

SUBDIVISION REGULATIONS

FOR

MCMULLEN COUNTY, TEXAS

EFFECTIVE DATE:

AUGUST 30, 2011

ENTERED THIS 30 DAY OF
Aug A.D. 20 11 AND RECORDED
IN VOL. 17, PAGE ____.
MCMULLEN COUNTY TEXAS

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PART I. ADMINISTRATIVE PROVISIONS

1.1 Enactment -- These Subdivisions Regulations for McMullen County, Texas are lawfully adopted, enacted, and approved by the Commissioners Court of McMullen County, Texas in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act, and other authority. These regulations are adopted pursuant to the authority and powers expressly and impliedly granted by the Texas constitution and statutes.

1.2 Public Purpose Declaration -- As described by these regulations, the Commissioners Court expressly adopts, enacts, and approves the authority and powers expressly and impliedly authorized by the legal authority described in these regulations, including Subchapters A and E of the Texas Local Government Code, in order to accomplish the following, worthwhile public purposes:

(A) These regulations shall govern plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

(B) These regulations shall ensure that adequate plats, design and planning procedures, water and sewer facilities, and utility and transportation infrastructure are provided in the unincorporated area of the county.

1.3 Public Purpose Advancement -- The Commissioners Court finds that the adoption, enactment, approval, and enforcement of these regulations shall accomplish, substantially advance, and achieve all public purposes described in these regulations.

1.4 Conditions Precedent -- All notice requirements and conditions precedent for the lawful adoption, enactment, approval, and enforcement of these regulations have been lawfully accomplished.

1.5 Effective Date -- The effective date of these regulations is August 30, 2011.

1.6 Partial Invalidity/Severance -- Should any part of these regulations, or the application or enforcement thereof, be adjudged invalid by any court or regulatory agency, the remainder of these regulations shall remain operable, enforceable, and fully effective. These regulations supersede any subdivision regulations previously adopted, enacted, ordered, or approved by the county prior to the effective date of these regulations.

1.7 Appendix -- Attached to these regulations is an Appendix. All documents of the Appendix are true, correct, and incorporated by reference.

1.8 Municipal Extraterritorial Jurisdiction -- The authority of the county to regulate plats or subdivisions in the extraterritorial jurisdiction of a municipality is subject to any applicable limitation prescribed by an agreement between governmental entities pursuant to, or an exemption

existing under, Chapter 242 of the Texas Local Government Code or other relevant authority.

1.9 Regulatory Powers Adopted -- Additionally, the authority and powers authorized by the following constitution and statutes are adopted, enacted, and approved as a basis for and in support of the these regulations, and the enforcement of these regulations: Article V, Section 18, Texas Constitution; Sections 212.013, 212.014, 212.015, 212.016, 232.001, 232.0013, 232.0015, 232.002, 232.021, 232.0025, 232.003, 232.0031, 232.0032, 232.0033, 232.004, 232.0045, 232.0048, 232.005, 232.007, 232.008, 232.0083, 232.0085, 232.009, 232.0095, 232.010, 232.011, 232.023, 232.029, 232.032, 232.101, 231.102, 232.103, 232.104, 232.105, 232.106, 232.107, 232.108, 232.109, 233.031, 233.032, 233.033, 233.034, 233.035, 233.036, 233.037, 242.001, and 242.0015, Texas Local Government Code; Chapter 12, Texas Property Code; Sections 201.619, 251.003, and 251.008, Texas Transportation Code; Ch. 16, Subch. I, Texas Water Code; 42 U.S.C. §§ 4001 *et seq.* and 44 C.F.R. Ch. I, Subch. B, Parts 59, 60 (relating to the National Flood Insurance Program); the McMullen County Flood Damage Prevention Order or other floodplain management regulations adopted by the County; the McMullen County sewer, septic, or OSSF regulations, as authorized by state law and the sewer, septic, and onsite sewage facility (OSSF) rules and regulations of the Texas Commission on Environmental Quality (TCEQ), which are also adopted; and all other authority recited or described in these regulations.

PART II. DEFINITIONS

2.1 Special Terms -- Unless otherwise designated, these terms have the following meanings:

- (A) “Regulations” or “rules” mean these subdivisions regulations.
- (B) “County” means McMullen County, Texas, a county and political subdivision of the State of Texas, including and acting through its elected officials, appointed officials, employees, and agents.
- (C) “County Judge” means the County Judge of McMullen County;
- (D) “Commissioners Court” means the McMullen County Commissioners Court;
- (E) “State” means the State of Texas.
- (F) “County Clerk” means the County Clerk of McMullen County, Texas.
- (G) “Developer,” “owner,” and “subdivider” are synonymous and mean the fee simple owner of land, including the directors, officers, partners, members, managers, employees, and agents thereof.
- (H) “Tract” or “land” means real property located in McMullen County, Texas.

(I) “Sewer” and “wastewater” are synonymous.

(J) “Facility” and “infrastructure” are synonymous.

(K) “Plat” means a preliminary or final plat required by these regulations, including all signatures, dating, certification, supporting and attached documentation, and professional seals required by these regulations.

2.2 Alternative Usage -- Singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a correct interpretation of these regulations.

2.3 Active Authority Described -- When a constitution, statute, rule, order, ordinance, regulation or other legal authority is described in these regulations, the description shall be interpreted to include the active version of said authority, including any amendments or supplements thereto.

PART III. PLAT PROCEDURES

3.1 Plat Required for Division of Land -- The owner of a tract of land in McMullen County, Texas located outside the limits of a municipality must have a preliminary and final plat of the subdivision prepared, and thereafter approved by the County, if the owner divides the tract 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 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.

3.2 Division of Land -- A division of a tract of land under these regulations includes a 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. A division of a tract of land made for the purpose of commercial development is a subdivision, as defined herein, and is subject to these regulations.

3.3 Final Plat Requirements -- A final plat required by these regulations, if finally approved by the Commissioners Court, must be filed and recorded with the County Clerk according to all filing and recording provisions contained in these regulations, Chapter 232, Subchapter A, of the Texas Local Government Code, and Chapter 12 of the Texas Property Code. The final plat shall conform to these regulations and contain the following:

(A) **Surveyor/Engineer Certification** -- The plat shall be certified in behalf of the owner/developer by a registered surveyor or engineer licensed to practice in Texas.

(B) **Description/Names** -- The plat shall describe the subdivision and its parts by metes

and bounds, as a result of an on the ground survey and inspection by the surveyor for the owner/developer. The names of the proposed subdivision and its physical features (such as streets and parks) must not be so similar in spelling or in pronunciation to the name of any similar features in the county as to cause confusion.

(C) **Survey Data** -- The plat shall locate the subdivision with respect to an original corner of the original survey of which it is a part. Boundary lines must be shown by bearings and distances, calling for the lines of established surveys, land marks, school districts and other data furnished, sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked with a 2 inch steel pin approximately 2 feet in length, or with a permanent marker. The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

(D) **Lot/Block Description** -- The plat shall describe by metes and bounds each lot, number each lot in progression, and give the dimensions of each lot. Lot and block numbers shall be arranged in a systematic order and shown on the plat in distinct and legible figures. The plat shall show the location of all existing permanent, man-made structures in the proposed development, including but not limited to houses, buildings, walls, wells, tanks, roads, and ponds.

(E) **Lot/Block Dimensions** -- The plat shall state the dimensions of and accurately describe by metes and bounds each lot, street, alley, square, park, or other part 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 street, alley, square, park, or other part.

(F) **Intended Water/Sewer Facility Data** -- Should water or sewer facilities be intended to be constructed or installed by the developer to service the subdivision, the plat shall have attached a document that contains: (1) a detailed description of the water and sewer facilities, roadways and easements dedicated for the provision of water or sewer facilities that will be constructed or installed to service the subdivision; and (2) a statement specifying the date by which said facilities will be fully operable.

(G) **Drainage Requirements** -- The plat shall describe the provision of reasonable drainage to the subdivision, in compliance with the reasonable drainage standards described in the Appendix, in order to: (1) efficiently manage the flow of storm water runoff in the subdivision; and (2) coordinate subdivision drainage with the general drainage pattern for the area. The plat shall include the design and application of reasonable specifications, as described in the Appendix, to provide adequate drainage for each street or road in the subdivision in accordance with standard engineering practices. The plat shall include a description of: (1) the exact location, dimensions, descriptions and flow line of existing and future drainage structures; and (2) the exact location, flow line, and flood plain of existing water courses within the subdivision.

(H) **Topographical Data** -- The plat shall identify the topography of the area. The plat shall show the existing topography of the proposed subdivision by the use of contour lines. Said

contour lines shall be based on: (1) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) data provided by the county, or in lieu thereof, by data from any governmental agency or department, the identity of which shall be specified on the plat. The plat shall indicate by use of contour lines any changes in the existing topography proposed by the developer, and said contour lines shall be based on the government data, vertical interval, and slope rates previously identified in this paragraph.

(I) **Floodplain Disclosures** -- The plat shall describe all land in the subdivision, if any, that is located in a floodplain. The plat shall contain a certification by the developer's surveyor or engineer licensed to practice in Texas: (1) describing any area of the subdivision that is located in a floodplain -- or in the alternative, stating that no area of the subdivision is located in a floodplain; and (2) stating that the plat and proposed subdivision comply in all things with the current McMullen County flood damage prevention ordinance or order.

(J) **Water and/or Sewer Disclosures** -- Should water or sewer facilities be intended to be constructed or installed by the developer to service the subdivision, the plat shall include a certification that the developer has complied with the requirements of Section 232.032 of the Texas Local Government Code, which states that a subdivider having an approved plat shall: (1) furnish a certified letter from the utility provider stating that water is available in quantity and quality sufficient to meet minimum state standards and will be made available to the point of delivery to all lots; (2) furnish sewage treatment facilities that meet minimum state standards -- or furnish certification by appropriate county or state officials that all lots can be adequately and legally served by septic systems under Chapter 366 of the Texas Health and Safety Code (adopted and incorporated by reference); (3) furnish roads satisfying minimum county standards and furnish adequate drainage meeting standard engineering practices; and (4) make a reasonable effort to have electric and gas utility service installed by a utility. The plat (including all plans for lot configuration, land use, drainage, improvements, and construction) shall comply with all state statutes, and all regulations and rules of the Texas Commission on Environmental Quality (TCEQ) and the county, relating to sewer, septic and on-site sewage facilities (OSSF), which statutes, regulations and rules are incorporated by reference as standards adopted under these regulations.

(K) **Utility Connection Disclosures** -- Should water or sewer facilities, or electrical or gas connections, be intended to be constructed or installed by the developer to service the subdivision, the plat shall include a certification by the developer's engineer that: (1) the water quality and connections to the lots meet, or will meet, the minimum state standards; (2) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (3) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (4) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards. A developer may meet the requirements of subpart (2) above through the use of a certificate issued by the appropriate county or state official having jurisdiction over the approval of septic systems stating that lots in the subdivision can adequately and legally be served by septic systems.

(L) **Utility Connection Requirements** -- Pursuant to Section 232.106 of the Texas Local Government Code, the utility connection requirements of Section 232.029 of the Texas Local Government Code are adopted and approved. The plat shall contain a statement that describes the county's adoption of this standard.

(M) **Road Standards** -- The plat shall include a description of all roads and driveways in the subdivision and comply with the road standards of the Appendix.

(N) **Lot Frontage Standards** -- The plat shall include a description of all lot frontages in the subdivision and comply with the lot frontage standards of the Appendix.

(O) **Fire Suppression Standards** -- The plat shall include a description of the fire suppression system for the subdivision, and comply with the fire suppression system standards of the Appendix.

(P) **Developer Signature/Disclosure** -- The developer shall: (1) sign the plat and all required, attached documents; (2) acknowledge the plat in the manner required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the matters described in the plat and all attached documents.

(Q) **Purchase Contract Disclosures** -- The plat shall contain a statement that each purchase contract made between a subdivider and a purchaser of land in the subdivision shall contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when.

(R) **Groundwater Sufficiency Disclosure** -- If the source of the water supply intended for the subdivision is groundwater under that land, the plat shall have attached a statement that: (1) is prepared for the owner/developer by an engineer licensed to practice in Texas or a geoscientist licensed to practice in Texas; and (2) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards. The developer shall transmit to the Texas Water Development Board and any applicable groundwater conservation district all information required by Section 232.0031 of the Texas Local Government Code.

(S) **Future Transportation Corridor Disclosure** -- If all or any part of the subdivision is located within a future transportation corridor identified in an agreement under Section 201.619 of the Texas Transportation Code, the plat shall: (1) identify that part of the subdivision which is within the future transportation corridor; (2) state that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and (3) state that each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

(T) **Plat Materials, Design, and Scale** -- The plat shall be produced on mylar or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat shall be drawn to scale on sheets of the following dimension: 18 inches by 24 inches; or 24 inches by 36 inches. The original plat (including all required, attached documents) and 1 clearly marked, same size copy of same shall be provided to the county. Six reduced copies of the plat, in a dimension of either 8.5 inches by 11 inches, or 11 inches by 17 inches, shall also be provided to the county. The plat shall be drawn according to the following scale: 1 inch to 100 feet; or 1 inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of 1 foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

(U) **Metes and Bounds Descriptions** -- The plat shall describe the entire subdivision and all of its parts, as herein described, by metes and bounds (as a result of an on the ground survey and inspection by the surveyor for the owner/developer), to scale, and by dimension, including the following: (1) the subdivision boundary; and (2) all internal parts of the subdivision -- including all lots, divisions of land, 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.

(V) **General Descriptions and Signatures** -- The plat shall describe: (1) the effective plat date; (2) a location map; (3) a scale; (4) a north point; and (5) all required signatures, dating, certification, supporting documentation, and professional seals required by these regulations.

(W) **Identifying Data** -- The plat shall show all identifying data required by these regulations regarding the subdivision and its surrounding area, including: (1) the name of the subdivision and owner; (2) any adjoining subdivisions and owners, adjoining properties and owners; (3) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (4) driveways, common areas, areas dedicated or to be dedicated to public use, and any area to be used by adjacent lot owners or purchasers; (5) rights of way and easements whether of record, apparent on the land, or proposed; (6) natural drains, drainage structures or improvements whether of record, apparent on the land, or proposed; (7) water bodies, water courses, floodplain boundaries, and flood prone areas; (8) set-back lines and lot frontages; and (9) restrictive covenants, restrictions, or reservations whether of record or proposed.

(X) **Lienholder Subordination** -- The plat shall contain statements signed and acknowledged by the owner and any lienholder, with current addresses shown, which shall certify and memorialize the lienholder's consent and lien subordination to any public dedication shown on the plat.

(Y) **Limitations Regarding Plat Acceptance** -- The plat shall contain the following statement by the county: "Upon approval of this plat, McMullen County, by and through its

Commissioners Court, expressly does not accept for construction or maintenance purposes any land, easement, road, street, right of way, improvement, facility, or structure dedicated for public use. Upon approval of this plat by said county it is understood that the construction and maintenance of any such dedicated land, easement, road, street, right of way, improvement, facility, or structure shall remain the responsibility of and be owned by the owner and developer of the tract of land relating to this plat, in accordance with the requirements of the Subdivision Regulations of McMullen County and the bond or financial security required under said regulations, until said dedicated land, easement, road, street, right of way, improvement, facility, or structure is formally accepted by the Commissioners Court, if at all, by a separate written order.”

(Z) **Surveyor Signature/Certification** -- The plat shall contain a signature, certification, date, affidavit, and acknowledgment by the surveyor for the developer which states that: (1) the plat represents a true and accurate survey made by the surveyor on the ground; (2) all required survey monuments are correctly shown on the plat; (3) all existing easements and rights of way are shown on the plat according to documents of record or apparent circumstances observed on the land; (3) the perimeter field notes are accurately tied to an original corner of the original survey; (4) the plat complies with all surveying, monument, scale, dimension, and identifying requirements of these regulations; and (5) that all surveying representations on the plat and all attached documents are true, correct, and in accordance with standard surveying practice in the State of Texas.

(AA) **Engineer Signature/Certification** -- The plat shall contain a signature, certification, date, affidavit, and acknowledgment by the professional engineer for the developer which states that: (1) the plat and all attached documents comply with all engineering requirements of these regulations; and (2) all engineering representations on the plat and all attached documents are true, correct, and in accordance with standard engineering practice in the State of Texas.

(BB) **Owner Signature/Certification** -- The plat shall contain a signature, certification, date, affidavit and acknowledgment by the owner/developer which states that: (1) the plat and all attached documents satisfy all requirements of these regulations; (2) all representations on the plat and attached documents are true and correct; and (3) all dedicated land, roads, easements, improvements, facilities, structures, and infrastructure described on the plat and attached documents are dedicated to the use and benefit of the public forever.

(CC) **County Signature** -- The final, approved plat shall contain a signature, certification, date, and acknowledgment by the County Judge stating: (1) that the plat was formally approved by the McMullen County Commissioners Court in accordance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act; (2) the date of plat approval; and (3) that the plat is authorized for filing and recording with the County Clerk. The County Clerk shall attest the signature of the County Judge on the plat.

(DD) **County Clerk Signature/Requirements** -- The County Clerk shall: (1) attest and certify the signature of the County Judge on the final, approved plat; and (2) show on said plat the date of the order of the Commissioners Court which approved the plat and authorized its filing.

When the final plat is filed and recorded in the Office of the County Clerk, said clerk shall conspicuously mark and record the final plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of record where the plat was recorded. Upon "approval" of the final plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court.

3.4 Plat Submission and Review -- The following requirements shall apply regarding plat submission and review:

(A) **Preliminary Plat Submission** -- Should a plat be required by these regulations, a preliminary plat and a Subdivision Plat Application Form, both being fully executed, complete and in compliance with these regulations, shall be submitted by the developer to the Commissioners Court at the Office of the County Judge at the McMullen County Courthouse located at 501 River Street, Tilden, Texas 78072. A preliminary plat required by these regulations shall include all requirements and components described for a final plat by these regulations -- but subject to the following exceptions: (1) the preliminary plat may be produced on plain paper; and (2) no county signatures, certifications, attestations, or acknowledgments are required for the preliminary plat. Acceptance of a completed plat application with the required documentation or other information shall not be construed as approval by the county.

(B) **Subdivision Plat Application Form** -- The Subdivision Plat Application Form shall be provided at no cost by the county to the developer, according to the form described in Exhibit E of the Appendix, which describes all required documentation for a completed plat application. The form shall be made available through the Office of the County Judge.

(C) **Review of Preliminary Plat** -- Upon submission of the preliminary plat, the Commissioners Court or its designee will review the plat and plat application for completeness, sufficiency, and compliance with these regulations. If the preliminary plat and application are not complete, sufficient, or in compliance with these regulations, they shall be denied by the Commissioners Court or its designee in writing. The county may deny a plat if it does not meet the requirements prescribed by law or these regulations, including the failure to pay required fees or the failure to submit any and all bonds or other financial security required. An application is considered complete when all documentation or other information required by these regulations is received.

(D) **Approval of Preliminary Plat** -- If the preliminary plat and application appear to be complete, sufficient, and in compliance with these regulations, the preliminary plat will be submitted to the Commissioners Court for approval by a recorded vote in a public meeting. If approved, the preliminary plat shall not be filed of record -- but shall, along with any revision requirements and comments of the county, be used as a basis for the preparation and submission of the final plat for approval in accordance with these regulations.

(E) **Submission and Review of Final Plat** -- Within 10 days after Commissioners Court

approval of the preliminary plat, the final plat shall be submitted by the developer to the Commissioners Court at the Office of the County Judge at the McMullen County Courthouse located at 501 River Street, Tilden, Texas 78072. The Commissioners Court or its designee will review the final plat for completeness, sufficiency, and compliance with these regulations. If the final plat is not complete, sufficient, or in compliance with these regulations, it shall be denied by the Commissioners Court or its designee in writing. The county may deny a plat if it does not meet the requirements prescribed by law or these regulations, including the failure to pay required fees or the failure to submit any and all bonds or other financial security required.

(F) **Approval of Final Plat** -- If the final plat is complete, sufficient, and in compliance with these regulations, the final plat will be submitted to the Commissioners Court for approval by a recorded vote in a public meeting. If approved, the final plat shall be ordered to be fully executed and filed of record. However, the filing and recording of the final plat shall not be ordered or authorized until the developer has paid all required fees, and executed, submitted, and filed all bonds or other financial security required.

3.5 Exceptions to Plat Requirements -- Notwithstanding these regulations, the county shall not require the owner of a tract of land located outside the limits of a municipality to have a plat of prepared, or thereafter approved by the county, if one or more of the following exceptions or exempt circumstances exist: as described in the Exceptions to Plat Requirements in Exhibit F of the Appendix. Should a plat not be required under these regulations, the owner nevertheless must submit the location of the development project regarding the tract to the Commissioners Court through the Office of the County Judge at the McMullen County Courthouse located at 501 River Street, Tilden, Texas 78072, for confirmation of all addressing necessary for 911 and emergency services purposes. No fees will be charged by the county for this submission in the public interest.

3.6 Variance Procedure --

(A) **Request for Variance** -- An owner may request a variance from the County regarding the strict application of these regulations. To obtain consideration for a variance, the owner must submit a written variance application to the Commissioners Court through the Office of the County Judge at the McMullen County Courthouse located at 501 River Street, Tilden, Texas 78072. The application must describe in detail all special circumstances that exist to support the variance.

(B) **Limitations on Variance** -- Through the exercise of its discretion, the Commissioners Court may grant a variance from the strict application of these regulations. However, the Commissioners Court may not grant a variance regarding the following issues: (1) the requirements for plat described in subparts 3.1-3.2, but subject to the plat exceptions described subpart 3.5; and (2) the bond or other financial security requirements required.

(C) **Discretionary Standards** -- A variance may be granted by the Commissioners Court, within its discretion, only when the clear and convincing evidence establishes that: (1) a special circumstance exists which, if these regulations are strictly enforced, will deprive the owner of a

privilege, use, or safety enjoyed by similarly situated property owners with similarly timed development of the same nature and scope; (2) the variance constitutes only a minimum departure from these regulations; (3) the variance will not create a special privilege, use, or safety for the owner that is not enjoyed by similarly situated property owners with similarly timed development of the same nature or scope; and (4) the variance is based on the general intent of these regulations and is deemed in the public interest.

(D) **Public Meeting Vote Required** -- No variance can be granted without approval of the Commissioners Court acting through an order entered as a result of a recorded vote in a public meeting held in accordance with the Texas Open Meetings Act.

3.7 Plat Revision/Vacation Procedure -- The following alternative requirements shall apply regarding plat revision or vacation procedure pursuant to sections 232.0095, 232.010, 232.101, and 232.107 of the Texas Local Government Code:

(A) **Vacating Plat** -- The owners of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold, unless otherwise prohibited by law. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. The County clerk shall write legibly on the vacated plat the word "VACATED" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat has no further effect or operation.

(B) **Replat Without Vacating Plat** -- A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (1) is signed and acknowledged by only the owners of the property being replatted; (2) is approved after a public hearing conducted by the Commissioners Court at a public meeting on the matter at which parties in interest and citizens have an opportunity to be heard; and (3) does not attempt to amend or remove any covenants or restrictions.

(C) **Replat With Special Circumstances** -- Additionally, a replat without vacation of the preceding plat must conform to certain additional requirements if one or both of the following special circumstances exist: (1) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification (only if said zoning classification is allowed by law for county regulation) to residential use for not more than two residential units per lot; or (2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot. If one or both of the said special circumstances exist, the following additional requirements shall also apply to a replat without vacation of the preceding plat:

(1) Notice of the public hearing shall be given before the 15th day before the date of the hearing: (a) by publication in an official newspaper or a newspaper of general circulation in

the county; and (b) by written notice, with a copy of Subsection (c) of section 212.015 of the Texas Local Government Code attached, forwarded by the Commissioners Court to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll of the property upon which the replat is requested.

(2) The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the county.

(3) If the proposed replat requires a variance and is protested in accordance with these provisions, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the Commissioners Court members present at the public meeting. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with Commissioners Court prior to the close of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included. Compliance with this item (3) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(D) **Plat Amendment** -- The Commissioners Court may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (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 indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) 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;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the Commissioners Court on a plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) 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 affect on the property rights of the other owners in the plat;

(8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) to relocate one or more lot lines between one or more adjacent lots if: (a) the owners of all those lots join in the application for amending the plat; (b) the amendment does not attempt to remove recorded covenants or restrictions; and (c) the amendment does not increase the number of lots;

(10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if: (a) the changes do not affect applicable county regulations, including zoning regulations if the county has authority to adopt zoning regulations; and (b) the changes do not attempt to amend or remove any covenants or restrictions; or

(11) to replat one or more lots fronting on an existing street if: (a) the owners of all those lots join in the application for amending the plat; (b) the amendment does not attempt to remove recorded covenants or restrictions; (c) the amendment does not increase the number of lots; and (d) the amendment does not create or require the creation of a new street or make necessary the extension of municipal or county facilities.

(E) **Plat Amendment Without Notice To Other Owners** -- Should an amended plat be sought solely for one or more of the circumstances described in subpart D above, the requirements of notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(F) **Conveyance Without Plat Revision** -- The Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat, provided that the conveyance does not violate, alter, amend, diminish, or remove any covenants, restrictions, or vested property rights.

PART IV. SUBDIVISION STANDARDS AND REQUIREMENTS

4.1 Plat Denial -- The county may refuse to approve a plat required by these regulations if: (a) the plat does not comply with all requirements prescribed by law and these regulations; (b) the required fees are not paid; (c) a delinquent ad valorem tax liability exists for the land made the subject of the plat; or (d) any required bond or other financial security is not timely and properly filed with the county.

4.2 Dormant Plats -- If no portion of the land subdivided under an approved plat is sold or transferred before January 1st of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the owner must resubmit a plat of the subdivision for approval.

4.3 Fee Schedule -- A reasonable fee schedule is adopted 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, as described in Exhibit G of the Appendix. All fees required by the fee schedule must be paid by the owner to the county before the county conducts a review of the plat.

4.4 Transportation Corridor Requirements -- Should all or any part of the subdivision is located within a future transportation corridor identified in an agreement under Section 201.619 of the Texas Transportation Code, the following standards are adopted:

(A) The Commissioners Court may refuse to approve the plat for recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

(B) The Commissioners Court may refuse to approve the plat for recordation if all or a part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

(C) Each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.

4.5 Floodplain Issues -- The plat shall describe all land to be developed which is located in a floodplain, and shall contain a certification by the developer's surveyor or engineer licensed to practice in Texas: (a) describing any area of the subdivision that is located in a floodplain -- or in the alternative, stating that no area of the subdivision is located in a floodplain; and (b) stating that the plat and proposed subdivision comply in all things with the county's flood damage prevention ordinance or order.

4.6 Water/Sewer/OSSF Issues --

(A) Should water or sewer facilities be intended to be constructed or installed by the developer to service the subdivision, the plat shall: (1) include a certification that the developer has complied with the requirements of Section 232.032 of the Texas Local Government Code; and (2) comply with all state statutes, and all regulations and rules of the Texas Commission on Environmental Quality (TCEQ) and the county, relating to sewer, septic and on-site sewage facilities (OSSF), which statutes, regulations and rules are incorporated by reference as standards adopted

under these regulations.

(B) Should water or sewer facilities be intended to be constructed or installed by the developer to service the subdivision, the plat shall have attached a document that contains: (1) a detailed description of the water and sewer facilities, roadways and easements dedicated for the provision of water or sewer facilities that will be constructed or installed to service the subdivision; and (2) a statement specifying the date by which said facilities will be fully operable.

(C) Each purchase contract made between a subdivider and a purchaser of land in the subdivision shall contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when.

(D) If the source of the water supply intended for the subdivision is groundwater under that land, the plat shall have attached a statement that: (1) is prepared by the developer's engineer or geoscientist licensed to practice in Texas; and (2) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards. The developer shall transmit to the Texas Water Development Board and any applicable groundwater conservation district all information required by Section 232.0031 of the Texas Local Government Code.

4.7 Utility Connections --

(A) Should water or sewer facilities, or electrical or gas connections, be intended to be constructed or installed by the developer to service the subdivision, the plat shall include a certification by the developer's engineer that: (1) the water quality and connections to the lots meet, or will meet, the minimum state standards; (2) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (3) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (4) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards.

(B) The utility connection requirements of Section 232.029 of the Texas Local Government Code are adopted and approved. The plat shall contain a statement that describes the County's adoption of this standard.

4.8 Drainage --

(A) The plat shall describe the provision of reasonable drainage to the subdivision and comply with the drainage standards adopted by these regulations in order to: (1) efficiently manage the flow of storm water runoff in the subdivision; and (2) coordinate subdivision drainage with the general drainage pattern for the area.

(B) The plat shall include the design and application of reasonable specifications, as described in the Appendix, to provide adequate drainage for each street or road in the subdivision in accordance with standard engineering practices.

(C) The plat shall include a description of: (1) the exact location, dimensions, descriptions and flow line of existing and future drainage structures; and (2) the exact location, flow line, and flood plain of existing water courses within the subdivision.

4.9 Bond or Other Financial Security -- Each owner of a tract to be subdivided shall execute a good and sufficient bond or other financial security, as required these regulations

4.10 Monumentation -- All lot and block monumentation shall be set in the ground by the developer's surveyor before recordation of the plat.

4.11 Plat Approval Not Acceptance of Dedicated Land/Improvements -- Upon plat approval, if any, the county expressly does not accept for construction or maintenance purposes any land, easement, road, street, right of way, improvement, facility, or structure dedicated for public use. Upon plat approval by the county, if any, it shall be understood that the construction and maintenance of any such dedicated land, easement, road, street, right of way, improvement, facility, or structure shall remain the responsibility of and be owned by the developer, in accordance with these regulations and the bond or financial security requirements required, until said dedicated land, easement, road, street, right of way, improvement, facility, or structure is formally accepted by the Commissioners Court, if at all, by a separate written order.

4.12 Development Standards/Requirements of Appendix Approved -- In addition to all development standards and requirements described in these regulations, the Commissioners Court also adopts and approves those described in the following exhibits of the Appendix: drainage standards, Exhibit A; road standards, Exhibit B; lot frontage standards, Exhibit C; fire suppression system standards, Exhibit D; subdivision plat application form, Exhibit E; exceptions to plat requirements, Exhibit F; and fee schedule, Exhibit G.

PART V. BOND OR OTHER FINANCIAL SECURITY

5.1 Bond Requirements -- The developer shall execute a bond before subdividing a tract, unless an alternative financial security is approved by and provided to the county as described hereafter. The bond shall apply to all land, easements, improvements, structures, or facilities of the subdivision to be constructed and dedicated to the public, including but not limited to all transportation, road, street, water, wastewater, sewer, or drainage improvements, easements, structures, or facilities. The bond must conform to the following requirements:

(A) The bond must be payable to the County Judge of McMullen County, Texas or the successor in office.

(B) The bond shall be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforementioned land, easements, improvements, structures, or facilities, but not to exceed the cost of construction thereof.

(C) The bond shall be executed by the owner, as principal, and one (1) good and sufficient corporate surety approved by the Commissioners Court.

(D) The corporate surety executing the bond shall be a company authorized to do business as a surety in Texas.

(E) The bond shall be conditioned that the aforementioned land, easements, improvements, structures, or facilities shall be constructed and maintained by the owner in accordance with all specifications, requirements, and standards adopted by the Commissioners Court in these regulations for a period of at least two (2) years from the date of final plat approval.

5.2 Other Financial Security -- In lieu of a bond, and if approved by the Commissioners Court, the developer shall deposit cash, an irrevocable letter of credit issued by a federally insured financial institution, or other financial guarantee deemed acceptable by the Commissioners Court. This other financial security or guarantee shall apply to all land, easements, improvements, structures, or facilities of the subdivision to be constructed and dedicated to the public, including but not limited to all transportation, road, street, water, wastewater, sewer, or drainage improvements, easements, structures, or facilities. If an irrevocable letter of credit is used as financial security, it must conform to the following requirements:

(A) The letter of credit must list as the sole beneficiary the County Judge of McMullen County, Texas, or the successor in office.

(B) The letter of credit shall be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforementioned land, easements, improvements, structures, or facilities, but not to exceed the cost of construction thereof.

(C) The letter of credit must be conditioned that the aforementioned land, easements, improvements, structures, or facilities shall be constructed and maintained by the owner in accordance with all specifications, requirements, and standards adopted by the Commissioners Court in these regulations for a period of at least two (2) years from the date of final plat approval.

PART VI. ENFORCEMENT

6.1 Criminal Enforcement Remedies Adopted -- All criminal offenses and penalties contained in Subchapters A and E of Chapter 232 of the Texas Local Government Code and Chapter 12 of the Texas Property Code are adopted and incorporated by reference as a basis for enforcement authority regarding a violation of these regulations. A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by the Commissioners Court under Subchapters A or E of Chapter 232 of the Texas Local Government Code, as described therein. Said offense is a Class B misdemeanor, as defined by the Texas Penal Code. However, said Class B range of punishment does not apply to the offense described by Section 232.0048 of the Texas Local

Government Code.

6.2 Civil Enforcement Remedies Adopted -- All civil remedies, penalties, and damage recovery rights contained in Subchapters A and E of Chapter 232 of the Texas Local Government Code and Chapter 12 of the Texas Property Code are adopted and incorporated by reference as a basis for enforcement authority to support a violation of these regulations.

6.3 Injunction/Civil Penalties -- An action may be filed by the county to: (a) enjoin the violation or threatened violation of a requirement established or adopted by the Commissioners Court under state law or these regulations; and (b) 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 by, the Commissioners Court under state law or these regulations.

**APPENDIX TO SUBDIVISION
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EXHIBIT A

EXHIBIT A: DRAINAGE STANDARDS

Pursuant to Sections 232.003, 232.101, 232.107, and 232.108 of the Texas Local Government Code, these drainage standards shall apply for all subdivisions located in the unincorporated area of McMullen County, Texas:

1. These standards are designed to: (a) provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; (b) provide drainage to the subdivision in order to efficiently manage the flow of storm water runoff in the subdivision; and (c) coordinate subdivision drainage with the general storm drainage pattern for the area in accordance with standard engineering practices.

2. Lots and private property shall be graded so that surface drainage 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. Roads and streets shall not be used as drainage courses.

3. The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the Commissioners Court.

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

5. Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets. The final exact dimension and type of said permanent drainage structures shall be determined and established for each subdivision by the Commissioners Court upon its review of the preliminary plat.

6. All roadways subject to flooding and high water, and all roadways crossing streams or other watercourses must have reinforced embankments to prevent erosion of said embankments. The reinforcing material must be concrete, which shall at minimum have tensile test strength at 7 days of 330 pounds per square inch.

7. Permanent obstacles, such as concrete or rock retards, shall be installed on the sloping sides of the drainage ditches and drainage courses to prevent erosion, where specifically designated by the Commissioners Court upon its review of the preliminary plat.

8. Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters.

9. All drainage easements must be of an adequate width, as determined by the Commissioners Court in its review of the preliminary plat, to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

10. The exact location, dimensions, descriptions and flow line of existing drainage structures and drainage structures proposed to be installed by the owner, and the location, flow line, and flood plain of existing water courses within the subdivision must be shown on all plats.

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EXHIBIT B

EXHIBIT B: ROAD STANDARDS

Pursuant to Sections 232.003, 232.0031, 232.101, 232.102, 232.107, and 232.108 of the Texas Local Government Code, these road standards shall apply for all subdivisions located in the unincorporated area of McMullen County, Texas:

1. These standards are: (a) designed to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; and (b) based on the amount and kind of travel over each street or road in a subdivision, designed to provide reasonable specifications relating to the construction of each street or road in accordance with standard engineering practices.
2. The county shall accept no paved streets or roads for dedication.
3. All main artery streets or roads must have a right of way of 80 feet in width. The actual street cut on such main artery streets or roads must be 40 feet in width.
4. All other streets or roads must have a right of way of 60 feet in width. The actual street cut on such other streets or roads must be 30 feet in width.
5. The actual street cut for alley streets must be 30 feet in width.
6. The designation of a street or road as a main artery street or road shall be made by the Commissioners Court in its review of the preliminary plat.
7. All permanent dead end streets or roads shall have a turnaround with a right of way diameter of 120 feet.
8. Streets or roads should be designated and constructed so as to intersect with each other at 90 degree angles. Where compliance with this regulation is impossible due to terrain, the subdivider may seek a variance under these regulations. If a variance is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of 25 feet away from the point where the streets would have otherwise intersected. The county shall specify the exact size of the cut-back, up to a maximum of 50 feet in its review of the preliminary plat.
9. No street or road shall be constructed with an abrupt off-set or "jog" in it.
10. 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. 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.

11. Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by said constructions must be removed and delivered to an authorized refuse and/or fill site in accordance with state or other law.

12. All streets or roads must be constructed with a subgrade base. The subgrade base material in all streets and roads shall be approved by the Commissioners Court. The sub-grade base shall be watered, rolled and bladed to a depth of 8 inches before any flexible base material is placed on it.

13. All streets and roads must have a flexible base. The flexible base material for all streets and roads shall conform to the requirements of the specification found in Item 242, grade 2 or better, of the "Texas Highway Department 1972 Standard Specifications for Construction of Highways, Streets and Bridges," or shall conform to the requirements of a similar or better grade of material as specified in the current road construction publications of the Texas Department of Transportation or Texas Highway Department (but excluding paving material). However, said flexible base material must be approved by the Commissioners Court. The flexible base shall have a minimum thickness of 8 inches or more after compaction of the authorized base material.

14. The centerline of each street shall have an elevation of at least 5 inches above the elevation of the edge of the street.

15. To ensure that the proposed flexible base material meets these requirements, the subdivider shall furnish to the Commissioners Court a written analysis of the proposed material prepared by an independent laboratory before the proposed material is used in the subdivision. No such material may be applied unless: (a) said report certifies that the proposed material satisfies the requirements contained in these rules; and (b) the Commissioners Court accepts the findings contained in the report. Said findings will be deemed accepted unless the Court expressly rejects said report within 10 days after it is filed with the Commissioners Court. Said report shall be submitted with the preliminary plat and plans. Acceptance of any such report is expressly not evidence of road or street acceptance by the County, or of the streets and roads being designed or constructed in compliance with the requirements of these regulations.

16. The Commissioners Court may specify that construction of all streets, roads, and drainage structures must be completed within a reasonable time after the plat and plans of a subdivision have received final approval, and that period may be specified by the Commissioners Court in its review of the preliminary plat.

17. All drainage standards adopted by these rules which relate to or affect streets and roads are incorporated by reference.

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EXHIBIT C

EXHIBIT C: LOT FRONTAGE STANDARDS

Pursuant to Sections 232.101, 232.102, 232.103, 232.107, and 232.108 of the Texas Local Government Code, these lot frontage standards shall apply for all subdivisions located in the unincorporated area of McMullen County, Texas:

1. These standards are designed to: (a) provide reasonable standards for minimum lot frontages on existing county roads; and (b) establish reasonable standards for the lot frontages in relation to curves in the road, in accordance with standard engineering standards.
2. The minimum lot frontage required for lots located on existing county or other public roads is 100 feet.

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EXHIBIT D

EXHIBIT D: FIRE SUPPRESSION SYSTEM STANDARDS

Pursuant to Sections 232.101, 232.107, 232.108, and 232.109 of the Texas Local Government Code, the following fire suppression system standards shall apply for any subdivision in the unincorporated area of McMullen County, Texas -- if the subdivision is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality as meeting minimum standards for water utility service:

1. For a subdivision of fewer than 50 houses, the developer shall construct a limited fire suppression system for the subdivision with a minimum of 2,500 gallons of storage.
2. For a subdivision of 50 or more houses, the developer shall construct a limited fire suppression system for the subdivision with: (a) a minimum of 2,500 gallons of storage with a centralized water system; or (b) 5,000 gallons of storage.

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EXHIBIT E

EXHIBIT E: SUBDIVISION PLAT APPLICATION FORM

MCMULLEN COUNTY
SUBDIVISION PLAT APPLICATION FORM

PROPOSED SUBDIVISION: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS OR DIVISIONS: _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER/SEWER SERVICE PROVIDERS: _____

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

OWNER: _____

Address: _____

Telephone: _____

Facsimile: _____

ENGINEER: _____

Address: _____

Telephone: _____

Facsimile: _____

SURVEYOR: _____

Address: _____

Telephone: _____

Facsimile: _____

Add additional identification sheets, if necessary.

(1) The following documents are required to be submitted for review by the county at the time of preliminary plat application: all documents required by the McMullen County Subdivision Regulations, in the form, type, and number therein required. The owner certifies that all required documents have been submitted for review in compliance with the McMullen County Subdivision Regulations, and that said documents are attached to this application.

(2) Is any part of the proposed subdivision within the limits or extraterritorial jurisdiction of a city? ANSWER: YES NO. If YES, identify the city on the attached documents.

(3) Will the owner seek a variance regarding any issue from the McMullen County Commissioners Court? ANSWER: YES NO. If YES, identify all variance issues on the attached documents and include a written variance application or petition in accordance with the regulations.

(4) Will any land, improvements, roads, street, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: YES NO. If YES, identify all dedicated land or improvements on the attached documents.

(5) Will the subdivision be served by a public water or sewer system? ANSWER: YES NO. If YES, identify the public suppliers and attach all plans, drawings, and specifications related to the proposed utility improvements.

(6) Will the subdivision be served by a private water wells or septic/OSSF systems? ANSWER: YES NO. If YES, identify and attach all reports, plans, drawings, and specifications related to the proposed utility improvements.

I certify that I have read the McMullen County Subdivision Regulations and that all plats, documents, reports, plans, drawings, specifications, and related documents required by the regulations have been prepared by me or in my behalf and are attached to this application, including full payment to McMullen County, Texas, by cashier's check or money order, for all fees required for this submission.

Printed Name: _____
Title: _____
Owner
Date: _____

DATE RECEIVED BY MCMULLEN COUNTY: _____

**APPENDIX TO SUBDIVISION
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EXHIBIT F

EXHIBIT F: EXCEPTIONS TO PLAT REQUIREMENTS

(1) Pursuant to Section 232.0015 of the Texas Local Government Code, the following exceptions to plat requirements are adopted:

(A) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (2) 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 by this paragraph ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these rules shall apply.

(B) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code to have a plat of the subdivision prepared 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 of the Texas 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 of consanguinity or affinity, the platting requirements of these rules and regulations shall apply.

(C) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) all of the lots in the subdivision are more than 10 acres in area; and (2) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code.

(D) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code to have a plat of the subdivision prepared if all of the lots are sold to veterans through the Veterans' Land Board Program.

(E) The platting requirements of these rules shall not apply to a subdivision of any tract of land belonging to the State or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the State unless the subdivision lays out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code.

(F) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) the owner of the land is a political subdivision of the State; (2) the land is situated in a floodplain; and (3) the lots are sold to adjoining landowners.

(G) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if: (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (2) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations and Chapter 232 of the Texas Local Government Code.

(H) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (2) 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.

(2) The Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat, provided that the conveyance does not violate, alter, amend, diminish, or remove any covenants, restrictions, or vested property rights.

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EXHIBIT G

EXHIBIT G: FEE SCHEDULE

Pursuant to Section 232.021 of the Texas Local Government Code, the following fee schedule is adopted:

(1) All fees shall be paid by the owner to the county at the time of preliminary plat application and submission -- before the county conducts a review of the plat.

(2) All fees described by this schedule shall be paid in full by cashier's check or money order, payable to the order of McMullen County, Texas, and shall be submitted in person or by mail to the Commissioners Court at the McMullen County Courthouse located at 501 River Street, Tilden, Texas 78072. No partial payments shall be accepted.

(3) The following fees are adopted for plat applications, and the total amount of the resulting fees shall be payable to the county as described above:

(A) For a subdivision with 1 to 10 lots or divided parts: a base fee of \$500.00, plus \$100.00 per lot or divided part, plus all filing and recording fees.

(B) For a subdivision with 11 to 50 lots or divided parts: a base fee of \$1,000.00, plus \$100.00 per lot or divided part, plus all filing and recording fees.

(C) For a subdivision with more than 50 lots or divided parts: a base fee of \$1,500.00, plus \$100.00 per lot or divided part, plus all filing and recording fees.