

**HOOD COUNTY  
DEVELOPMENT AND COMPLIANCE  
RULES AND REGULATIONS**

---

**SECTION II  
SUBDIVISION REGULATIONS**

# HOOD COUNTY

## SECTION II SUBDIVISION REGULATIONS

### *TABLE OF CONTENTS*

Article I.	Purpose and Authority
	Section 1.1 Purpose
	Section 1.2 Development Process
	Section 1.3 Findings
	Section 1.4 Order
	Section 1.5 Interpretation
	Section 1.6 Exemptions
	Section 1.7 Prior Approvals
	Section 1.8 Appendices Incorporated
Article II.	Definitions
	Section 2.1 Interpretation
Article III.	Subdivision Procedures
	Section 3.1 Authorization to Subdivide Land
	Section 3.2 Subdivision Approval Process
	Section 3.3 Application Materials
	Section 3.4 Complete Application Required
	Section 3.5 Technical Review Procedure
	Section 3.6 Action by Commissioners' Court
	Section 3.7 Application Fees
	Section 3.8 Subdivisions Within the Extraterritorial Jurisdiction (ETJ) of a Municipality
	Section 3.9 Record Plat
	Section 3.10 Takings Impact Assessment (TIA)
	Section 3.11 Engineer Certification
Article IV.	Preliminary Plat
	Section 4.1 Application for Preliminary Plat Approval
	Section 4.2 Approval Criteria for Preliminary Plat
	Section 4.3 Construction Activities
	Section 4.4 No Conveyance of Lots
	Section 4.5 Expiration
	Section 4.6 Construction of Roads Prior to Final Plat

Article V. Final and Recorded Plat

- Section 5.1 Application for Final Plat Approval
- Section 5.2 Standards for Approval
- Section 5.3 Effect of a Final Plat
- Section 5.4 Record Plat

Article VI. Subdivision Design and Street Construction

- Section 6.1 Permitted Streets
- Section 6.2 Roadway Layout
- Section 6.3 Dedication to the Public
- Section 6.4 Design and Construction of Public Improvements
- Section 6.5 Emergency Access
- Section 6.6 Nonresidential Driveways
- Section 6.7 Shared Access Driveways
- Section 6.8 Publicly Maintained and Dedicated Paved Streets
- Section 6.9 Private Streets
- Section 6.10 Permit Required for Construction in Right-of-Way
- Section 6.11 Installation of Utility Lines
- Section 6.12 Temporary Construction Erosion Controls
- Section 6.13 Mailboxes
- Section 6.14 Street Names and Signs

Article VII. Acceptance of Road Maintenance and Bonding Requirements

- Section 7.1 Owner's Maintenance Responsibility
- Section 7.2 County Acceptance of Roadways
- Section 7.3 Bonding Requirements
- Section 7.4 Construction Before Recorded Plat

Article VIII. Water and Wastewater Standards

- Section 8.1 Compliance with Concept Plan Conditions
- Section 8.2 Compliance with On-Site Sewage Rules
- Section 8.3 Individual Septic Tanks
- Section 8.4 Centralized Wastewater Facilities
- Section 8.5 Fire Protection
- Section 8.6 Groundwater Certification

Article IX. Drainage and Flood Control

- Section 9.1 General Requirements

- Section 9.2 Storm Water Run-Off into County Drainage Facilities
- Section 9.3 Sizing of Drainage Facilities
- Section 9.4 Conveyance of 100-Year Storm Frequency Flows
- Section 9.5 Completion of Drainage System Prior to Acceptance of Road Maintenance
- Section 9.6 Maximum Headwater Elevation for Drainage Crossings
- Section 9.7 Drainage Design Methodology
- Section 9.8 Drainage Plan Requirements
- Section 9.9 Flood Plain Management
- Section 9.10 Drainage Easements
- Section 9.11 Erosion Control Measures

Article X. Revision and Cancellation of Plats

- Section 10.1 Revision of Plat
- Section 10.2 Review Period
- Section 10.3 Public Notice
- Section 10.4 Criteria for Approval
- Section 10.5 Establishment or Change to Building Setback Lines
- Section 10.6 Cancellation of a Plat in the ETJ of a Municipality
- Section 10.7 Inconsistency in Regulations

Article XI. Variances

- Section 11.1 Criteria for Variance
- Section 11.2 Application Materials
- Section 11.3 Discretion to Grant Variances

Article XII. Enforcement; Penalties; Appeals; Severability

- Section 12.1 Category of Offense
- Section 12.2 Enforcement Actions
- Section 12.3 Enforcement of Building Lines
- Section 12.4 Appeal of Building and Setback Lines
- Section 12.5 Enforcement of Plat Notes
- Section 12.6 Severability
- Section 12.7 Amendment to Regulations

**SECTION II  
SUBDIVISION REGULATIONS**

**APPENDICES**

Appendix "A"	Subdivision Application Form and Checklists Hood County, Texas
Appendix "B"	Subdivision Application Fees Hood County, Texas
Appendix "C"	Plat Language and Certifications Hood County, Texas
Appendix "D"	Bonds and Other Forms Hood County, Texas
Appendix "E"	Road Construction Standards Hood County, Texas
Appendix "F"	Developer's Letter of Agreement Hood County, Texas

**HOOD COUNTY  
Subdivision Regulations**

**Article I. Purpose and Authority**

Section 1.1 Purpose.

The regulations contained herein are intended to implement the County's Strategic Plan and the State's subdivision laws for Counties, as well as to complement Hood County's development permit law. The Subdivision Regulations are designed to encourage the development of a quality physical environment by establishing standards for the provision of adequate storm water drainage, transportation, public utilities and facilities, and other needs that are necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. The Subdivision Regulations are declared to promote the health, safety and general welfare of the County's citizens.

Section 1.2 Development Process.

The subdivision of land is the second step in the process of developing land in Hood County. After obtaining approval of a concept plan pursuant to the County's development permit orders, the property owner is authorized to submit a plat application pursuant to these 2000 Subdivision Regulations.

Section 1.3 Findings.

The Hood County Commissioners' Court hereby makes the following findings:

- A. The Commissioners' Court of Hood County has been delegated the authority to regulate the subdivision and development process pursuant to, but not limited to, the following Texas statutes:
1. Texas Local Government Code, Chapters 231, 232, 233 and 242;
  2. Texas Health and Safety Code, Chapters 121, 122, 366 and 368;
  3. Texas Water Code, Chapters 16 and 26.
- B. The Commissioners' Court of Hood County has been delegated responsibility under Texas law for overseeing the quality of water resources in the County as impacted by rapid growth and development, and these Regulations are a necessary component of such oversight;

- C. The Commissioners' Court of Hood County is the authorized agent for the licensing and regulation of on-site sewerage facilities within Hood County, and these Regulations are a necessary component of such regulation;
- D. The Commissioners' Court of Hood County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Hood County, and these Regulations are a necessary component of such obligations;
- E. The Commissioners' Court of Hood County has been granted the authority and responsibility under the Federal Emergency Management Act (FEMA) to administer floodplain development regulations within the County, and to regulate associated development;
- F. The Commissioners' Court of Hood County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County, and has adopted these Regulations in part to abate or prevent the potential pollution, nuisances or injury to public health;
- G. The Commissioners' Court of Hood County has the authority and obligation to protect the public health, safety and welfare of the citizens of Hood County;
- H. The Commissioners' Court of Hood County has considered the potential burden upon landowners and taxpayers of substandard development and/or poor quality road construction, and has conducted a takings impact assessment pursuant to Chapter 2007 of the Texas Local Government Code demonstrating that the adoption of these Regulations does not constitute a taking; and
- I. These Regulations are adopted to preserve and protect the resources, public health, and private property interests of Hood County.
- J. The Commissioners' Court of Hood County has determined that these Regulations are subject in part and exempt in part from the requirement to conduct a takings impact assessment pursuant to Texas Local Government Code Chapter 2007.

Section 1.4 Order.

The Commissioners' Court of Hood County, following public notice, investigation and hearing, has declared and hereby declares these Subdivision Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above. These Regulations have been adopted by order of the Hood

County Commissioners' Court to provide a framework for the orderly and efficient development of rural and suburban Hood County.

Section 1.5 Interpretation.

In the interpretation and application of the provisions of these Regulations, it is the intention of the Commissioners' Court of Hood County that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within Hood County, and shall supersede the previous Subdivision Regulations (approved on July 28, 1997, as amended) in their entirety. It is the further intent of the Court that these Regulations shall be interpreted in conjunction with the Court's orders relating to development permits and on-site sewage facility permits.

Section 1.6 Exemptions.

- A. The following types of land divisions into two (2) or more tracts are exempt from the platting requirements of these Subdivision Regulations provided that, except for manufactured housing rental communities, no part of the land is intended or designed for the laying out of any of the following facilities intended to be dedicated to the County for public use or for the use of purchasers or owners of lots, parcels or tracts fronting onto or adjacent to such facilities: (i) roads or streets; (ii) alleys; (iii) squares; (iv) parks; (v) public utility easements; (vi) public rights-of-way; (vii) drainage or storm water improvements; (viii) other public facilities.
1. Division in which all tracts are intended to be used primarily for agricultural use, or farm
  2. Divisions into four (4) or fewer parcels, if each of the lots are sold, given or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity (if any of the lots are sold, transferred or otherwise distributed to individuals who are not related to the owner within the third degree of consanguinity or affinity, the platting requirements of these Regulations apply);
  3. Divisions in which all of the lots of the subdivision are more than ten (10) acres in area.
  4. Divisions in which all the lots are sold to veterans through the Veterans' Land Board program;
  5. Divisions in which one new part is to be retained by the owner, and the other new part is to be transferred to another person who will subdivide the tract subject to the plat approval requirements of these Regulations;

6. Divisions in which 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;
  7. Divisions in which the owner of the land is a political subdivision of the State, the land is situated in a floodplain, and the lots are sold to adjoining landowners; or
  8. Creation of a manufactured home rental community
- B. Land divisions that are initially exempt, under this Section, or development on tracts which were a part of a division that was initially exempt, require approval under these Subdivision Regulations at the time that subdivision of the land, as defined in Article II, is proposed to occur or at the time that the intended development on the tract exceeds the nature of the particular exemption.
- C. Exemption under these Regulations does not exempt the development of the property from requirements arising under the County's development permit orders or orders governing on-site sewage facilities.

Section 1.7 Prior Approvals.

- A. A plat application for land that already has received preliminary plat approval prior to the effective date of these 2000 Subdivision Regulations shall be based upon the subdivision regulations in effect immediately prior to these Regulations, and such regulations are kept in effect for such purposes. Development of land subject to this Section may be subject to development permit or on-site sewage facility permit regulations duly adopted by County order.
- B. All other plat applications, including re-plats, plat amendments or applications for plat approval following plat cancellation, shall be subject to the regulations and development standards contained in these 2000 Subdivision Regulations.

Section 1.8 Appendices Incorporated.

The appendices to this order are incorporated herein by reference and made a part of this order hereby.

## Article II. Definitions

### Section 2.1 Interpretation.

For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number (and vice versa); and words used in the masculine gender include the feminine gender (and vice versa). Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is always mandatory, while the word “may” is merely directory.

1. Acre – A unit of area equal to 43,560 square feet. When calculating the acreage of any lot, the gross square footage within the lot shall be used, provided any that is within a private roadway easement or an easement for a shared access driveway shall be excluded.
2. Applicant – An owner or an owner’s authorized representative who seeks approval of a proposed subdivision pursuant to these Regulations.
3. Base Flood Plain – That area subject to inundation by a flood, having a one percent (1%) probability of occurrence in any given year (i.e., the 100-year frequency storm), as identified by the most current Flood Insurance Rate Maps (FIRM) or as established by an approved engineering study.
4. Bond – Any form of a surety bond in an amount and form satisfactory to the County, as authorized in Section 232.004 of the Texas Local Government Code.
5. Building Setback Line – The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street and/or property line(s).
6. Business Day – The days of the week the County offices are open (excludes weekends and official holidays).
7. Centralized Water System – A system, including treatment, storage and distribution facilities under the control of the operator of the system, for provision of water for human consumption to the public through pipes or other constructed conveyances and that has at least fifteen (15) service connections.
8. Centralized Wastewater System – Any publicly or privately owned system for the collection, treatment and disposal of wastewater that is required to

obtain a waste discharge permit issued by the Texas Commission on Environmental Quality (TCEQ).

9. Commissioners' Court – The Commissioners' Court of Hood County.
10. County – Hood County, Texas.
11. County Clerk – The County Clerk of Hood County.
12. County Road Administrator – The Official responsible for the maintenance of roads under the County Road System.
13. County Road System – Those public dedicated streets that have been accepted by specific approval action of the Commissioners' Court.
14. Dedicated Street – See “Permitted Street.”
15. Development – All land modification activity, including the grading or construction of buildings, roads, paved storage areas, parking lots and/or other impervious structures or surfaces.
16. Concept Plan – A schematic plan of a proposed development site showing the information necessary to obtain authorization to proceed with development of the project pursuant to the Hood County Development Permit Regulations.
17. Director of Development & Compliance – The Official that has specifically been employed by the County to enforce the Hood County Development Regulations.
18. Director of Health – The Director of Hood County Health Department, and any successor thereto.
19. Drainage Plan or Study – A general plan for handling the storm water affecting property proposed for development (also see Section 4.1 B.5.).
20. Easement – The word “easement” shall mean an area for restricted use on private property upon which a public utility/entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.
21. Engineer – A registered professional civil engineer (or the firm of registered professional consulting engineers) licensed to practice in the State of Texas that has been specifically employed by the developer/property owner.

22. Escrow – A deposit of cash with the County in accordance with County policies.
23. ETJ – (Extraterritorial Jurisdiction) The unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in Texas Local Government Code Chapter 42.
24. FEMA – Federal Emergency Management Agency.
25. Filing Date – The filing date is when all necessary forms, fees, plans and copies are submitted and accepted for filing by action of issuance of a fee receipt by the County.
26. Final Plat – See “Plat, Final.”
27. Homeowners Association (HOA) – An HOA shall be organized as a non-profit corporation with automatic (i.e., mandatory) membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land and which also bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Assessments shall also be handled in covenant form rather than as articles of incorporation since the latter may be easily amended. Included within the maintenance covenants shall be procedures for changing them at stated intervals since maintenance costs may change over time. Deeds shall also mention the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata share formula for all property owners.
28. Lot – Any tract or parcel of land created by the division of the original tract, pursuant to the proposed subdivision’s application, and including the remainder of the original tract.
29. Lot of Record – A divided or undivided tract or parcel of land having frontage onto a street and which is, or which in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
30. Manufactured Home Rental Community – A plot or tract of land that is separated into two (2) or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residents.

31. Manufactured Home Subdivision – A plot or tract of land that is divided/separated into two (2) or more spaces or lots for sale, or that are rented, leased or offered for rent or lease for the installation of manufactured homes for use and occupancy as dwelling units, either with an option to purchase, or for a term of more than sixty (60) months.
32. Off-Site Improvements – Off-site improvements shall mean those facilities and/or improvements that are required to service the site, but which are not located within the boundaries of the plat. These include all over-sizing for streets, sewer lines, water lines and storm drainage structures, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.
33. On-Site Improvements – On-site improvements shall mean those existing or proposed facilities or improvements constructed within the property boundaries of the plat. On-site improvements shall also mean those existing and/or proposed facilities that are required to be constructed or improved immediately adjacent to the property and which are required to serve the development. These include streets, water lines, sewer lines, storm drainage structures, curb and gutter, and any other construction or reconstruction to serve the property.
34. Original Tract – The original parcel of land owned by an owner prior to proposed subdivision.
35. Owner – The owner of the land subject to the proposed subdivision.
36. Pavement Width – The portion of a street that is available for vehicular traffic. Where curbs are used, the pavement width is the portion which is face-to-face with respect to the curb.
37. Perimeter Street – Any existing or planned street which abuts the subdivision or addition which is to be platted.
38. Permitted (or Dedicated) Street – A street that is dedicated to the County on a plat of record (see Section 6.1).
39. Plat, Final (also called “Record Plat” or “File Plat”) – The one official and authentic map (along with all necessary survey drawings, notes, information, affidavits, dedications and/or acceptances as required by these Regulations) of any given subdivision of land which is prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.

40. Plat, Preliminary - The graphic expression (i.e., drawing) of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division onto a topographic map, and showing in plain view all existing and proposed drainage features and facilities, the proposed street layout and direction of curb flow, and other pertinent features, along with such notations and other information that is sufficient to substantially describe the general scope and detail of proposed development.
41. Plat, Record – A record plat is the final plat drawing which has been approved by the Commissioners’ Court, which has been signed by the County Judge, and which is filed at the County (see Section 3.9).
42. Preliminary Plat – See “Plat, Preliminary.”
43. Improvement Agreement – A contract entered into by the developer and the County by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.
44. Regulations – The “Hood County Subdivision Regulations,” as may be amended.
45. Re-platting (or Re-plat) – The re-subdivision or combining of all or any part of any block(s) of a previously platted subdivision, additional lot or tract.
46. Right-of-Way – A parcel of land that is occupied, or intended to be occupied, by a street or alley. Where appropriate, “right-of-way” may include other facilities and/or utilities such as sidewalks; railroad crossings; electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities; or which is used for any other special use. The term “right-of-way” shall also include parkways and medians, which are located outside of the actual pavement. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.
47. Setback – See “Building Setback Line.”
48. Street – A right-of-way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land. A Street may be classified as follows:

- a. Major (Type “A”) and minor (Type “B”) arterial streets (also called primary thoroughfares) provide vehicular movement from one neighborhood to another, to distant points within an urban area, and/or to freeways or highways leading to other communities and/or counties.
  - b. Major (Type “C”) and minor (Type “D”) collector streets (also called feeder streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor streets to major thoroughfares.
  - c. Local residential streets are primarily for providing direct vehicular access to abutting residential property.
  - d. Private streets are residential streets that are typically owned and maintained by an entity other than the County or municipality in which they are located, and that are generally intended to serve the residents located thereon but not the public at large (see Section 6.9).
  - e. Public (or permitted) streets are those streets that are dedicated to the County on a record plat.
49. Street, Cul-De-Sac – A street with only one (1) outlet which has an approved turnaround at the closed end, and which is typically (although not always) intended to remain closed off (i.e., not extended into adjacent property).
50. Street, Dead-End – A street, other than a cul-de-sac, with only one (1) outlet.
51. Street Improvements – For the purpose of these Regulations, “street improvement” means any street or thoroughfare, together with all appurtenances required by County Regulations to be provided with such street or thoroughfare, and including but not limited to sidewalks, drainage facilities to be situated within the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs, for which facilities the County will ultimately assume the responsibility for maintenance and operation.
52. Street, Perimeter – See “Perimeter Street.”
53. Street, Right-of-Way – The distances between property lines measured at right angles to the centerline of the street.
54. Sub-divider – Any person or agent thereof who is dividing or proposing to divide land so as to constitute a subdivision as that term is herein defined. In any event, the term “sub-divider” shall be restricted to include only the

owner, equitable owner, or authorized agent of such owner or equitable owner (such as a developer) of land, which is sought to be subdivided.

55. Subdivision – The division of a tract of land situated within Hood County and outside the corporate limits of any municipality into two (2) or more lots, parcels or tracts for the purpose of sale or development, or for the purpose of laying out any of the following facilities intended to be dedicated to the County for public use or for the use of purchasers or owners of lots, parcels or tracts fronting onto or adjacent to such facilities: (i) roads or streets; (ii) alleys; (iii) squares; (iv) parks; (v) public utility easements; (vi) public rights-of-way; (vii) drainage or storm water improvements; (viii) other public facilities. The term “subdivision” includes the term “addition.”

A division of a tract under this subsection 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 deed or other executory contract to convey, or in a lease (other than agricultural or hunting leases), or by using any other method of conveyance of an interest in land.

It is the intent of the Commissioners’ Court of Hood County that the term “subdivision” be interpreted to include all divisions of the land that are not exempt under Section 1.6 of these 2000 Subdivision Regulations, including expressly divisions intended to create gated (i.e., private street) communities, to the fullest extent permitted under the laws of the State of Texas.

56. Substandard Street – An existing street or road that does not meet the minimum specifications in the County’s thoroughfare construction standards and specifications (as contained within the “Standard Specifications for Public Works Construction,” published by the North Central Texas Council of Governments, as may be amended), and which is not constructed to the ultimate extent or configuration for the type of roadway it is designated for on the County’s Master Thoroughfare Plan. A standard street is a street or road that meets or exceeds said standard specifications and designation on the Master Thoroughfare Plan.
57. Surveyor – A licensed State land surveyor or a registered public surveyor, as authorized by the State statutes to practice the profession of surveying.
58. TIA – Takings Impact Assessment (see Section 3.10 of these Regulations).
59. TCEQ – Texas Commission on Environmental Quality.
60. TxDOT – Texas Department of Transportation.

### **ARTICLE III. Subdivision Procedures**

#### **Section 3.1 Authorization to Subdivide Land.**

No plat application subject to these Subdivision Regulations shall be accepted for filing until (a) a concept plan for development has been approved for all land under unified ownership of which the land to be platted is a part, in accordance with the County orders for development permits; and (b) a subdivision construction authorization is obtained pursuant to Article 8 of the County's order governing on-site sewage facilities. Acceptance of any plat application in violation of this Section hereby is deemed to be unlawful, and approval of such application shall be void and of no effect.

#### **Section 3.2 Subdivision Approval Process.**

Approval of a subdivision plat occurs in stages, and may not be initiated until authorization to proceed with an application for plat approval, is obtained pursuant to Section 3.1. In most circumstances, both a preliminary plat and a final plat must be approved by the Commissioners' Court prior to filing of the record plat with the County Clerk.

#### **Section 3.3 Application Materials.**

Each application for preliminary plat or final plat approval shall be submitted to the Director of Development and Compliance at least thirty (30) days, and no more than sixty (60) days, prior to the desired Commissioners' Court meeting, and said application shall be accompanied by the following information and materials:

1. The name, address, and telephone number of the owner and, if different, the developer or applicant;
2. The name, address and telephone number of the person submitting the materials on behalf of the owner;
3. The name of the proposed subdivision;
4. The size and location of the original tract or, if a reference number has previously been assigned, the reference number (if applicable) of the subdivision application;
5. A complete application form as approved by the County (see Appendix "A"), that includes all the information specified in Articles IV and V relating to preliminary and final plats, respectively, and that includes the required number of copies of the drawing(s) for each type of application;

6. The applicable application fee (see Appendix “B”);
7. A tax certificate showing that all taxes currently due for the land to be subdivided and/or the original tract have been paid (must be provided prior to final plat approval);
8. For final plat only (unless the applicant opts to construct public improvements and the development following preliminary plat approval, in which case these items must be submitted with the preliminary plat application), all necessary engineering and/or construction drawings/plans, where applicable, which have been signed, dated and sealed by a registered professional civil engineer who is licensed in the State of Texas;
9. For final plat only, all associated bonds and/or letters of credit.

Section 3.4 Complete Application Required.

1. An application for a preliminary plat shall be deemed to be complete for purposes of this Section when all of the materials required under Section 3.3 and Article IV are received and accepted by the Director of Development and Compliance.
2. An application for a final plat (or re-plat) shall be deemed to be complete for purposes of this Section when all of the materials required under Section 3.3 and Article V are received and accepted by the Director of Development and Compliance.
3. Acceptance by the Director of Development and Compliance of a plat application with the documentation or other required information shall not be construed as approval of the documentation or other information. Acceptance of the plat application shall also not be deemed as permission or approval to begin construction activities on the proposed development site.
4. If the Director of Development and Compliance determines that the application for plat approval is incomplete, then he shall return the application to the applicant within ten (10) business days of the date the application was received with a written explanation of missing information or documents.
5. The applicant shall address the Director’s comments, and shall then resubmit the plat application along with any additional information and/or revisions to the plat as requested by the Director. The time for acting upon the plat application by the Commissioners’ Court does not begin to run until such completed application is received.

6. An application to revise an approved plat, or an application for plat approval following expiration of a plat previously approved, shall be considered a new application for purposes of this Section.

Section 3.5 Technical Review Procedure.

1. Upon determination that an application for plat approval is complete, the Director of Development and Compliance shall conduct a technical review of the application and shall make a recommendation to the Commissioners' Court as to whether the application is in compliance with these Regulations. The Director of Development and Compliance shall forward the results of the technical review and recommendations with respect to the application to the Commissioners' Court and to the applicant.
2. Not later than the twentieth (20<sup>th</sup>) day after the date a plat application is accepted as complete, the Director of Development and Compliance shall determine whether the time for approving the plat should be extended for any of the reasons described in Subsection 3 hereof. If there appear to be no reasons for extension, the Director shall schedule the application for final action by the Commissioners' Court not later than the sixtieth (60<sup>th</sup>) day after the date the plat application is accepted as complete.
3. The period for final decision by the Commissioners' Court may be extended for any of the following reasons:
  - a. If agreed to in writing by the applicant and approved by the Director of Development and Compliance, for a reasonable period of time; or
  - b. Chapter 2007 of the Texas Local Government Code requires the County to perform a takings impact assessment in connection with a plat application, in which case the period for approval may be extended an additional sixty (60) days; or
  - c. The timing of approval is affected by another regulatory agency that has jurisdiction over plat approval or satisfaction of plat standards of approval, in which case the period may be extended for a time until that agency completes its procedures with respect to the plat; or
4. Upon termination of the condition(s) requiring the extension of the time for plat approval, the Director of Development and Compliance shall schedule the plat application for final decision by the Commissioners' Court within the time remaining within the original sixty-day period prior to extension of the time for decision on the plat application.

Section 3.6 Action by Commissioners' Court.

1. The Commissioners' Court shall take final action on a preliminary or final plat application, as the case may be, including the resolution of all requests for exceptions, not later than the sixtieth (60<sup>th</sup>) day after the date a plat application is determined by the Director of Development and Compliance to be complete, except where the period has been extended as provided in Section 3.5.
2. The Commissioners' Court shall take action on the plat application based upon the criteria for plat approval in Articles IV and V relating to preliminary and final plats, respectively, the recommendations of the Director of Development and Compliance and other officials and agencies, and the results of the takings impact assessment, if any.
3. The Commissioners' Court may approve, approve with conditions, or disapprove the plat application.
4. If the Commissioners' Court disapproves a plat application, the applicant shall be given a list of the reasons for the disapproval.
5. It is the responsibility of the applicant/sub-divider to assure compliance with applicable State, federal and local laws and regulations pertaining to the environment (including, but not limited to, the preservation/protection of endangered/protected wildlife habitats, wetlands, environmentally sensitive areas, etc.).

Section 3.7 Application Fees.

1. The applicant shall pay a non-refundable fee, except as stated in Subsection 2, in the amount set forth in Appendix "B" of these Regulations, with each application for a preliminary plat or final plat approval. The application fee schedule (Appendix "B") may be amended from time to time by the Commissioners' Court without amending or affecting the remainder of these Regulations.
2. If the Commissioners' Court fails to take action within the times prescribed in this Article, it shall refund the greater of the unexpended portion of the application fee or 50% of such fee to the applicant.

Section 3.8 Subdivisions Within the Extraterritorial Jurisdiction (ETJ) of a Municipality.

In accordance with Chapter 242 of the Texas Local Government Code, the County and the municipalities within the County have adopted agreements that identifies the governmental entity authorized to regulate subdivision plats and

approve related permits within the extraterritorial jurisdiction of each municipality. The adopted agreements for each municipality are as follows:

1. Where Hood County exercises exclusive jurisdiction to regulate subdivision plats and approve related permits:
  - a. Brazos Bend
  - b. Lipan
  - c. DeCordova
  
2. Where the City exercises exclusive jurisdiction to regulate subdivision plats and approve related permits:
  - a. Cresson
  - b. Granbury
  - c. Tolar

Section 3.9 Record Plat.

1. Three (3) 18” x 24” mylars shall be presented to the County Clerk for recording as the record plat (after all required County reviews and/or approval procedures have been satisfied), unless the requirements for recording plats is changed by the County (in which case the new requirements must be followed). All writing and drawings on the record plat must be large and clear enough to be easily legible following recording and subsequent reproduction methods customarily used by the County.

It is the responsibility of the applicant/sub-divider to ascertain and satisfy the County’s requirements (e.g., sheet size, lettering/dimensioning/line weight criteria, etc.) for the record plat, and approval of the final plat by the Commissioners’ Court shall in no way be construed to mean that the record plat does not have to meet these requirements.

2. Record drawings of the approved construction drawings shall be submitted to the Director of Development and Compliance at the time of roadway acceptance by the Commissioners’ Court.

Section 3.10 Takings Impact Assessment (TIA).

1. The Commissioners’ Court shall cause a takings impact assessment to be prepared prior to taking final action on a plat application whenever the Director of Development and Compliance determines that any part of the land must be dedicated for public use, in order to meet the standards of approval for the plat, or if he recommends that such dedication be imposed as a condition of plat approval.

2. If a takings impact assessment is required, approval of the plat shall be delayed until the assessment is completed. In the event that the proposed dedication is subject to County participation in excess costs, the final takings impact assessment shall await determination of the amount of such participation.
3. An applicant may unconditionally waive the requirement that a takings impact assessment be prepared for one (1) or more dedications to be imposed for the development. If a takings impact assessment is waived for the plat application, the period for taking final action on the plat shall be extended only for a time equal to the number of days until the waiver is received by the Director of Development and Compliance, following the twentieth (20<sup>th</sup>) day after the plat was determined to be complete.

Section 3.11 Engineer Certification.

All of the plans and specifications of the improvements contained in the Developer's subdivision application to Commissioners' Court shall be prepared by a Texas Registered Professional Engineer and all of the improvements contained in the application shall be built under the supervision of such Engineer. Such Engineer shall certify in writing to the County Development and Compliance Director that as each segment or phase is completed, that such segment or phase has been built true and correct in accordance with the submitted plans and specifications and that the same was built under his supervision. This written certification shall be signed and sealed by such Engineer. All of the expenses of such engineering shall be paid for by the Developer.

## **Article IV. Preliminary Plat**

### Section 4.1 Application for Preliminary Plat Approval.

An application for approval of a preliminary plat shall include the following:

#### A. General Information

1. Name of the proposed subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, continuous subdivision.
2. The boundary lines and total acreage of the original tract and the proposed subdivision.
3. A note stating the total number of lots within the proposed subdivision, the smallest lot size shown on the plat, and the average size of lots, as well as the total number of lots within the following size categories: ten (10.0) acres or larger; larger than five (5.0) acres but smaller than ten (10.0) acres; two (2.0) acres and larger but smaller than five (5.0) acres; one (1.0) acre and larger but smaller than two (2.0) acres; and smaller than one (1.0) acre.
4. Approximate acreage (or square footage) and dimensions of each lot.
5. The location of any lots proposed for parks, squares, greenbelts, schools and/or other public use facilities.
6. Names of adjoining subdivisions or owners of property contiguous to the proposed subdivision, along with the appropriate recording citations (i.e., the volume and page in the Hood County deed or plat records where the property is recorded).
7. Name and address of the surveyor and/or engineer.
8. Name and address of the owner (or of the applicant, if not the owner) and the developer of the property.
9. An area or location map showing the general location of the proposed subdivision in relation to major roads, towns, cities and/or topographical features.
10. North arrow, scale (both graphic and written) and date. The scale shall not exceed 1" = 200 feet.

11. Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction (ETJ) of any city, including a statement of which, if any, city's limits and/or ETJ the property is situated within.
12. The location of school district boundaries (if applicable) and a statement clearly indicating in which school district(s) the subdivision is located. In the event that any lot lies within more than one (1) school district, then the plat shall clearly state the number of acres within the lot that lies within each respective school district.
13. The owner must submit, via letter, a description of his plans for providing utility service within the proposed subdivision (i.e., water, sewer, electrical service, etc.). The proposed water supply and provisions for wastewater collection/treatment should be clearly indicated (i.e., municipal water service, privately owned sewage disposal system, individual septic tank, etc.). (Also see Subsection 4.1 (D) below.)

B. Floodplain and Drainage Information.

1. Elevation Contours. The topographic contour lines on the preliminary plat shall be prepared by a licensed surveyor based upon either aerial photogrammetry or ground surveys, and shall be at contour intervals as follows:
  - a. when the land has less than five percent (5%) slope, the contour interval shall not be greater than two feet (2')
  - b. when the land has more than a five percent (5%) slope, the contour interval shall not be greater than five feet (5')
2. All special flood hazard areas identified by the most current Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA).
3. For each lot containing one hundred (100) year floodplain area(s), sufficient additional contours shall be provided such that they clearly identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, then they shall be established by a method satisfactory to the Flood Plain Administrator. For subdivisions containing more than fifty (50) lots or occupying more than five (5) acres, a hydrological study shall be required to establish base flood elevations where such elevations are not available from FEMA.

4. All existing drainage facilities, ditches, culverts and bridges. For each subdivision containing 100-year floodplain, at least one benchmark showing NGVD '29 elevation, as well as latitude and longitude shall be provided.
5. A final drainage plan prepared in accordance with Section 9.8 of these Regulations, and certified by a registered professional civil engineer who is licensed to practice in the State of Texas under the provisions of the Texas Engineering Regulations Act and amendments thereto.
6. The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of the proposed lot and street layout upon storm drainage.
7. Depiction of all streams, rivers, ponds, lakes and other surface water features or any "sensitive features" (as defined by the Texas Natural Resource Conservation Commission in 30 Texas Administrative Code, Section 213.3), and a statement certified by the surveyor or engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of any such features in accordance with the terms of these Regulations.

C. Street and Right-of-Way Information.

1. Location, length and right-of-way widths of all proposed streets, and a depiction of how all proposed streets shall connect with previously dedicated, platted and/or planned streets within the vicinity of the subdivision.
2. Location, size and proposed use of all proposed access easements or shared access driveways, if any.
3. The amount of foot frontage of each lot onto a dedicated street.
4. A designation of the classification of each road or street to be constructed, and/or of existing streets abutting any lot (i.e., major collector, minor arterial or major arterial), as determined in accordance with Section 6.4 of these Regulations and with the County's Master Thoroughfare Plan.

D. Water, Wastewater and Utilities Information.

1. Designation of the entity supplying telephone and gas utilities to lots, or a statement that such utility is not available.

2. The location of all proposed utility easements and/or infrastructure, including water wells and sanitary system easements, if applicable.
3. Designation of the water and/or sewer utility provider(s) for the subdivision, the source of the water intended to serve each lot within the subdivided area and, where groundwater is to be the source of water for the subdivision, certification by a registered engineer that the provider has adequate water resources to meet TCEQ requirements for residential development.
4. Certification that all lots have been designed in compliance with the rules of Hood County for on-site sewage facilities, together with all planning and evaluation materials required to determine lot sizing under the Hood County on-site sewage rules and any request for a variance under the rules of Hood County for on-site sewage facilities.

Section 4.2 Approval Criteria for Preliminary Plat.

The Commissioners' Court shall conditionally approve a preliminary plat if it satisfies each of the following criteria.

1. The plat is consistent with the approved concept plan (pursuant to the County's Development Permit Regulations);
2. The plat conforms to the Hood County rules governing on-site sewage collection/disposal, if applicable, together with any subdivision construction authorization issued by the County's Director of Health.
3. The plat conforms to the requirements for road dedication, design and construction contained in Article VI;
4. The plat conforms to the requirements for provision of water and wastewater services contained in Article VIII; and
5. The plat conforms to the requirements for drainage contained in Article IX, including written certification from a registered professional engineer stating that the location and approximate sizes of the drainage structures set forth in the preliminary plat are in accordance with such requirements.

Where standards contained in articles VI, VIII and IX apply solely to final plats, such standards may be satisfied at the time of final plat approval. Approval of the preliminary plat by the Commissioners' Court will indicate the County's approval of the basic layout of the proposed subdivision and of proposed improvements (as applicable), but will not constitute approval for recording the plat with the County Clerk.

Section 4.3 Construction Activities.

Approval of a preliminary plat does not authorize any site grading, construction, or development activities except as permitted in Section 4.6 herein, but merely authorizes the applicant to proceed with the preparation of a final plat.

Section 4.4 No Conveyance of Lots.

Conveyance or sale of lots depicted on a preliminary plat shall not be permitted until the final plat has been approved, and until the record plat has been filed with the County Clerk.

Section 4.5 Expiration.

1. Approval of a preliminary plat shall expire and be of no further force and effect within twelve (12) months following the date the Commissioners' Court approves the preliminary plat, unless a final plat is approved for all or part of the preliminary plat within that time period.
2. In the case of a multi-phase subdivision, where phases are depicted on the approved preliminary plat, approval of a final plat for a phase shall extend the expiration date for the remaining portion of the original preliminary plat for a period of not more than six (6) months after the date of approval of the final plat. Approval of a subsequent final plat within such period shall extend the expiration date for the portion of the original preliminary plat for which no final plats have been approved for an additional six (6) months from the date of approval of such plat.
3. Each extension period for the expiration of the original preliminary plat runs from the date of the latest final plat approval; extension periods are not cumulative. If a final plat is not approved during the extension period, the original preliminary plat, together with any unapproved final plat applications or expired final plats, expires.
4. The filing of a revised preliminary plat after approval of the original preliminary plat but prior to final plat approval shall cause the prior preliminary plat to expire immediately. If a phase of the development already has received final plat approval, the sub-divider shall submit a revised preliminary plat for all phases of the subdivision that have not received final plat approval. In either case, all regulations in effect on the date of filing of the revised preliminary plat shall be applied to the new plat application.

Section 4.6 Construction of Roads Prior to Final Plat.

Upon Commissioners' Court approval of a preliminary plat, unless conditioned otherwise within such approval, an owner may make written request to the Director of Development and Compliance to commence construction of roads, streets, utilities and drainage structures with the right-of-way. This request may be granted upon the Director of Development and Compliance's review and approval of the construction plans and other materials required in Article V, as applicable. If the roads are constructed and accepted by the County in accordance to these regulations prior to the final plat approval, a performance bond will not be required for the constructed facilities.

## **Article V. Final and Recorded Plat**

### **Section 5.1 Application for Final Plat Approval.**

An application for approval of a final plat shall include the following:

#### **A. General Information.**

1. Bearings and dimensions of the boundary of the subdivision and all lots, parks, greenbelts, rights-of-way, easements and/or reserves. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01'), and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
2. Description of monumentation used to mark all boundary lot, and block corners, as determined by a registered professional surveyor, and all points of curvature and tangency on street rights-of-way.
3. Location of original survey line. The subdivision shall be located with respect to an original corner of the original survey of which it is part.
4. Lot and block numbers for each lot.
5. The total acreage and square footage included within the proposed subdivision, and the acreage (and the square footage, if such is applicable to the subdivision) of all lots, calculated to the nearest one-hundredth of an acre.
6. All design calculations.

#### **B. Floodplain and Drainage Information.**

1. For subdivisions containing 100-year floodplain, benchmarks and finished floor elevations of each lot, in accordance with Hood County flood prevention criteria and as identified by the Federal Emergency Management Agency (FEMA) shall be shown on the final plat. All subdivision designs should assume ultimate (i.e., fully developed) watershed conditions and denote on the final plat the finished floor level for each lot. No dwelling unit shall be constructed unless the finished floor level is equal to, or greater than the finished floor elevations shown on the plat.
2. For each subdivision containing an area(s) within the 100-year floodplain, at least one (1) monument containing latitude and longitude and 1929 N.V. datum coordinates.

3. If the final plat includes land area within a floodplain, then appropriate floodplain language/certificate shall be shown thereon.

C. Street and Right-of-Way Information.

1. Total length of all streets (as measured along the center lines of the streets), in linear feet, and a declaration as to which category of streets (in accordance with the County's Master Thoroughfare Plan) will be constructed, as described in Section 6.8 (paved, public streets to be maintained by the County) or Section 6.9 (paved, private streets maintained by an approved homeowners association).
2. The items required under Section 5.1 (G) (County-maintained streets) or Section 5.1 (H) (homeowners association maintained streets), as applicable.
3. In order to promote safe use of roadways and to preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless the driveway satisfies the minimum spacing requirement for driveways set forth in Article VI.
4. The minimum driveway culvert size for each lot.

D. Water, Wastewater and Utilities Information.

1. For any lot not served by a centralized wastewater system and/or by a centralized water system, the location of a viable percolation area for septic tanks and/or proposed water well sites, as required by the Hood County Health Department, shall be shown on the plat. The plat shall state that construction shall not be authorized until a site permit has been approved pursuant to the County's development permit guidelines.
2. The following statement shall appear prominently on the final plat: "No structure within this subdivision shall be occupied until it is connected to an individual water supply or to a State-approved community water system, and until it is connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Hood County Health Department. Due to fluctuating ground water supply, prospective property owners are cautioned and advised by Hood County to question the seller of any lot whether the water provider has adequate water sources to meeting TCEQ requirements."

E. Building Lines.

The location of building setback lines along all streets and drainage easements, and other public rights-of-way or future rights-of-way shall be shown on the plat.

F. Other Plat Notes and Certifications.

1. The following statement shall appear prominently on the plat: “No construction or development within this subdivision may begin until all Hood County development permit requirements have been satisfied and the construction plans have been approved by the Director of Development and Compliance.”
2. Certifications and the appropriate plat notes (i.e., language) set forth in Appendix “C” of these Regulations.
3. The following statement shall appear prominently on the plat: “No lot or parcel shown on this plat may be sold by metes and bounds (or conveyed by other means) prior to the filing of this plat at Hood County. Such sale/conveyance of lots or parcels may be subject to fines and withholding of utilities and/or building permits.”

G. Additional Requirements for County-Maintained Streets.

Prior to the filing of an application for final plat approval, an applicant seeking to construct streets or drainage improvements that will be accepted by the County for maintenance shall submit the following:

1. Approved construction plans for all streets and drainage improvements within the subdivision and signage plans for all streets. No final plat application will be accepted for filing until construction plans have been approved by the County Road Administrator.
2. A certification under the seal of a professional civil engineer, licensed to practice in the State of Texas, that the construction plans and pavement designs are in compliance with these Regulations;
3. The anticipated cost, per linear foot, of each street; and
4. The total estimated construction cost of all of the streets and drainage improvements proposed to be constructed within the subdivision.

H. Additional Requirements for Streets to be Maintained by a Homeowners Association.

Prior to the filing of an application for final plat approval and when seeking approval of a homeowners association to maintain the streets within the subdivision, the applicant shall submit the following:

1. Approved construction plan for all streets and drainage improvements within the subdivision, and signage plans for all streets. No final plat application will be accepted for filing until construction plans have been approved by the County Road Administrator.
2. A certification under the seal of a professional civil engineer, licensed to practice in the State of Texas, that the construction plans and pavement designs are in compliance with these Regulations.
3. Ready-for-execution copies of the articles of incorporation and bylaws of the homeowners association; and
4. The minimum annual assessments that will be imposed upon members of the homeowners association.

Section 5.2 Standards for Approval.

The Commissioners' Court shall approve a final plat if it satisfies the following standards:

1. The plat is consistent with the approved preliminary plat;
2. The plat conforms to each of the requirements contained in Articles V, VI, VII, VIII and IX of these Regulations.

Section 5.3 Effect of a Final Plat.

Approval of a final plat shall not authorize any construction or development activities, except as may be permitted under Subsections 4.6 or 5.4 (2. b.) herein and as follows, but merely authorizes the applicant to proceed with preparation and filing of a record plat.

1. The Commissioners' Court may require that all public improvements be installed, offered for dedication, and accepted by the County prior to the approval of the final plat by the County.
2. The Commissioners' Court may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public, or would offer

significant advantage in coordinating the site's development with adjacent properties and with any needed off-site improvements. Any required public improvement(s) approved for deferred construction must be provided for as required in Section 7.3 prior to the approval of the final plat.

3. If the Commissioners' Court does not require that all public improvements be installed, offered for dedication, and accepted by the County prior to signing the final plat, it shall require that the applicant execute an improvement agreement and provide surety for the agreement as provided in these Regulations. All bonds shall be submitted prior to the time of final plat approval by the Commissioners' Court.
4. After being considered at a meeting of the Commissioners' Court, with a quorum being present, the final plat shall be acted upon by the Court. If the final plat is approved by order of the Court, then the County Judge shall sign the plat and shall so state the date of approval. The following certification shall be provided on the final plat:

" I hereby certify that this plat was approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Hood County Commissioners' Court, and may be filed for record in the Plat Records of Hood County by the County Clerk.

\_\_\_\_\_  
County Judge"

Section 5.4 Record Plat.

Within one (1) month following approval of the final plat, the applicant shall present a record plat to the County for final approval and delivery to the County Judge for execution. The record plat shall contain, or be submitted with, the following:

1. All revisions necessary to comply with any conditions to approval of the final plat as stipulated by the Commissioners' Court;
2. Submission(s) satisfying at least one of the following:
  - a. Streets to be Constructed, After Plat Recording. The road constructing security required under Section 7.3 with executed articles of incorporation and bylaws for an approved homeowners association, if applicable, together with any modifications made to the signage plans or to construction plans following review by the County Road Administrator, certified under the seal of a professional civil engineer, licensed to practice in the State of Texas, to be in compliance with these Regulations; or

- b. Streets Constructed Before Plat Recording. A certification from the County Road Administrator that all dedicated streets reflected on the record plat have been constructed in accordance with these Regulations and have been inspected by the County, together with record drawings for such streets, the maintenance bond described in Section 7.3(B) below, and executed articles of incorporation and bylaws for an approved homeowners association if applicable.
3. All items required in Section 3.3 above, including filing fees and certificates; and
4. If the record plat is approved prior to completion of construction of permitted streets, an acknowledgement that no development will occur on any lot until completion of sub-grade of the permitted street(s) serving the lot and until installation of all underground utilities is complete.
5. Copies and mylars of the record plat shall be required as required by the County Clerk (it is the responsibility of the applicant/sub-divider to ascertain and comply with all County requirements for the recording of plats).
6. A full set of construction drawings, labeled as “Record Drawings,” shall be submitted to the County Road Administrator prior to acceptance of public improvements by the County [see Section 3.9(2.)].
7. A tax certificate from the Appraisal Office, showing no delinquent Ad Valorem Taxes are owed on the real property (must be provided prior to final plat approval).
8. Filing/Recording Plat. The record plat shall be filed in the County Clerk’s office within one (1) month after the plat and all other required items, as specified in Section 5.4, are received by the County Clerk’s office.

## **Article VI. Subdivision Design and Street Construction**

### **Section 6.1 Permitted Streets.**

All streets serving a subdivision, whether maintained or designated to be maintained by the County or by a homeowners association, shall be designed and constructed in accordance with the standards in this Article and the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments (NCTCOG), as may be amended from time to time, and shall be classified as one of the two following types of streets (referred to collectively as “Permitted Streets”):

1. Public streets, to be dedicated to the County; or
2. Private streets, to be maintained by a homeowners association or other approved maintenance entity.

The Commissioners’ Court shall have the authority to determine whether streets are to be public or private.

### **Section 6.2 Roadway Layout.**

A proposed preliminary or final plat application shall satisfy the requirements of the approved concept plan and these Regulations relating to the design of roadways, and shall contain a written certification from a registered professional civil engineer or licensed surveyor that the locations and dimensions of roadways as set forth and laid out on the plat are in accordance with these Regulations. All new or proposed collector or arterial roads shall conform to the Hood County Master Thoroughfare Plan, as may be amended.

1. Residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.
2. All residential subdivisions shall provide no less than one (1) point of access for each seventy-five (75) lots, including street stubs for future extension of streets into a neighboring future development and/or connection to an existing major collector or arterial. Subdivisions should provide at least one (1) point of access in each direction (north, east, south and west) to adjacent property and to adjacent thoroughfares.
3. Dedication and/or improvement of off-site and perimeter streets shall be in accordance with the approved concept plan and the standards contained within these subdivision regulations.
4. Unless otherwise provided for in the approved concept plan, for any property that is adjacent to a major or minor arterial or collector, as shown

on the County's Master Thoroughfare Plan, the adjacent property owner(s) shall (1) dedicate sufficient right-of-way to meet the minimum right-of-way standards required by these regulations for the length of the property that is adjacent to the street (2) shall be responsible for paying the equivalent of one-half (1/2) of a minor collector street.

Section 6.3 Dedication to the Public.

Any dedication to the public shall be accomplished by dedication language on the plat which conveys a perpetual right-of-way easement on the property for public use (see Appendix "C" for dedication language).

Section 6.4 Design and Construction of Public Improvements.

All improvements shall be designed and installed to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets to permit continuity of improvements to adjacent properties. Unless otherwise approved by the Commissioners' Court, provision must be made for extension of existing dead-end streets within recorded adjacent subdivision(s). Proposed streets must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.

A. Design Criteria and Construction Standards for Streets.

1. The classification and design standards for all streets shall be determined according to the average daily traffic anticipated for the streets. The standards for paved streets are summarized on Table 6.4 and on the County's Master Thoroughfare Plan. The County Road Administrator shall promulgate rules for calculating average daily traffic, provided that all calculations of average daily traffic shall be based upon the maximum number of lots that are permitted in the subdivision under the approved concept plan, unless the number of future lots is limited by approved plat note, in which case average daily traffic shall be calculated based upon the maximum number of lots permitted under such restrictive covenants.
2. All streets shall be constructed in accordance with the Hood County Construction Standards (Appendix E) and the "Standard Specifications for Public Works Construction," published by the NCTCOG, as may be amended.

3. If the developer elects to construct streets with curb, gutter and underground storm water drainage, the following “urban” standards shall be used:

Local Street:	Fifty feet (50') of right-of-way Twenty-eight feet (28') of paving
Minor Collector:	Sixty feet (60') of right-of-way Thirty-six feet (36') of paving
Major Collector:	Sixty-four feet (64') of right-of-way Forty-four feet (44') of paving
Minor Arterial, Undivided:	Sixty-eight feet (68') of right-of-way Forty-eight feet (48') of paving
Minor Arterial, Divided:	Eighty-four feet (84') of right-of-way  Two twenty-four foot (24') paving sections with a sixteen-foot (16') median

B. Street (Block) Length.

The maximum length of any block or street segment shall be one thousand eight hundred feet (1,800') as measured along the street centerline from the point(s) of intersection with other through (i.e., not dead-end or cul-de-sac) streets.

**TABLE 6.4  
SUMMARY OF HOOD COUNTY ROAD STANDARDS\***

Average Daily Traffic (one-way trips)**	0-1,000	1,001-2,500	2,501-5,000	5,001-15,000	More than 15,000
Functional Classification	Local Street	Minor Collector - D	Major Collector - C	Minor Arterial - B	Major Arterial - A
Design Speed	30 mph	35 mph	45 mph	55 mph	All elements, including geometric layout and cross-section, shall be approved by the County Engineer on a case-by-case basis.
Number of Lanes	2	2	2	4	
Minimum Right-Of-Way (ROW) Width	<b>60'</b>	64'	70'	100'	
Width of Traveled Way	22'	24'	24'	48'	
Width of Shoulders	2'	4'	6'	8'	
Minimum Centerline Radius	175'	375'	675'	975'	
Minimum Tangent Length Between Reverse Curves or Compound Curves	75'	150'	300'	500'	
Minimum Radius for Edge of Pavement at Intersections	25'	25'	25'	25'	
Intersecting Street Angle	800-1000	800-1000	800-1000	850-950	
Maximum Grade***	9%	8%	7%	6%	
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'	
Minimum Stopping Sight Distance	175'	250'	350'	550'	
Minimum Intersection Sight Distance	250'	350'	450'	550'	
Steepest Ditch Foreslope Grade ****	3:1	4:1	4:1	5:1	

\* Any deviation from these must be the subject of an approved variance.

\*\* Lots that are restricted by plat note to single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined on a case-by-case basis by the County Road Superintendent.

\*\*\* Occasional short runs between intersections may exceed the amounts shown, but maximum grade through intersections may not exceed the amounts shown.

\*\*\*\* The entire side ditch shall be totally contained within the road right-of-way or dedicated drainage easement. Guardrails will be required wherever ditch depth exceeds 8'-0" from edge of shoulder to bottom of ditch on Local Streets, 6'-0" from edge of shoulder to bottom of ditch on Minor Collectors, and 4'-0" from edge of shoulder to bottom of ditch on Major Collectors and Minor Arterials.

Individual driveway entrances, if not shown on the approved construction plans, must be approved by the County Road Superintendent. Minimum spacing between commercial driveways or curb cuts is one hundred and fifty feet (150').

C. Cul-De-Sacs.

A street ending in a cul-de-sac shall not be longer than six hundred feet (600'), as measured from the centerline of the intersecting street to the center point of the bulb, and shall have a properly designed turnaround at the closed end. If a central water system exists, with properly placed fire hydrants, then the turn-around shall have a minimum pavement diameter of at least eighty feet (80') and a minimum bulb right-of-way diameter of at least one hundred feet (100'). If no central water system exists, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least one hundred feet (100') and a minimum bulb right-of-way diameter of at least one hundred and twenty feet (120').

D. Monuments.

In all subdivisions and additions, corners shall be established at the corners of each block in the subdivision, consisting of an iron rod or pipe not less than one-half inch (1/2") in diameter and eighteen inches (18") deep, flush with the top of the ground. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep, set flush with the top of the ground. In addition, curve point markers shall be established of the same specifications as lot corners. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final inspection of the subdivision improvements by the County.

E. Utility Easements.

Utility easements of not less than fifteen feet (15') shall be provided along the front of each lot or street frontage. A utility easement of five feet (5') on each side of the side lot lines shall also be provided.

F. Building Setback Line.

Front or side street building setback lines shall be shown on the final plat for all lots having street frontage. The setback from streets and thoroughfares shall be based upon roadway classification and land use, as follows:

<u>Class of Roadway</u>	<u>Residential</u>	<u>Non-residential</u>
AA/A	50'	50'
B	40'	50'
C/D	30'	50'
Local	25'	50'
Local	15' (patio homes)	

G. Warning Devices.

The Commissioners' Court may require gates and/or warning devices at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface.

Section 6.5 Emergency Access.

Each emergency access easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of twenty-five (25') at the inside curb line and fifty feet (50') at the outside curb line to permit free movement of emergency vehicles. Fire lane easements shall be maintained by the property owner.

Section 6.6 Nonresidential Driveways.

Driveways serving nonresidential (i.e., commercial) development shall be spaced at the minimum interval of one hundred fifty feet (150'), as set forth in the note under Table 6.4

Section 6.7 Shared Access Driveways.

Up to one (1) lot without independent access to a permitted street may obtain access to a permitted street by means of a shared access driveway if approved by the Commissioners' Court. An additional two (2) lots having independent access to a permitted street may also share the use of the shared access driveway. Shared access driveways are intended as a means to provide flexibility in the development process, and to preserve the rural character of the land. Shared access driveways are not intended to serve as a substitute for interior roads. Excessive use of shared access driveways will not be permitted. No more than ten percent (10%) of the total number of lots within a subdivision shall have shared access driveways.

Any application proposing shared access driveways shall also satisfy the following requirements:

1. A plat note must be conspicuously displayed on the plat stating the following:

“No more than three (3) single-family residences may share the use of a shared access driveway, if any other development of a dwelling unit occurs on any of the lots obtaining access through the shared access driveway, then such new dwelling unit must be constructed on a separately platted lot with direct frontage onto and physical access onto a permitted street prior to

construction of the dwelling unit. A duplex will not be considered a single-family residence for the purpose of this subsection.

The homeowners of the single-family residences obtaining access through the shared access driveway shall be solely responsible for all maintenance of the driveway, including maintaining any drainage structures associated with the driveway. The driveway must be maintained at all times in a condition that will permit unencumbered vehicular access by emergency vehicles.”

2. Each of the lots sharing use of the shared access driveway shall hold equal, indivisible, irrevocable, and unrestricted rights in the shared access driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of the benefited lots. The easement instrument shall clearly state each lot’s pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.
3. The shared access driveway shall be no longer than one thousand three hundred and twenty feet (1,320’) in length, and must have a minimum distance of one hundred feet (100’) from any other driveway or shared access driveway entering onto the permitted street. The minimum paved width of a shared access driveway shall be twelve feet (12’).
4. The postal address of each of the lots shall be based upon the permitted street from which the shared access driveway gains access, and the mailboxes for each of the lots shall be located together (i.e., clustered) along the edge of the right-of-way of the permitted street (for additional criteria regarding mailbox placement, see Section 6.13).
5. Up to three (3) lots not having independent access to a permitted street may share a shared access driveway, with up to two (2) lots having independent access to a permitted street, if all other requirements of this section are met and if all lots using or adjacent to the driveway are larger than five (5) acres in size and are restricted by a plat note limiting development to one (1) single-family residence per lot and prohibiting TCEQ regulated development.

Section 6.8 Public Maintained and Dedicated Paved Streets.

Paved streets dedicated to the public shall be required in all subdivisions except those satisfying the criteria for private streets, as set forth below. The boundary lines of all lots fronting onto a publicly dedicated right-of-way shall be contiguous with the boundary of the right-of-way.

Section 6.9 Private Streets.

All private streets shall be designed and constructed in accordance with the design standards of Hood County, the Standard Specifications for Public Works Construction, published by the NCTCOG, as may be amended from time to time, for paved, publicly dedicated streets. The term “private street” shall be inclusive of alleys, if such are to be provided within the subdivision.

A. Subdivision Eligibility Criteria.

Private streets shall be permitted only within a subdivision satisfying each of the following criteria:

1. The streets to be restricted to private use are not intended for regional or local through traffic circulation (See Subsection 6.9(B).
2. A mandatory property (homeowners) association, which includes all property served by the private streets, will be formed (see Subsection 6.9(C) below); and
3. The subdivision conforms to any other special guidelines for private street developments as may be approved separately by Commissioners’ Court order.

B. Streets Excluded.

Streets that are shown on the Hood County Master Thoroughfare Plan as collectors (Type “D” or “C”) or arterials (Type “B” or “A”) shall not be used, maintained or constructed as private streets. Also, the Commissioners’ Court may deny the creation of any other private street if, in the Court’s judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would delay the response time of emergency vehicles.

C. Property (Homeowners) Association Required.

Subdivisions developed with private streets must have a mandatory property owners association which includes all property served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the County Attorney to ensure that they conform to this and other applicable County rules and regulations. The documents shall be filed of record prior to final

plat approval. Lot deeds must convey membership in the association, and must provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the Commissioners' Court. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the written consent of the Commissioners' Court.

D. Private Street Lot.

Private street must be constructed within a separate lot owned by the property owners association. This lot must conform to the County's standards for public street rights-of-way. An easement covering the street lot shall be granted to the County providing unrestricted access to and use of the property for any purpose deemed necessary by the County. This right shall also extend to all utility providers operating within the County. The easement shall also permit the County to remove any vehicle or obstacle within the street lot that may impair emergency access.

E. Construction and Maintenance Cost.

The County shall not pay for any portion of the cost of constructing or maintaining a private street, or for any utilities or related facilities that are adjacent to private streets.

F. Infrastructure.

All required water, sewer and drainage facilities and street lights and signs placed within the private street lot shall be installed to County standards.

G. Plans and Inspections.

Development applications for subdivisions with private streets must include the same plans and engineering information required for public streets and utilities (see Appendix "C" for special plat language for private street subdivisions). County requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The County may periodically inspect private streets, and may require repairs necessary to ensure emergency access.

H. Restricted Access.

The entrances to all private streets must be marked with a sign stating that it is a private street, and that it and related appurtenances are not maintained by the County. Guard houses, access control gates, and cross arms may be constructed per Subsection I below. All restricted access entrances must be

manned twenty-four (24) hours every day, or they must provide an alternative means of ensuring access to the subdivision by the County and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required herein, the County may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this section which may not be amended without the written consent of the Commissioners' Court.

I. Access Restricted Entrance Design Standards.

Any private street, which has an access control gate or cross arm, must have a minimum uninterrupted pavement width of twenty-two feet (22') at the location of the access control device. If an overhead barrier is used, it must have a minimum clearance of fourteen feet (14') in height above the road surface when it is raised. All gates and cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safety exit onto public streets without having to back up into the street.

J. Waiver of Services.

The subdivision final plat, property deeds and property owners' association documents shall note that certain County services shall not be provided for private street subdivisions. Among the services, which will not be provided, are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices. Depending upon the characteristics of the development, other services may not be provided.

K. Petition to Convert to Public Streets.

The property owners' association documents shall allow the association to request the County to accept private streets and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of a majority of the membership. However, in no event shall the County be obligated to accept said streets as public. Should the County elect to accept the streets as public, the County may inspect the private streets and assess the lot owners for the expense of needed repairs and/or street refurbishment concurrent with the County's acceptance of the streets. The County shall be the sole judge of whether repairs or refurbishment are needed. The County may also require, at the association's expense, the removal of guard houses, access control devices, landscaping and/or other aesthetic amenities located within the street lot. The association documents shall provide for the County's right to such

assessment. Those portions of the association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the County.

L. Hold Harmless.

On the subdivision final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the County or governmental/utility entity (see Appendix "C" for plat language).

Section 6.10 Permit Required for Construction in Right-of-Way.

No driveway or utility construction or easements shall be allowed without first obtaining a permit from the County Road Administrator.

A. Encroachments.

1. Advertising signs and other private signs shall not be permitted to be placed within the right-of-way of any County road, except street name signs as permitted in these regulations.
2. Concrete work, brick work, and masonry work not a part of the road drainage system or pavement system shall not be allowed within the County right-of-way, except as permitted by an approved County permit. Entrance gates and private retaining walls shall not be allowed within the County right-of-way.
3. Planting or constructing landscape within the County right-of-way shall not be permitted. Landscaping shall include trees, shrubs, vines, flowers and other decorative plantings, as well as the construction of landscaping appurtenances.
4. Fences shall not be permitted in the right-of-way of County roads. Fences may be placed on the right-of-way line of County roads.

Section 6.11 Installation of Utility Lines.

All utility lines planned to be constructed under a paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four feet (4') beyond the edge of pavement, and

must be approved in advance by the County Road Administrator, unless otherwise approved by the Commissioners' Court. Utility lines crossing a road shall be installed a minimum of twenty-four inches (24") below the ditch line or a minimum of thirty-six inches (36") below the crown line of the road, whichever is greater. All lines carrying liquid products must be encased in metal or in Schedule 40 PVC between the top of the ditch back slopes on either side of the roadway, through the roadway construction zone.

Section 6.12 Temporary Construction Erosion Controls.

All construction of roads or streets, whether public or private, shall comply with the Temporary Construction Erosion Controls Manual incorporated into these Regulations by reference.

Section 6.13 Mailboxes.

1. Mailboxes shall be set at least one foot (1'), but no more than three feet (3'), back from the curb, paving edge, or shoulder area of the permitted street upon which the property is addressed.
2. All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets, and other access points.
3. All mailboxes along arterials shall be of a "break-away" type design (this type of design is also encouraged along collector and local streets). Clustering of mailboxes is greatly encouraged.

Section 6.14 Street Names and Signs.

All streets within the subdivision shall be named. Street signs shall be installed by the owner/developer in accordance with the current Texas Manual on Uniform Traffic Control Devices (TMUTCD).

## **Article VII. Acceptance of Road Maintenance and Bonding Requirements**

### **Section 7.1 Owner's Maintenance Responsibility.**

The owner shall remain responsible for all maintenance and repair of streets within a subdivision until the Commissioners' Court, by formal written action or minute order, accepts the obligation to maintain and repair such roads. The Commissioners' Court's decision to approve a record plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

### **Section 7.2 County Acceptance of Roadways.**

The County shall accept a road or street and shall assume maintenance responsibility when the following conditions have been satisfied:

1. The street has been constructed as a public permitted street in accordance with these Regulations, the record plat for the road or street has been recorded, and the associated right-of-way has been dedicated to the public pursuant to these Regulations;
2. The owner has submitted a written request to the County Road Administrator. If the owner is no longer available (i.e., has ceased to transact business or, in the case of an individual, has died), any person owning property with frontage or access onto the street may submit the written request;
3. The County Road Administrator has reviewed and approved all required inspections and tests at the completion of each phase of construction of the street. Tests include atterberg limits and moisture-density relationships for the subgrade and base, depth of base material, and type and placement of the surface course (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the County Road Administrator, and not to proceed with construction until proper inspections and tests have been obtained, as required by the County Road Administrator). All laboratory tests shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been inspected at each phase of construction and approved in writing by the County Road Superintendent.
4. The County Road Administrator has inspected the street (first inspections) no earlier than thirty (30) days prior to the Commissioners' Court release of the Performance Bond and acceptance of the Maintenance Bond for the roadway(s), and has submitted to the Commissioners' Court an inspection report stating that:

- a. The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of inspection;
  - b. The requirements of Section 9.3 below regarding construction of drainage structures and driveway drain pipes has been satisfied; and
  - c. The County Road Administrator recommends the release of the Performance Bond and the acceptance of a two (2) year maintenance bond by the Commissioners' Court.
5. A final inspection (second inspection) shall be made within thirty (30) days of lapse of the twenty-four (24) month maintenance bond. If no maintenance is necessary, then the bonding requirements will be deemed to have been met and the Road Administrator will recommend the release of the Maintenance Bond and acceptance of the roadway(s) to the Commissioners' Court.
  6. The sub-divider will be notified in writing of any work found not in compliance with these Regulations. The Commissioners' Court will establish a reasonable time for correction of the defective work, and the sub-divider shall make the necessary corrections within the time set, or such corrections will be made by action taken upon the performance bond.
  7. No road will be accepted for maintenance by Hood County which contains a petroleum pipeline within the right-of-way, other than crossing pipelines.
  8. The streets or roads in any subdivision will not be accepted for maintenance by the Commissioners' Court until all the requirements and conditions regarding street names and street signs have been complied with.

Section 7.3 Bonding Requirements.

The County may require bonding or a letter of credit in relation to the construction of public improvements. A performance bond is required if the owner desires to file a record plat prior to completion of construction of all permitted streets and inspection by the County Road Administrator. A maintenance bond must be posted, regardless of the date the streets or improvements are completed prior to recording the record plat. The owner shall continue to be responsible for all other requirements set forth in Section 7.2 above.

A. Performance Bond.

1. The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond for the proper construction of the streets and

drainage facilities in all subdivisions. Such bond may be either a performance bond executed by a surety company authorized to do business in the State of Texas, or an irrevocable letter of credit from an acceptable Texas bank. Appendix “D” contains approved forms. Other forms may be approved by the County’s Attorney.

2. Such performance bond or letter of credit shall be made payable to “Hood County Judge or his/her successors in office,” conditioned that the owner or owners shall subdivide any such tract of land and all improvements shall be constructed in accordance with these Regulations. A bond is not required for private streets.
3. The performance bond or letter of credit shall be in an amount equal to the actual cost or contract amount of constructing such streets and drainage facilities.
4. The performance bond or letter of credit, in an amount as established herein, shall be presented to the Commissioners’ Court when the final subdivision plat is presented to the Court for approval. The County’s Auditor must have approved, in writing, the form of said bond or letter of credit prior to the date of submission to the Commissioners’ Court. No subdivision plat or plan will be approved by the Commissioners’ Court without being accompanied by a performance bond or letter of credit meeting the requirements of this Section.
5. The performance bond or letter of credit shall go into effect on the day the final subdivision plat receives County approval. Bond must remain in full force and effect until after all streets and roads and all associated drainage improvements in the subdivision have been completed and have been accepted by the County in accordance with these Regulations, as certified by the Commissioners’ Court.
6. When the owner or owners of any tract of land to be subdivided has or have finished constructing all of these streets and drainage facilities in said subdivision in accordance with these Regulations, the owner or owners shall give written notice of this fact to the Commissioners’ Court by giving notice to the County Judge.
7. Before release of the performance bond, the County Road Administrator shall inspect the roads and the owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs.

B. Maintenance Bond.

The Owner shall post cash, bond or a letter of credit (a "Maintenance Bond), with the County Auditor, in a form approved by the County Attorney (see Appendix "D"), to secure the proper construction and maintenance of the roads prior to County acceptance thereof in an amount equal to twenty-five percent (25%) of the construction costs of the streets, for a term of two (2) years following acceptance by the County. At the conclusion of two (2) years, the County shall assume full maintenance responsibilities. The maintenance bond will also secure the owner's compliance with these Regulations. Before release of the maintenance bond, the County Road Administrator shall again inspect the roads or streets and the owner shall remedy all deficiencies prior to release of the maintenance bond. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the maintenance bond for payment.

Section 7.4 Construction Before Recorded Plat.

An owner wishing to construct a road, street or other improvement(s) prior to the recording of a record plat and after final plat approval shall be required to post a maintenance bond upon recording the record plat satisfying the requirements of these Regulations.

## **Article VIII. Water and Wastewater Standards**

### **Section 8.1 Compliance with Concept Plan Conditions.**

Provision of water and wastewater services to the subdivision shall be as required by the approved concept plan.

### **Section 8.2 Compliance with On-Site Sewage Rules.**

All lots must be designed in compliance with the rules and regulations of the On-Site Sewage Facilities Order for Hood County, as may be amended from time to time.

### **Section 8.3 Individual Septic Tanks.**

If it is the owner's intent that each lot purchaser shall provide an individual septic tank, a subdivision soil evaluation for each lot must be made by a qualified registered sanitarian or professional engineer, and so noted on the plat, as well as a soil conservation map with the noted area identified. A letter shall be provided, by the owner/developer, stating recommendations as to the type of septic system to be installed. All septic systems must be inspected and approved by the Hood County Health Department. All sewage disposal systems must be built in accordance with the Texas Natural Resource Conservation Commission's (TCEQs) "Construction Standards for Private Sewage Facilities," as may be amended from time to time, and in conformance with the Texas Department of Water Resources' "Rules for Private Sewage Facilities Lake Granbury," as may be amended from time to time.

### **Section 8.4 Centralized Wastewater Facilities.**

Where centralized wastewater systems are required by the concept plan, the minimum standards for the system shall be those applicable to facilities within the Hood County Municipal Utility District A, as may be amended from time to time.

### **Section 8.5 Fire Protection.**

Water facilities required to serve the development for fire protection purposes shall be as provided for in the concept plan. The fire fighting water sources and access roads shall be indicated on the plat of the subdivision, and after approval by the Commissioners' Court and recording of the plat, the owner shall furnish one (1) copy of the recorded plat to the County Fire Marshal for reproduction distribution to the applicable fire department(s).

Section 8.6 Groundwater Certification.

Where the intended source of water to serve the subdivision is groundwater under the land to be subdivided, whether the development is to be supplied by individual wells or from a centralized water system, no plat shall be approved unless the plat is accompanied by a certification prepared by a licensed professional engineer that there is adequate groundwater from the intended source to serve the subdivision.

## **Article IX. Drainage and Flood Control**

### **Section 9.1 General Requirements.**

1. No preliminary or final subdivision plat shall be approved unless storm drainage improvements and flood control measures have been provided for in accordance with the approved concept plan and the standards contained in this Article, taking into consideration the ultimate development of all property in unified ownership of which the land subject to the plat is a part.
2. It is the intent of these Regulations that provision be made for storm drainage and flood control at such time as any property affected is proposed for development, use, or modification.
3. Where a property owner proposes development of only a portion of the property, storm drainage and flood control improvements shall be provided only for that portion of the property immediately to be platted, provided that such improvements shall be consistent with the drainage study for the entire property under unified ownership, as set forth in the approved concept plan.
4. Storm drainage and flood control improvements shall be located and designed consistent with the Hood County Master Drainage Plan in effect at the time when plans for drainage facilities are submitted to the County for approval.
5. All applicable erosion control methods shall be followed.
6. The property owner shall dedicate all drainage easements in accordance with these regulations in the form contained in Appendix C to these regulations. Where the improvement or construction of a storm drainage facility is required along a property line common to two (2) or more owners, the sub-divider shall be responsible for the required improvements at the time of development, including the dedication of all necessary rights-of-way or easements, to accommodate the improvements.
7. Maintenance of drainage facilities shall be the responsibility of the property owner or property owners association.
8. No development shall be permitted in the floodway. Development may be allowed within the floodplain outside the floodway or within a drainage easement only on a case-by-case basis. Any structures constructed within the floodplain must be above the base flood elevation.

### **Section 9.2 Storm Water Run-Off into County Drainage Facilities.**

The Director of Development and Compliance may require detention of storm

water runoff from any development being released into any County drainage ditch, swale, easement, culvert or other facility, or into any such drainage facility associated with an existing road, whether public or private, if existing downstream facilities are undersized or if downstream jurisdictions have detention requirements. If detention of storm water is required, the owner/ developer or property owners association shall assume full responsibility for maintenance of the lake or pond (see special plat language in Appendix “C”). This obligation shall run with the land and shall be a continuing obligation. The Director of Development and Compliance may require the submission of additional materials at the time of the preliminary or final plat application to ensure that the proposed subdivision will be in compliance with this Section.

Section 9.3 Sizing of Drainage Facilities.

1. Residential subdivisions. All drainage facilities for residential (single-family or duplex) subdivisions including ditches, swales, drainage pipes, street curbs, gutter inlets, driveway/road culverts, and storm sewers shall be designed to intercept and transport run-off from the following frequency storm, based upon the classification of the thoroughfare or street affected by the drainage structure, as set forth below:

<u>Street Classification</u>	<u>Storm Frequency</u>
Residential Street	15 Year
Minor Collector	15 Year
Major Collector	25 Year
Minor Arterial	25 Year
Major Arterial	50 Year

The minimum pipe diameter for cross-drainage roadway structures shall be twenty-four inches (24”), and the minimum pipe diameter for driveways shall be eighteen inches (18”). Pipe ends shall be protected by headwalls or safety end treatments.

2. Drainage Facilities for Other Subdivisions. For all drainage facilities serving lots not intended for use as single-family or duplex development, drainage and all drainage facilities shall be designed by a registered professional civil engineer based upon a 24-year frequency storm event (50-year event for arterial roadways).

Section 9.4 Conveyance of 100-Year Storm Frequency Flows.

1. Flood design. In addition to the requirements of Section 9.3, the drainage system shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined rights-of-way or drainage easements, which shall not be narrower than twenty feet (20’) in width.

2. Plat notations. Lots located within or adjacent to the 100-year floodplain shall show on each lot the minimum recommended finished floor elevation (i.e., FFE), which shall not be less than two feet (2') above the 100-year flood elevation. The final plat shall show the location of a minimum of two (2) permanent benchmarks within the subdivision which were used to establish the 100-year floodplain and recommended finished floor elevation for lots. Reference shall be made on the plat to adjacent recorded subdivision plats or adjoining platted land record names, and deed record volume and page.
  
3. Subdivisions in flood zone. Subdivisions that are located within a flood zone as shown on the current Flood Insurance Rate Maps (FIRM) for Hood County shall be subject to the following additional requirements:
  - a. Two (2) permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat. The elevations of the benchmarks shall be tied to a benchmark shown on the applicable FIRM panel.
  - b. A note shall be shown on the plat stating the following: "A flood permit will be required from Hood County for the construction of any structure."
  - c. All subdivision proposals shall be consistent with Hood County's floodplain regulations.
  - d. The finished floor elevation (FFE) for each lot located within or adjacent to the floodplain shall be shown on the plat.

Section 9.5 Completion of Drainage System Prior to Acceptance of Road Maintenance.

No streets will be accepted by the County until all drainage structures, including drain pipes for all driveways constructed as of the acceptance date, have been: (a) installed by the owner(s) or occupant(s) of the lot(s); and (b) inspected and approved by the county Road Administrator.

Section 9.6 Maximum Headwater Elevation for Drainage Crossings.

1. All roads, culverts underneath roads, and bridges shall be designed so that storm water run-off from the frequency storm event designed below crossing such road or bridge shall not produce a headwater elevation at the roadway greater than six inches (6") above the roadway crown elevation, based upon the classifications of permitted street affected by the drainage structure:

<u>Street Classification</u>	<u>Storm Frequency</u>
Residential Street	25 Year
Minor Collector	50 Year
Major Collector	100 Year

2. Storm water run-off (100-year frequency) shall not be permitted to inundate or cross over any minor or major arterial roadway.
3. All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.
4. This Section does not apply to driveway culverts.

Section 9.7 Drainage Design Methodology.

Computations by a registered professional civil engineer, licensed to practice in the State of Texas, to support all drainage designs shall be submitted to the Director of Development and Compliance for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

1. All computations of floodplains, culverts, channels, etc. shall be based upon fully developed upstream conditions.
2. A drainage area of sixty-four (64) acres or greater is required within a contributing watershed to create a “floodplain.” For areas of flow with less than sixty-four (64) acres of contributing area, no floodplain shall be defined; however, any concentrated flow will necessitate the dedication of a drainage easement.
3. The selection of which method to use for calculating run-off depends upon the size of drainage area contributing run-off at the most downstream point of a project. The “Rational Method” is acceptable for situations in which the drainage area is less than three hundred (300) acres. A unit hydrograph method is required for situations with larger drainage areas and detention basins. Run-off computations shall be based upon fully developed watershed conditions in accordance with the uses proposed on the subdivision plan.

Section 9.8 Drainage Plan Requirements.

1. No subdivision plat shall be finally approved until a final drainage plan consistent with the comprehensive drainage plan approved with the concept plan has been approved for the subdivision.

2. The final drainage plan shall contain calculations depicting the anticipated flow of all drainage onto and from the proposed subdivision, and showing all major topographic features on or adjacent to the property including, but not limited to, all water courses, 100-year floodplain boundaries, ravines, bridges and culverts. The drainage plan shall show how and where water will be received from adjacent high areas; how and where it will be collected and handled within the property; and how and where it will be discharged to a recognized drainage way in a lower area. The plan shall deal with individual watershed areas, as necessary; show the proposed phasing of development and attendant phasing of drainage improvements; describe any unusual water features anticipated; provide topographic, physical and geographical information; and form the basis for subsequent review of design plans submitted for property to be final platted. The drainage plan shall depict all proposed drainage easements.
3. Final drainage plans shall also include such off-site drainage improvements as are necessary to assure that the proper transition between on- and off-site drainage can be maintained. Criteria for on-site drainage facilities shall also apply to off-site drainage improvements.
4. Final drainage plans shall be prepared and sealed by a registered professional civil engineer who is licensed to practice in the State of Texas, and who is experienced in civil engineering work. The total cost for such engineering plans and specifications shall be borne by the owner or the developer, and shall be furnished to the Director of Development and Compliance for review and approval.
5. The drainage plan shall provide that all construction of drainage improvements shall be in accordance with the current Standard Specifications for Public Works Construction for North Central Texas and the design standards of Hood County.

Section 9.9 Floodplain Management.

1. Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Rate Maps (FIRM), dated October 18, 1988, and Flood Hazard Boundary-Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of these regulations. The Flood Insurance Rate Maps are on file in the office of the Health Department Director.
2. Engineering Report. The engineering report and drawings required for floodplain alteration shall be submitted as part of the application for a Floodplain Development Permit.

3. Duties of the County Floodplain Administrator. The County Health Director is responsible for administering and implementing the floodplain management portions of these regulations, including appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
4. Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes, and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The regulations shall not create liability on the part of Hood County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance upon these Regulations or any administrative decision lawfully made there under.

Section 9.10 Drainage Easements.

1. All floodplains and concentrated flows for the 100-year storm frequency shall be contained within a dedicated drainage and floodway easement(s) or right(s)-of-way and shall be shown on the plat with the appropriate language (see Appendix C).
2. Where public drainage within a subdivision traverses private property, provisions shall be made for drainage easements to allow for proper upkeep and future maintenance within the easement area. Determination of the proper size for drainage facilities is the responsibility of the developer's engineer.
3. Provisions shall be made for drainage easements and drainage structures, in accordance with these regulations, to allow for proper control of drainage and for future maintenance within the easement area(s). Drainage easements shall be subject to the following requirements, which shall be affixed as plat notes to the final plat (see Appendix "C" for plat languages pertaining to drainage, floodway and detention easements):
  - a. The drainage and floodway easement shall be dedicated to the public's use for drainage and floodway purposes in perpetuity.
  - b. The owners shall not obstruct the natural flow of storm water run-off by the construction of any type of building, fence, or any other structure within the drainage and floodway easement.

- c. The County shall at all times have the right to enter upon the easement, at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct and maintain any facility deemed necessary by the County for drainage purposes.
- d. The drainage channels and creeks may be subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined.
- e. The County shall not be held liable for any damages or injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the Drainage and Floodway Easement, and the owners shall indemnify and hold harmless the County from any such damages and injuries.

Section 9.11 Erosion Control Measures.

Temporary and permanent erosion control methods and treatments shall be required in accordance with the storm water quality best management practices for construction activities, prepared by the North Central Texas Council of Governments. Permanent erosion control treatment shall not increase runoff characteristics and/or coefficients onto adjacent properties.

## **Article X. Revision and Cancellation of Plats**

### **Section 10.1 Revision of Plat.**

The owner of an existing lot or lots in a platted subdivision may submit an application to revise the portion of the existing plat affecting such lot(s), unless prohibited by restrictive covenants or plat notes filed pursuant to these regulations, by submitting the following to the County:

1. Seven (7) copies of the proposed revised plat, conforming in all respects to the requirements of these regulations; or, if submitted by a private homeowner who is not a developer in the subdivision, other materials acceptable to the Director of Development and Compliance clearly setting forth the desired amendment;
2. A statement giving the reason(s) for the proposed revision; and
3. A filing fee as specified in Appendix "B," as may be amended from time to time by the County

### **Section 10.2 Review Period.**

The Director of Development and Compliance shall have the review period established in Sections 3.4 and 3.5 of these regulations.

### **Section 10.3 Public Notice.**

After the date the County posts the re-subdivision for consideration by the Commissioners' Court, but before the application is considered by the Court, the applicant shall file proof that the owner, at its expense, has delivered or published all notices required by the Texas Local Government Code, Section 232.009, including:

1. A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the re-subdivision, including a statement of the time and place at which the Commissioners' Court will meet to consider the application and hear protests, if any. As required by the Texas Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the thirtieth (30<sup>th</sup>) day and ending on the seventh (7<sup>th</sup>) day prior to the date of the Commissioners' Court hearing; and
2. Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested, at the owners' addresses in the subdivided tract.

3. Except as provided by Subsection 4 below, if all or part of the subdivided tract has been sold to non-developer owners, the Commissioners' Court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owners' addresses in the subdivided tract.
4. The Commissioners' Court is not required to give notice by mail under Subsection 2 above if the plat revision only combines existing tracts (i.e., it does not increase the number of lots).

#### Section 10.4 Criteria for Approval.

The Commissioners' Court may approve an application to revise a subdivision upon finding that:

1. The revision will not interfere with the established rights of any owner of a part of the subdivided land, or each owner whose rights may be interfered with has agreed to the revision; and
2. The plat as revised conforms to the requirements of these regulations.

#### Section 10.5 Establishment or Change to Building Setback Lines.

1. Before the establishment or change of building or setback lines, the Commissioners' Court must hold at least one (1) public hearing on the establishment or change, in accordance with Section 233.003 of the Texas Local Government Code. The Court shall publish notice of the time and place of the hearing in a newspaper of general circulation within the County before the fifteenth (15<sup>th</sup>) day before the date of the hearing. The Court may adjourn the hearing from time to time.
2. The Commissioners' Court may establish or change a building or setback line only by an order passed by at least a majority vote of the full membership of the Court.
3. An owner of real property that fronts along a road that has a building or setback line is charged with notice of the building or setback line order.
4. The Commissioners' Court shall show on a map in a general manner each building or setback line established. The map shall be filed with the County Clerk.
5. If the County does not begin the construction of the improvement or widening of a road along which a building or setback line has been established within four (4) years after the date the building or setback line is established, the building or setback line becomes void, unless the County

and the affected property owners agree to extend the time period for the improvements or widening.

Section 10.6 Cancellation of a Plat in the ETJ of a Municipality.

Any application to cancel an existing plat in the ETJ of a municipality shall be submitted and considered in accordance with Section 232.008 of the Texas Local Government Code, as amended. The Commissioners' Court, by order, shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or part, based upon the following:

1. The application shall be granted if it is shown that the cancellation of all or a part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation; and
2. Notice of the application must be published in a newspaper in English in the county for at least three (3) weeks before action is taken on the application; and
3. Upon application of the owners of seventy-five percent (75%) of the property included in the subdivision, phase or identifiable part, the Commissioners' Court shall authorize the plat cancellation upon notice and hearing as required under the Texas Local Government Code, Section 232.008, provided that if the owners of at least ten percent (10%) of the property affected file written objections with the Commissioners' Court, the grant of an order of cancellation is at the discretion of the Commissioners' Court; and
4. The Court may deny a plat cancellation if it determines that cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

A person who appears before the Commissioners' Court to protest the cancellation retains a private right of action against the applicant in accordance with Section 232.008(g) of the Texas Local Government Code, as amended.

Section 10.7 Inconsistency in Regulations.

In the event of any conflict or inconsistency between the summary set forth above and the actual terms of Section 232.08 of the Texas Local Government Code, as amended, the terms of the Texas Local Government Code shall control in all respects.

## **Article XI. Variances**

### Section 11.1 Criteria for Variance.

The Commissioners' Court shall have the authority to grant variances from these regulations when a special public interest and/or the requirements of justice demands relaxation of the strict requirements of the rules. Any variance granted shall not have the effect of nullifying the intent and/or purpose of these regulations. The conditions upon which the request for a variance is based shall be unique to the property in question, and not generally applicable to other property.

Factors to be considered by the Court in evaluating a request for variance shall include:

1. The actual locale of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;
2. Whether strict enforcement of the regulations would deny the applicant the privileges or safety of similarly situated property with similarly timed development;
3. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not prevent the orderly subdivision of the land in the area in accordance with these regulations; and
4. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of certain provisions of these regulations would deprive the applicant of the responsible use of his land, and that failure to approve the variance would result in undue hardship to the applicant. Pecuniary hardship, standing alone, shall not be deemed to constitute undue hardship.

### Section 11.2 Application Materials.

Any person who wishes to apply for a variance should apply in writing to the Director of Development and Compliance with a list of, and detailed justification for, any variance(s) requested. A copy of the property's survey and any other supporting documentation, that the applicant deems appropriate for consideration by the Court, should be included.

Section 11.3 Discretion to Grant Variances.

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

## **Article XII. Enforcement; Penalties; Appeals; Severability**

### **Section 12.1 Category of Offense.**

A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations, including the road design and construction specifications incorporated into these regulations, the rules of Hood County for on-site sewage facilities, and any appendices attached to these regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

### **Section 12.2 Enforcement Actions.**

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

1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners' Court under these regulations; or
2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners' Court under these regulations.

### **Section 12.3 Enforcement of Building Lines.**

If a structure is erected, constructed or reconstructed in violation of a building setback line established in accordance with these regulations, then the Commissioners' Court, the District or County Attorney, or an owner of real property in the County may institute an injunction, mandamus, abatement or other appropriate action to prevent, abate, remove or enjoin the unlawful erection, construction or reconstruction (see Texas Local Government Code, Chapter 233, Section 233.006).

### **Section 12.4 Appeal of Building and Setback Lines.**

An owner of property who is aggrieved by an action or order adopted by the Commissioners' Court may appeal the decision within thirty (30) days after the date adopting the action or order.

A property owner in the County who is aggrieved by a final order of the Court may appeal to the district court or to another court with proper jurisdiction, in accordance with Section 233.007 of the Texas Local Government Code.

Section 12.5 Enforcement of Plat Notes.

The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding property interest, whether in fee simple or by easement, in the subdivision. Plat notes shall reflect that the County may enforce any plat notes imposed pursuant to the rules of Hood County for on-site sewage facilities or any other applicable sections of these Regulations, any plat note limiting development to single-family residences or prohibiting further re-subdivision of the tract in order to qualify for an incentive under these regulations, any plat note imposed in conjunction with an average daily traffic calculation or in conjunction with a shared access driveway, or any plat note affecting County rights-of-way or drainage or the public health, safety and welfare. Moreover, the Commissioners' Court shall have the right and authority through appropriate legal procedures to prohibit the construction or connection of utilities or issuing permits if the plat notes or restrictions have been violated.

Section 12.6 Severability.

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these regulations shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, sections, appendices or articles of these regulations. It is the express intent of the Hood County Commissioners' Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these regulations be severable.

Section 12.7 Amendment to Regulations.

The Commissioners' Court may amend this order from time to time, and may adopt new orders by vote of simple majority.

THIS ORDER BEING READ, it was moved and seconded, the same to pass. Approved by the Hood County Commissioners' Court on this the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
[Signature, County Judge]

\_\_\_\_\_  
[Signature, Commissioner, Pct. 1]

\_\_\_\_\_  
[Signature, Commissioner, Pct. 2]

\_\_\_\_\_  
[Signature, Commissioner, Pct. 3]

\_\_\_\_\_  
[Signature, Commissioner, Pct. 4]

**ATTEST:**

\_\_\_\_\_  
[Signature, County Clerk]

**SECTION II  
SUBDIVISION REGULATIONS**

**APPENDICES**

APPENDIX "A"

SUBDIVISION APPLICATION FORM AND CHECKLISTS
Hood County, Texas

Item(s) Submitted: Preliminary Plat, Final Plat, Replat/Plat Revision, Cancellation of Plat

For the Hood County Commissioners Court Meeting on (date):
Project Name (used on Concept Plan):
Date of Concept Plan Approval (by Commissioners Court):

Name of Plat Subdivision /Addition:
Applicant/Owner's Name:
Company Name:
Address:
City: State: Zip:
Telephone No.:
Fax:

Physical Location of Property:
Current Legal Description of Property:
(Abstract / Survey No. or Previous Platted Name)

Acreage(to nearest tenth of an acre):
Number of Lots:

Engineer/Surveyor's Name:
Company Name:
Address:
City: State: Zip:
Telephone No.:
Fax:

\*Note: The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public.

(For County Use Only)

Application Received By:
Date Received:
Fees Paid (amount): \$
Check #
County Receipt #
Scheduled for Commissioners Court Meeting on (date):

**HOOD COUNTY DEVELOPMENT PERMIT FEES**

**APPENDIX “B”**

**PLAT FEES (No Flood Plain)**

Preliminary Plat of 1-4 Lots:	<u>\$300.00 + \$10.00 per lot</u>
Preliminary Plat of 5-19 Lots:	<u>\$400.00 + \$10.00 per lot</u>
Preliminary Plat of 20+ Lots:	<u>\$800.00 + \$10.00 per lot</u>

**Final Plat (With Approved Preliminary Plat):**                    \$200.00

**Preliminary Plat (With Flood Plain):**                    \$600.00 + \$100.00 per lot

**Revision of Plat (Re-Plat):**                    \$300.00 + \$25.00 per lot

**Cancellation of Plat:**                    \$300.00 + \$25.00 per lot

**Variance Request:**                    \$200.00

**ON-SITE PERMIT**                    \$200.00

**In-Ground Swimming Pool:**                    \$200.00  
(Permit Obtained From Environmental Health Dept.)

**Concept Plan:**                    \$300.00

**Site Development Plan:**                    \$300.00

**Infrastructure Development Plan:**                    \$300.00

**Note: If a “Takings Impact Assessment” (TIA) is required or requested, then an additional \$200.00 TIA Fee shall be required and paid at the time of the plat application**

**APPENDIX "C"**

**PLAT LANGUAGE AND CERTIFICATIONS**

**Hood County, Texas**

**1. PLAT LANGUAGE FOR ALL PLATS (except plats for private street subdivisions)**

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

THAT \_\_\_\_\_ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as \_\_\_\_\_, an addition to Hood County, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the County. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and the County's use thereof. The County and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs and/or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The County and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of Hood County, Texas.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY:

\_\_\_\_\_

Authorized Signature

\_\_\_\_\_

Printed Name and Title

STATE OF TEXAS )  
COUNTY OF \_\_\_\_\_)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, as \_\_\_\_\_ a Texas \_\_\_\_\_, in its capacity as \_\_\_\_\_ of \_\_\_\_\_, a Texas corporation/limited partnership, on behalf of said corporation/partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
My Commission Expires On: \_\_\_\_\_  
Notary Public in and for the State of Texas

## PLAT LANGUAGE AND CERTIFICATIONS

### Hood County, Texas

#### 2. ADDITIONAL LANGUAGE FOR CERTAIN PLATS

##### Visibility, Access & Maintenance (VAM) Easements:

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) is hereby given and granted to the County, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM Easement. The County shall have the right, but not the obligation, to maintain any and all landscaping within the VAM Easement. Should the County exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The County may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The County shall also have the right, but not the obligation, to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement, and to remove any obstruction thereon. The County, its successors, assigns or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

##### Fire Lane Easements:

That the undersigned does hereby covenant and agree that he (they) shall construct upon the Fire Lane Easements, as dedicated and shown hereon, a hard surface, in accordance with County requirements, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs or other improvements or obstructions, including, but not limited to, the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the Fire Lane Easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs and pavement markings in conspicuous places along such fire lanes, stating "Fire Lane, No Parking". The County Sheriff or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

##### Public Access Easements:

The undersigned does covenant and agree that the Access Easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the County, its agents, employees, workmen and representatives having ingress, egress and regress in, along, upon and across said premises.

## PLAT LANGUAGE AND CERTIFICATIONS

### Hood County, Texas

#### **3. PLAT LANGUAGE FOR PRIVATE STREET SUBDIVISION**

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

1. THAT \_\_\_\_\_ (“Owner”), acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein described property as \_\_\_\_\_, an addition to Hood County, Texas (the "County"), and does hereby dedicate to the County: (i) easements for the purposes shown on this plat and for the mutual benefit, use and accommodation of all public utility entities, including the County, providing services to the addition created hereby and desiring to use or using the same, and also an easement and right-of-way under, across and upon Block \_\_\_\_\_, Lot \_\_\_\_\_ shown hereon for the construction, installation, maintenance, operation, inspection, removal and reconstruction of the facilities, equipment and systems of such public utility entities; and (ii) for the use, benefit and accommodation of the County, an easement and right-of-way, under, across, and upon Block \_\_\_\_\_, Lot \_\_\_\_\_ shown hereon for any purpose related to the exercise of a governmental service or function including, but not limited to, fire protection and law enforcement, garbage collection, inspection and code enforcement, and the removal of any vehicle or obstacle that impairs emergency access. Block \_\_\_\_\_, Lot \_\_\_\_\_ and all streets shown hereon are private streets and are not dedicated for use as public streets or rights-of-way, and the public shall have no right to use any portion of such private streets. Owner acknowledges that so long as the streets and related improvements constructed on Block \_\_\_\_\_, Lot \_\_\_\_\_ shown hereon shall remain private, certain County services shall not be provided on said private streets including, but not limited to, routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Except for private streets and related improvements, no buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon or across the easements dedicated herein. The County and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other prohibited improvements or growths which may in any way endanger or interfere with their respective easements. In addition, the County shall have the right to remove and keep removed any vehicle or obstacle that impairs emergency access to its easement. The County and public utility entities shall at all times have the full right of ingress and egress to and from their respective easements without the necessity at any time of procuring permission from anyone. The use, by the County and public utility entities, of their respective easements shall not unreasonably interfere with the rights of property owners and the homeowner's association (the “ Association “) in and to Block \_\_\_\_\_, Lot \_\_\_\_\_ shown hereon as set forth in the "Declaration of Covenants, Restrictions, and Easements for the \_\_\_\_\_ Subdivision", dated \_\_\_\_\_, \_\_\_\_\_, recorded in County Clerk Vol. No. \_\_\_\_\_, Page No. \_\_\_\_\_, of the Land Records of Hood County, Texas (the "Declaration").

2. THAT THE ASSOCIATION agrees to release, indemnify, defend and hold harmless the County and any governmental entity or public utility entity that owns public improvements within the addition created by this plat (collectively, the "Indemnities") from and against any claims for damages to the private streets, restricted access gates and entrances, and related appurtenances (collectively, the "Private Streets") caused by the reasonable use of the Private Streets by the Indemnities. This paragraph 2 does not apply to damages to the Private Streets caused by the design, construction or maintenance, or by any public improvements owned by any of the Indemnities.

3. THAT THE ASSOCIATION agrees to release, indemnify, defend, and hold harmless the Indemnities from and against any claims for damages to property and injury to persons (including death) that arise out of the use of the Private Streets by the Indemnities and that are caused by the failure of the Association to design, construct or maintain the Private Streets in accordance with County standards. The indemnification contained in this paragraph 3 shall apply regardless of whether a contributing factor to such damages or injury was the negligent acts or omissions of the Indemnities or their respective officers, employees or agents.

*(continued next page)*

**PLAT LANGUAGE AND CERTIFICATIONS**  
**Hood County, Texas**

**PLAT LANGUAGE FOR PRIVATE STREET SUBDIVISION** (continued)

4. THAT THE OWNER OF EACH LOT SHOWN ON THIS PLAT agrees to release the Indemnities from claims for damages to property and injury to persons (including death) that arise out of the use of the Private Streets by the Indemnities and that are caused by the failure of the Association to design, construct or maintain the Private Streets in accordance with County standards.

5. THAT THE OBLIGATIONS of the Association and lot owners set forth in paragraphs 2, 3 and 4 above shall immediately and automatically terminate when the streets and other rights-of-way have been dedicated to and accepted by the County should such action occur at the same time in the future.

6. THAT if Block \_\_\_\_\_, Lot \_\_\_\_\_ in the future becomes a public street as provided in the Declaration, Owner dedicates to the County a sidewalk easement on the portions of Block \_\_\_\_\_, Lot \_\_\_\_\_ upon which a sidewalk is installed connecting the sidewalk on Block \_\_\_\_\_, Lot \_\_\_\_\_ into public sidewalks on any adjacent and/or intersecting roadway, together with the area: (a) lying between such sidewalks and the lot line of Block \_\_\_\_\_, Lot \_\_\_\_\_, and (b) the area lying within \_\_\_\_\_ feet of the other side of the sidewalks.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of Hood County, Texas.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name and Title

STATE OF TEXAS    )  
COUNTY OF \_\_\_\_\_)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, as \_\_\_\_\_ a Texas \_\_\_\_\_, in its capacity as \_\_\_\_\_ of \_\_\_\_\_, a Texas corporation/limited partnership, on behalf of said corporation/partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
My Commission Expires On: \_\_\_\_\_  
Notary Public in and for the State of Texas

**PLAT LANGUAGE AND CERTIFICATIONS**  
**Hood County, Texas**

**4. ADDITIONAL PLAT LANGUAGE FOR DRAINAGE AND FLOODWAY EASEMENT (for subdivision plat where the adjacent lot owners have no maintenance responsibility)**

This plat is hereby adopted by the Owners and approved by Hood County, Texas (called "County"), subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: Lot \_\_\_\_\_, Block \_\_\_\_\_, as shown on the plat is called "Drainage and Floodway Easement". The Drainage and Floodway Easement is hereby dedicated to the public's use forever for drainage and floodway purposes. The owners shall not obstruct the natural flow of storm water run-off by the construction of any type of building, fence, or any other structure within the Drainage and Floodway Easement. The County shall at all times have the right to enter upon the Drainage and Floodway Easement, at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct and maintain any facility deemed necessary by the County for drainage purposes. The drainage channels and creeks, as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The County shall not be held liable for any damages or injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the Drainage and Floodway Easement, and the owners hereby agree to indemnify and hold harmless the County from any such damages and injuries. The building areas outside of the Drainage and Floodway Easement shall be filled to a minimum elevation as shown on the plat. The minimum floor elevation for each lot shall be as shown on the plat.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name and Title

STATE OF TEXAS     )  
COUNTY OF \_\_\_\_\_)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, as \_\_\_\_\_ a Texas \_\_\_\_\_, in its capacity as \_\_\_\_\_ of \_\_\_\_\_, a Texas corporation/limited partnership, on behalf of said corporation/partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My Commission Expires On:

\_\_\_\_\_  
Notary Public in and for the State of Texas

**PLAT LANGUAGE AND CERTIFICATIONS**  
**Hood County, Texas**

**5. ADDITIONAL PLAT LANGUAGE FOR DRAINAGE AND FLOODWAY EASEMENT**  
**(for subdivision plat where the flood plain is maintained by a homeowners association)**

This plat is hereby adopted by the Owners and approved by Hood County, Texas (called "County"), subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: Lot \_\_\_\_\_, Block \_\_\_\_\_, as shown on the plat is called "Drainage and Floodway Easement". The Drainage and Floodway Easement is hereby dedicated to the public's use for ever, but including the following covenants with regard to maintenance responsibility. The existing creek or creeks traversing the Drainage and Floodway Easement shall remain as open channels at all times and shall be maintained by all of the owners of lots in the Subdivision (called "Owners") by and through a lawfully created Home Owners Association to be created by the owners. The owners covenant and agree that such a Home Owners Association (called "Association") shall be created prior to the final acceptance of the County. All Association documents shall be subject to the approval of the County and shall specifically contain covenants binding the Association to continuously maintain the Drainage and Floodway Easement. Such covenants shall not relieve the individual lot owners of the responsibility to maintain the Drainage and Floodway Easement should. The Association default in the performance of its maintenance responsibility. The Association documents shall also contain provisions that they may not be amended with regard to the Drainage and Flood Way Easement maintenance responsibilities without the approval of the County. The fee simple title to the Drainage and Floodway Easement shall always remain in the Association. The County will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury to private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of storm water runoff shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Floodway Easement. Provided, however, it is understood that in the event it becomes necessary for the County to consider channelizing or erecting any type of drainage structure in order to improve the storm drainage, then in such event, the County shall have the right, but not the obligation, to enter upon the Drainage and Floodway Easement at any point, or points, with all rights of ingress and egress to investigate, survey, or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. The Owners and the Association shall keep the natural drainage channels within the Drainage and Floodway Easement free of debris, silt, or any substance which would result in unsanitary conditions or obstruct the flow of water, and the County shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the owners and the Association to alleviate any undesirable conditions which may occur. The creeks and natural drainage channels through the Drainage and Floodway Easement as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The County shall not be liable for any damages and injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the Drainage and Floodway Easement, and the owners hereby agree to indemnify and hold harmless the County from any such damages and injuries. Building areas outside the Drainage and Floodway Easement shall be filled to a minimum elevation as shown on the plat. The minimum floor elevation for each lot shall be as shown on the plat.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name and Title

[Notary Block]

**PLAT LANGUAGE AND CERTIFICATIONS**  
**Hood County, Texas**

**6. ADDITIONAL PLAT LANGUAGE FOR DRAINAGE AND FLOODWAY EASEMENT**  
**(for subdivision plat for multi-family or nonresidential subdivision)**

This plat is hereby adopted by the Owners and approved by Hood County, Texas (called "County"), subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The Drainage and Floodway Easement as shown and described by bearings and distances on Lot \_\_\_\_\_ Block \_\_\_\_\_, of the plat is called "Drainage and Floodway Easement". The Drainage and Floodway Easement is hereby dedicated to the public use for ever, but including the following covenants with regard to maintenance responsibilities. The existing creek or creeks traversing the Drainage and Floodway Easement will remain as an open channel at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the Drainage and Floodway Easement. The County will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury to private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Floodway Easement. Provided, however, it is understood that in the event it becomes necessary for the County to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the County shall have the right, but not the obligation, to enter upon the Drainage and Floodway Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by the County for drainage purposes. Each property owner shall keep the natural drainage channels and creeks traversing the Drainage and Floodway Easement adjacent to his property clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and Hood County, Texas shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channels and creeks through the Drainage and Floodway Easement, as in the case of all natural channels, are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The County shall not be held liable for any damages or injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the natural drainage channels, and the owners hereby agree to indemnify and hold harmless the County from any such damages and injuries. Building areas outside the Drainage and Floodway Easement line shall be filled to a minimum elevation as shown on the plat. The minimum floor elevation for each lot shall be as shown on the plat.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name and Title

[Notary Block]

**PLAT LANGUAGE AND CERTIFICATIONS**  
**Hood County, Texas**

**7. ADDITIONAL PLAT LANGUAGE FOR DRAINAGE AND DETENTION EASEMENT**

This plat is hereby adopted by the Owners and approved by Hood County, Texas (called "County"), subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: A portion of Block \_\_\_\_\_, Lots \_\_\_\_\_, as shown on the plat is called "Drainage and Detention Easement". The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The County will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement, as herein above defined, unless approved by the County. Provided, however, it is understood that in the event it becomes necessary for the County to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the County shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the County shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The County shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name and Title

[Notary Block]

**APPENDIX "D"**  
**BONDS AND OTHER FORMS**  
**Hood County, Texas**

**1. PERFORMANCE BOND**

**KNOW ALL MEN BY THESE PRESENTS**

THAT \_\_\_\_\_, (hereinafter called "Obligor"), and \_\_\_\_\_, (hereinafter called "Surety"), a corporation authorized under the laws of the State of Texas to act as Surety, are held and firmly bound unto the County of Hood, State of Texas, through its County Judge, or her successor in office, (hereinafter called "Obligee") in the full and just sum of Dollars (\$ \_\_\_\_\_), lawful money of the United States, for the payment whereof Obligor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Obligor is required by Section 7.3 of the Hood County Subdivision and Development Regulations, under the authority granted by Section 2.401 of Article 6702-I (The County Road and Bridge Act), to file a bond with the Hood County Judge in the amount of 100% of the estimated construction cost of constructing such roadways and drainage facilities within a certain subdivision to be known as platted by Obligor.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, the owners of the tract of land to be subdivided will construct all roadways and drainage facilities within such subdivision in accordance with the specifications promulgated by and within one year from date of which final plat is approved by Commissioners' Court. If Obligor has not completed the improvement within one year this bond may be extended an additional one (1) year, if it can be demonstrated by Obligor to Commissioners' Court that a good faith effort is being made to complete the required improvements. In the event the required improvements are not completed within the time allowed then the Commissioners' Court can complete the improvements and request reimbursement funds from the Obligor or Surety without requiring approval of the Obligor. This bond shall remain in force and in effect until all roads, streets, drainage and drainage structures in the subdivision have been completed and approved by the Hood County Road Operations Department, and the bond has been released by a Court Order from the Commissioners' Court.

No right of action shall accrue on this bond to or for the use, of any person or corporation other than the Commissioners' Court herein named or successors of Commissioners' Court.

SIGNED and SEALED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in the presence of

(Witness)

By:  
Title:

Attorney in Fact

**BONDS AND OTHER FORMS**  
**Hood County, Texas**

**2. MAINTENANCE BOND**

**KNOW ALL MEN BY THESE PRESENTS**

THAT \_\_\_\_\_, (hereinafter called "Obligor"), and \_\_\_\_\_, (hereinafter called "Surety"), a corporation authorized under the laws of the State of Texas to act as Surety, are held and firmly bound unto the County of Hood, State of Texas, through its County Judge, or her successor in office, (hereinafter called "Obligee"), in the full and just sum of Dollars (\$ \_\_\_\_\_), lawful money of the United States, to the payment of which sum, will and truly to be made, the Obligor and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Obligor has constructed the roads and drainage improvements in a certain subdivision located in Hood County, Texas and outside the limits of an incorporated city or town, said subdivision to be known as \_\_\_\_\_, and

WHEREAS, Section 7.3 of the Hood County Subdivision and Development Regulations requires that the Obligor shall furnish a bond conditioned to guarantee for a period of two (2) years after acceptance of the required improvements, by the Obligee, against all defects in workmanship and materials which may become apparent during said period. Said period to be from \_\_\_\_\_ to \_\_\_\_\_.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if the Obligor shall indemnify the Obligee for all loss the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the two (2) year period, then this obligation shall be void, otherwise to remain in full force and effect. If any defective materials or workmanship is not corrected by the end of the aforesaid period by the Obligor, then the Obligee may complete required work and be reimbursed by the Obligor or Surety.

SIGNED and SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the presence of

\_\_\_\_\_(Obligor)

By:

\_\_\_\_\_(Surety)

**APPENDIX “E”**  
**ROAD CONSTRUCTION STANDARDS**  
**Hood County, Texas**

1. General

The Hood County Road Operations Department shall be notified forty-eight (48) hours prior to the commencement of any major constructions items such as subgrade stabilization, installation of flexible base, prime coat application or placement of surface course. It shall be the owner/developers responsibility to provide adequate inspection of the construction to insure compliance with county standards. All construction and testing reports shall be furnished to the Road Administrator certifying that the construction requirements of these standards have been met. The test results must be approved prior to initiating the next phase of construction.

A “STOP WORK ORDER” shall be issued whenever the owner/developer or his contractor fails to adhere to the approved plat, construction plans or these specifications. The owner/developer may not continue development until the deficiencies listed in the “STOP WORK ORDER” are corrected. If the owner/developer or his contractor fails to correct the deficiencies, the Commissioners’ Court will not accept the roadway and/or subdivision.

Roadways built within the unincorporated areas of Hood County, whether maintained by the County or a Homeowners’ Association shall be designed and constructed to achieve a minimum Structural Number (SN) of 2.50. The Hood County Commissioners’ Court has approved the following road section comparisons:

	Layer Thick.	Layer Coef.	SN
9-inch Flex Base (Type A, Grade 2)	9	.14	1.26
1.5-inch Asphalt Course Penetration	1.5	.44	0.66
6-inch Stabilized Subgrade (depth dependent on PI value)	6	.11	<u>0.66</u>
		T OTAL	2.58
8-inch Flex Base (Type A, Grade 2)	8	.14	1.12
2-inch HMAc	2	.44	0.88
6-inch Stabilized Subgrade (depth dependent on PI value)	6	.11	<u>0.66</u>
		TOTAL	2.66
5-inch Reinforced Concrete	5	.50	2.50
5-inch Stabilized Subgrade (depth dependent on PI value)	5	.11	<u>0.55</u>
		TOTAL	3.05

All work, methods and materials not covered by these standards shall conform to the most current issue of the “Standard Specifications for Public Works Construction” published by the North Central Texas Council of Governments (NCTCOG).

2. Preparing Right-of-Way

All preparing of the right-of-way and/or clearing and grubbing shall be completed before starting the sub-grade preparation.

All utilities, which require roadway crossings, shall be installed before starting the Subgrade preparation.

### 3. Subgrade Preparation

Prior to the start of construction on subgrade, soil samples shall be taken along the proposed roadway at a frequency determined by the Road Administrator. Using these samples, a soils analysis shall be made by a certified soil laboratory to determine if a soil stabilizer (lime, cement, liquid chemical, etc.) is required. A Plasticity Index (PI) range of not less than ten (10) or greater than twenty (20) is acceptable. Copies of the tests results shall be furnished to the Road Operations Department.

If analysis reveals that soil properties are not acceptable, tests must be made to determine the appropriate stabilizers and optimum quantities for desired results to meet road design.

Subgrade is defined as “that portion of the roadbed upon which the flexible base or pavement is to be placed”. Generally the subgrade for local roadways is thirty feet (30’) wide.

The subgrade shall be scarified and shaped in conformity with the typical sections and the lines and grades indicated, or as established by the Engineer, by the removal of existing materials or addition of approved material. All unsuitable material shall be removed and replaced with approved material.

The subgrade shall be compacted by approved mechanical equipment to a density of not less than ninety-five percent (95%) standard Proctor density. Prior to the placement of any base material, tests from a certified soils laboratory shall be supplied by the owner/developer to the Road Operations Department stating that the subgrade has been compacted to ninety-five percent (95%) density to a depth of six inches (6”) for all sub-grade and for the full depth of all fills. If the subgrade fails to meet the density specified, it shall be reworked as necessary to obtain the density required.

Fills must be placed and compacted on horizontal lifts of not over twelve inches (12”) depth to the specified density. Fill sections whose depth exceeds eight feet (8’), at any point on the cross section, shall require a slope stability analysis and/or approval of the Road Operations Department.

### 4. Flexible Base Course

The base material must meet the requirements of TxDOT Item 247, Flexible Base, Type “A” Grade 2.

The flexible base material shall be compacted to a minimum 95% standard Proctor density and optimum moisture of -2 to +4. The base shall be tested by an Independent Testing Laboratory for standard Proctor density. The frequency of these tests shall be as required by the Road Administrator. Copies of the tests results shall be supplied by the owner/developer to the Road Operations Department. Base material shall be placed and compacted in equal horizontal lifts when possible. No lift shall exceed six-inches (6”) in depth after compaction.

Base course shall be maintained by blading, and the surface, upon completion, shall be smooth and in conformity with the typical section indicated, and to the established lines and grades.

All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, re-shaping and re-compacting by sprinkling and rolling.

Should the base course, due to any reason or cause, lose the required stability, density and finish

before the surface is complete, it shall be re-compacted and refinished at the sole expense of the contractor.

## 5. Surface Course

Roadways paved with one of the following types of surface shall conform to the requirements of the respective type used.

### (a) Asphalt Course Penetration Surface

The three course penetration seal (3-CPS) shall meet the requirements of TxDOT Item 316, "Surface Treatments." The asphaltic materials shall include both a prime coat of either emulsified or medium curing asphalt and surface coats of rapid setting asphalt in accordance with TxDOT Item 300, "Asphalts, Oils, and Emulsions." The types and quantities of asphalt to be applied shall be accordance with generally accepted road construction practices or as directed by the Road Administrator.

The aggregates for surface treatment shall meet TxDOT Item 302, "Aggregates for Surface Treatments" Type A, Grade 4.

In the event a three course penetration seal (3-CPS) is used, a minimum of twenty-two (22) months shall have passed before placing the third and final course penetration seal.

Surface treatments may be placed only between May 1<sup>st</sup> and September 15<sup>th</sup>. At the sole discretion of the County Road Administrator, placement may be permitted outside this time frame if weather conditions allow. Surface treatments shall not be applied when the air temperature is below 60 degrees and falling, but it may be applied when the air temperature is 50 degrees and rising. Surface treatments will not be applied when the temperature of the roadway surface is below 60 degrees F.

### (b) Hot Mix Asphaltic Concrete (HMAC) Surface

The asphaltic material for Prime Coat shall meet the requirements for TxDOT Item 310, Prime Coat. Prime Coat shall be applied at a rate not to exceed 0.35 gallon per square yard of surface.

The HMAC surface course shall meet the current specifications of TxDOT Item 340, Type D. HMAC pavement shall not be placed when the general weather conditions, in the opinion of the County Road Administrator, are not suitable. Test reports showing material compliance, from a certified testing laboratory, shall be submitted to Road Operations. Minimum tests made and submitted shall be one for each day's production, or one per 1,000 tons placed, whichever is, with a minimum of one per project. Such tests shall be made by and at the expense of the owner/developer.

All asphaltic mixtures shall be placed with a spreading and finishing machine. The mix shall be compressed thoroughly and uniformly compacted immediately after placing to the required density. All compaction rolling shall be complete before the material cools below 175 degrees F. The completed surface shall meet the approval of the Developer's Engineer and the County Road Administrator for riding surface, finish, and appearance.

(c) Concrete Surface

Test beams will be required for each 50 CY or a minimum of one beam for each class of concrete. A slump test will be required with each set of test beams. Air entraining and retarding agents used shall be from the approved TxDOT list.

The driving surface shall be six inches (6”) of Class “A” (3,000 lb in 28 days) concrete with number three (#3) reinforcing at twenty-four inch (24”) centers both ways. Concrete shall not be placed when the ambient temperature is below 40 degrees F and falling, without permission from the County Inspector.

No concrete shall be laid at any time unless Road Operations is notified twenty-four (24) hours in advance.

6. Street Sign Installation

Street signs shall be installed by the owner/developer in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

The owner/developer of a subdivision shall install the street name signs on new streets. The proper installation of these signs is a part of the required construction standards of Hood County, and will be inspected for approval prior to the release of the performance bond.

The owner/developer of a subdivision shall not be required to install any traffic control sign or device. The installation of such control signs or devices shall be the responsibility of Hood County or other affected governmental agencies only.

## **APPENDIX F**

### **DEVELOPER'S LETTER OF AGREEMENT**

- A. The Developer will comply with all applicable regulations and submit all required plats, plans, construction, drawings and specifications to Commissioner's Court for approval. All work on the approved project will be done in compliance with Hood County Standards and in accordance with applicable Hood County Development Regulations.
- B. The plat, plans, specifications, referred to in Part "A" above, and are made a part thereof.
- C. The Developer will pay for and transfer ownership to the County or a legally recognized homeowner's association (or equivalent), free and clear of all liens and costs, all of the improvements (such as right of way, roads, drainage easements, utility easements, culvert design, retaining walls or sea walls) as provided by the plat, plans, specifications, and orders of the HCCC as mentioned in Part "A" and "B" above.
- D. The Subdivision may be developed in segments, but if it is constructed in segments, no construction of any building or any lots within the Subdivision shall occur nor shall public utilities be supplied to any of said lots within the second or any subsequent segment, until financial guarantees are deposited with the County, or contracts and performance bonds as hereinafter required for the second or any subsequent segment are delivered to and accepted by the County.
- E. Developer will comply with all applicable TCEQ Regulations concerning construction activities and will submit a NOI to TCEQ for appropriate permit coverage.
- F. No work shall be performed within the proposed Subdivision until the Developer satisfies the bonding requirements required by Hood County Development Regulations. Such guarantee shall be made for one hundred percent (100%) of the contract price for all streets, roads, and drainage work to be installed in the new Subdivision, and shall be in the form as promulgated by the HCCC.
- G. All of the plans and specifications of the improvements contained in the Developer's subdivision application to Commissioner's Court shall be prepared by a Texas Registered Professional Engineer and all of the improvements contained in the application shall be built under the supervision of such Engineer. Such Engineer shall certify in writing to the County Development and Compliance Director that as each segment or phase is completed, that such segment or phase has been built true and correct in accordance with the submitted plans and specifications and that the same was built under his supervision. This written certification shall be signed and sealed by such Engineer. All of the expenses of such engineering shall be paid for by the Developer.
- H. Developer agrees to allow County employees or County contracted parties access to subdivision to observe construction progress. At any time if any construction is contrary to the plans and specifications, or the construction is not satisfactory to County specifications, the Hood County Commissioner's Court shall empower the Director of

Development and Compliance to stop construction and require correct construction and installation at the Developer's risk and without liability to the County.

- I. The work will be coordinated between the County and the Developer so that the utilities will be in place before the permanent improvements such as of road base, road paving and/or improvements that have been constructed that would be damaged by the installation of utilities.
- J. The Developer will make his own arrangements with public utilities for extensions of their utilities.
- K. The requirements of this contract shall be binding on the Developer's heirs, executors, successors and assigns, and the Developer agrees to notify the assignee of any undeveloped lot of the requirements of this contract before any conveyance is made.
- L. Where the intended source of water to serve the subdivision is groundwater under the land to be subdivided, whether the development is to be supplied by individual wells or from a centralized water system, no plat shall be approved unless the plat is accompanied by a certification prepared by a licensed professional engineer that there is adequate groundwater from the intended source to serve the subdivision.
- M. Conveyance or sale of lots depicted on a preliminary plat shall not be permitted until the final plat has been approved, and until the record plat has been filed with the County Clerk.
- N. No development shall be permitted in the floodway. Development may be allowed within the flood plain outside the floodway or within a drainage easement only on a case-by-case basis. Any structures constructed within the flood plain must be above the base flood elevation in accordance with applicable Hood County Development Regulations.
- O. SPECIAL PROVISIONS:

DEVELOPER:

\_\_\_\_\_  
BY: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JUDGE PRESIDING  
Judge

\_\_\_\_\_  
Commissioner, Pct. 1

\_\_\_\_\_  
Commissioner, Pct. 2

\_\_\_\_\_  
Commissioner, Pct. 3

\_\_\_\_\_  
Commissioner, Pct. 4

Attest: \_\_\_\_\_  
COUNTY CLERK