who will deliver one (1) copy to each of the following: the 9-1-1 Coordinator, the OSSF Inspector, and the Commissioner in whose precinct the subdivision lies. The remaining copies will be filed for future reference.

In .tif format preferably or a auto cad format if .tif not available

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AT___ O'CLOCK__M.
APR 20 2009
COUNTY CLERK CORYELL CO. TEXAS