ORDER NO. 2022-829

AN ORDER OF THE COMMISSIONERS COURT OF MENARD COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS; (2) APPROVING AND ADOPTING A FEE SCHEDULE AS WELL AS CERTAIN CIVIL AND CRIMINAL ENFORCEMENT REMEDIES REGARDING SAID REGULATIONS; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.

WHEREAS, Menard County, Texas ("County") is a county of the State of Texas, having been duly created and organized under the constitution and laws of Texas, and further, the Menard County Commissioners Court ("Commissioners Court") is the governing body of the County; and

WHEREAS, pursuant to article V, § 18 of the Texas Constitution, chapters 232 and 233 of the Texas Local Government Code, and other authority, the County may approve, adopt, and enforce regulations governing plats and subdivisions of land and manufactured home rental communities in the unincorporated area of Menard County, Texas in order to promote the health, safety, morals, and general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, and further, to prevent colonias or other substandard development, said matters being worthwhile public purposes; and

WHEREAS, the County desires to approve, adopt, and enforce the **Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas** ("Regulations"), dated and effective August 29, 2022 in the form and scope described in the attached **Exhibit 1**, said Regulations relating to plats and subdivisions of land, plat procedure, design and construction standards, enforcement and other remedy issues, a fee schedule, and other related land development matters, and including without limitation the approval and adoption of (1) the Model Subdivision Rules pursuant to §§ 16.343 and 16.350 of the Texas Water Code and 31 TAC §§ 364.1-364.72 for certain subdivision types, and (2) manufactured home rental community development and regulations pursuant to § 232.007 of the Texas Local Government Code, for application and implementation in the unincorporated area of Menard County, Texas as authorized by law for County regulation; and

WHEREAS, the approval, adoption, implementation, and enforcement of the Regulations and this order shall accomplish or substantially achieve all public purpose described in those instruments;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Menard County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

(1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.

(2) The caption and preliminary recitals of this order and all attached documents are incorporated by reference.

(3) The Commissioners Court orders, approves, and adopts, and shall enforce, the **Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas**, dated and effective August 29, 2022, in the form and scope described in the attached **Exhibit 1**.

(4) The Commissioners Court orders that: (a) on behalf of the County and its Commissioners Court, the County Judge shall properly execute the Regulations and timely initiate and complete all tasks necessary or desired to accomplish the implementation of the Regulations in the public interest; (b) this order and the Regulations shall be filed of record in the official minutes of the Commissioners Court; (c) true and correct copies of this order and the Regulations shall be included and incorporated in the appropriate booklets, packets, or other documents published, distributed, or made available to the public regarding land development matters, and further, shall be posted on the County's internet website; and (d) the County's staff and legal counsel shall assist the County Judge in the timely completion of all tasks herein described.

(5) All notice and conditions precedent for the approval and adoption of the Regulations have been accomplished by the County, and post-enactment notice of the Regulations shall be accomplished by the County as required by law.

(6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, attorneys, agents, and representatives are hereby ratified, confirmed, and approved regarding the Regulations and any related matter.

(7) This order shall take effect immediately from and after its passage.

(8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on the 29th day of August, 2022.

THE COMMISSIONERS COURT OF MENARD COUNTY, TEXAS

County Judge
Menard County, Texas

County Commissioner, Precinct 1
Menard County, Texas

County Commissioner, Precinct 2
Menard County, Texas

County Commissioner, Precinct 3
Menard County, Texas

Michael A. Garza
County Commissioner, Precinct 4
Menard County, Texas

ATTEST:

County Clerk or Deputy County Clerk
Menard County, Texas

EXHIBIT 1
(Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas; Effective Date: August 29, 2022)

SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

MENARD COUNTY, TEXAS

EFFECTIVE DATE: AUGUST 29, 2022

SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

MENARD COUNTY, TEXAS

EFFECTIVE DATE: AUGUST 29, 2022

TABLE OF CONTENTS

ARTICLE 1 -- ADMINISTRATIVE PROVISIONS 1

§ 1.1 Enactment 1
(A) County and Governing Body 1
(B) Declaration 1
§ 1.2 Public Purposes 1
(A) Identification 1
(B) Accomplishment 2
§ 1.3 Conditions Precedent and Notice 2
(A) Conditions Precedent 2
(B) Notice 2
§ 1.4 Effective Date 2
§ 1.5 Partial Invalidity 2
§ 1.6 Headings 2
§ 1.7 ETJ Regulation 2
§ 1.8 Adopted Authority 2

ARTICLE 2 -- DEFINITIONS, INTERPRETATION, AND APPENDIX 3

§ 2.1 Word Usage and Special Definitions 3
(A) Common Usage 3
(B) Special Definitions 3
§ 2.2 Interpretation and Appendix 7
(A) Tense, Gender, and Number 7
(B) Incorporation by Reference 7
(C) Minimum Requirements 7
(D) Superseding Effect 7

ARTICLE 3 -- PLAT PROCEDURE 7

§ 3.1 Plat Required for Division of Land 7
(A) Division Defined 7
(B) Scope of Division 7
§ 3.2 Plat Submission and Review 7
(A) Application 8
(B) Submission of Completed Application/Notice of Incomplete Application 8
(C) Review 8

ARTICLE 4 -- PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE 9

§ 4.1 Minimum Plat Standards 9

(A) Lawful Compliance 9
(B) Acknowledgment and Recordation 9
(C) Surveyor and Engineer Certification 9
(D) Property Description, Identifying Data, and Signatures 9
(E) Survey Data 10
(F) Lot/Block Dimension 10
(G) Water/Sewer/OSSF Disclosures 10
(H) Drainage 11
(I) Topographical Description 11
(J) Road/Driveway, Lot Frontage, and Floodplain Description 11
(K) Fire Suppression System 13
(L) Purchase Contract Disclosure 14
(M) Water Availability Requirements 14
(N) Use of Firearms, Bows and Arrows 15
(O) Plat Format 16
(P) Building or Set-Back Lines 17
(Q) Limitations Regarding County Construction/Maintenance Obligations 17
(R) Owner/Developer Signature and Disclosure 17
(S) Lien Subordination Disclosure 18
(T) Surveyor Signature/Disclosure 18
(U) Developer Engineer Signature/Disclosure 18
(V) Commissioners Court Approval 19
(W) County Engineer Approval 19
(X) County Clerk Certification 19
(Y) Additional Plat Certifications 20
(Z) Model Subdivision Rules 20
(AA) Utility Connection Requirements 39
(BB) Developer Participation Contracts 39
(CC) Access by Emergency Vehicles 40
(DD) Future Transportation Corridors 40
§ 4.2 Plat Exceptions 40
(A) Statutory Exceptions 40
(B) Previously Platted Lots 41
(C) 911 Emergency Service Addressing 41
§ 4.3 Variances 41
(A) Procedure 41
(B) Application 41
(C) Prohibition 41
(D) Standards 41
§ 4.4 Plat Cancellation, Revision, and Amendment 42

ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY REGULATIONS AND FEE SCHEDLE 42

§ 5.1 Manufactured Home Rental Community Regulations 42
(A) Application....42
(B) Completed Application 42
(C) Infrastructure Development Plan 42
(D) Signature and Completeness 44
(E) Submission and Fees....44
(F) County Review....44
(G) Construction and Occupancy 44
(H) Utility Service 44
(I) MHRC Variance 45
§ 5.2 Fee Schedule 45

ARTICLE 6 – ENFORCEMENT AND INSPECTION 45

§ 6.1 Enforcement 45
§ 6.2 Inspection....45

CERTIFICATE OF ADOPTION....46

APPENDIX

Exhibit A: Subdivision Plat Application 1-7
Exhibit B: Manufactured Home Rental Community Application . . 1-5
Exhibit C: Drainage Standards 1-6
Exhibit D: Fee Schedule..... 1
Exhibit E: Developer Road Damage and Repair Provisions 1-3
Exhibit F: Utility Connection Requirements Applicable to Certain Subdivisions 1
Exhibit G: Standard Utility Connection Requirements 1-5
Exhibit H: Bond or Other Financial Guarantee Requirements 1-5

ARTICLE 1 – ADMINISTRATIVE PROVISIONS

§ 1.1 Enactment.

(A) **County and Governing Body.** Menard County, Texas **("County")** is a duly organized and operating county of the State of Texas, and the Menard County Commissioners Court **("Commissioners Court")** is the governing body of the County.

(B) **Declaration.** The County, acting by and through its Commissioners Court, hereby declares that these **Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas ("Regulations")** are lawfully enacted, approved, and adopted, and shall be enforced pursuant to and in compliance with the express and implied authority herein described.

§ 1.2 Public Purposes.

(A) **Identification.** These Regulations are enacted, approved, and adopted, and shall be enforced to accomplish the following worthwhile public purposes:

(1) The Regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities **("MHRC")**, within the unincorporated area of Menard County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.

(2) The Regulations shall ensure that adequate plats, plan, design and planning procedures, water, sewer, septic, and on-site sewer facilities **("OSSF")**, and utility and transportation infrastructure are provided in the unincorporated area of the county.

(3) The Regulations are reasonably enacted, approved, and adopted, and shall be enforced, among other things, to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; and (i) prevent the imminent destruction of property or injury to persons from flooding within a floodplain established by a federal or state flood control program, and enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property.

(B) **Accomplishment.** The enactment, approval, adoption, and enforcement of the Regulations shall substantially accomplish or advance all public purposes herein described.

§ 1.3 Conditions Precedent and Notice.

(A) **Conditions Precedent.** All notice and conditions precedent for the lawful enactment, adoption, approval, and enforcement of the Regulations have been accomplished.

(B) **Notice.** Any notice or document submission to the County required by the Regulations shall be in writing and delivered by the United States Postal Service (by certified mail), courier, or hand-delivery, with proof of delivery to the County established by a delivery receipt or other document. The County's contact official and business office address regarding notice or document submissions required by the Regulations are as follows:

County Judge
Menard County, Texas
Office Address:
Menard County Courthouse
206 East San Saba Avenue
Menard, Texas 76859
Telephone: 325-396-4789
Mailing Address:
P.O. Box 1038
Menard, Texas 76859

§ 1.4 Effective Date. The effective date **("Effective Date")** of the Regulations is August 29, 2022.

§ 1.5 Partial Invalidity. Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Regulations shall remain fully effective, in force, and operable.

§ 1.6 Headings. The separate headings contained in the Regulations are for reference and convenience only and shall not limit or otherwise affect in any way the meaning of the Regulations.

§ 1.7 ETJ Regulation. The authority of the County to regulate plats or subdivisions of land by the Regulations in the extraterritorial jurisdiction **("ETJ")** of an incorporated municipality located in Menard County, Texas is subject to the provisions of an active interlocal governmental agreement made by and between the County and the municipality pursuant to Chapter 242 of the Texas Local Government Code and Chapter 791 of the Texas Government Code.

§ 1.8 Adopted Authority. The following legal authority, as amended, and the express and

implied regulatory powers therein granted to the County, are hereby approved and adopted by the County to support the interpretation, application, use, and enforcement of these Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subch. B, Parts 59-60); TEX. HEALTH & SAFETY CODE Chs. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, B, C, and E), 233, 235, 242, including without limitation §§ 212.013-.016, 232.028-029, 232.0032; TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE Chs. 251 through 256, including without limitation §§ 201.619, 251.003, 251.008; TEX. WATER CODE Ch. 16 (Subchs. I, J), including without limitation §§ 16.343 and 16.350; 30 TAC Ch. 285; 30 TAC §§ 230.1-230.11; 31 TAC §§ 364.1-364.72; the County's active flood damage prevention orders or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; and all other authority described in the Regulations.

ARTICLE 2 – DEFINITIONS, INTERPRETATION, AND APPENDIX

§ 2.1 Word Usage and Special Definitions.

(A) **Common Usage.** Unless specially defined in the Regulations, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.

(B) **Special Definitions.** Unless otherwise designated, the following special definitions shall apply (whether the term or phrase appears in capital letters or in bolded, italicized, or underlined print):

(1) **"Business day"** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.

(2) **"Colonias"** shall mean substandard, generally (but not always) impoverished rural subdivisions or other developments that lack basic utilities, drainage, and other infrastructure;

(3) **"Commissioners Court"** or **"Court"** shall mean means the Commissioners Court of Menard County, Texas.

(4) **"County"** shall mean Menard County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.

(5) **"County Clerk"** shall mean the County Clerk of Menard County, Texas.

(6) **"County Judge"** shall mean the County Judge of Menard County, Texas.

(7) **"Developer" or "Subdivider"** shall mean: (a) the fee simple owner (or authorized agent, assignee, or successor thereof) of land which is the subject of development; and (b) any owner of land (or authorized agent, assignee,

or agent thereof) proposing to divide or dividing land so as to constitute a subdivision.

(8) **"Development"** shall mean any actual or proposed man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.

(9) **"Drinking water"** shall mean all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

(10) **"Engineer"** shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

(11) **"ETJ"** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.

(12) **"Floodplain"** shall mean: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency **("FEMA")** for the County under the National Flood Insurance Act and NFIP; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.

(13) **"Manufactured Home"** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003, Texas Occupations Code; (b) any other type of mobile home; and (c) any trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.

(14) **"Manufactured Home Rental Community" or "MHRC"** means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residence, as defined by § 232.007 of the Texas Local Government Code.

(15) **"Minimum State Standards"** shall mean the minimum standards of the State of Texas required for: (a) adequate drinking water pursuant to § 16.343(b)(1) of the Texas Water Code or other state authority; (b) adequate sewer and septic/OSSF facilities under § 16.343(c)(1) of the Texas Water

Code, Chapter 366 of the Texas Health and Safety Code, or other state authority; or (c) the treatment, disposal, and management of solid waste and litter under Chapters 361 through 365 of the Texas Health and Safety Code or other state authority.

(16) **"Model Subdivision Rules" or "Model Rules"** shall mean the subdivision regulations described in § 4.1(Z) of the Regulations.

(17) **"NFIP"** shall mean the National Flood Insurance Program pursuant to federal law, including: (a) the National Flood Insurance Act pursuant to Sections 4001-4027, Title 42 of the United States Code; and (b) 44 CFR Ch. I, Subch. B, Parts 59, 60.

(18) **"OSSF"** shall mean an on-site sewage facility (and includes a septic system), as defined in rules and/or regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.

(19) **"Plat"** shall mean a: (a) plat required by the Regulations; and (b) map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.

(20) **"Plat Application"** shall mean the County's Subdivision Plat Application Form described in § 3.2 and **Appendix/Exhibit A** of the Regulations.

(21) **"Platted"** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.

(22) **"Purchaser"** shall include purchasers under executory contracts for conveyance of real property.

(23) **"Regulations"** shall mean these Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas.

(24) **"Sewer," "sewer services," "sewerage facilities," and "sewer facilities"** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code, or individual, on-site (or OSSF), or cluster treatment systems such as septic tanks, and includes drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.

(25) **"State"** shall mean the State of Texas and its administrative agencies.

(26) **"Subdivision"** shall mean a division of land described in §§ 3.1 or 4.1(Z) of these Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.

(27) **"Surveyor"** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.

(28) **"TAC"** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.

(29) **"TCEQ" or "the Commission"** shall mean the Texas Commission on Environmental Quality.

(30) **"Texas Open Meetings Act"** shall mean Chapter 551 of the Texas Government Code.

(31) **"TWDB"** shall mean the Texas Water Development Board.

(32) **"Utility"** shall mean a person, entity, or political subdivision providing the services of an electric utility under § 31.002 or Chapter 181 of the Texas Utilities Code, a gas utility or corporation pursuant to § 101.003 or Chapter 181 of the Texas Utilities Code, a water and sewer utility pursuant to § 13.002 of the Texas Water Code, or any other utility defined by Texas law or these Regulations.

(33) **"Water District"** shall mean the following described, duly organized and operating special districts with jurisdictional authority granted by the law of the State of Texas regarding certain land located in Menard County, Texas, said districts being authorized to develop, promote, and implement water conservation and water management strategies in order to conserve, preserve, and protect the groundwater supplies of the territorial land area of the respective district, and authorized to protect and enhance recharge, prevent waste and pollution, and effect the efficient use of groundwater in the territorial land area of the respective district:

- the **Menard County Underground Water Conservation District ("Menard County UWCD")**, with its present business office located at 206 East San Saba Avenue, Menard, Texas 76859, and its present mailing address being P.O. Box 1215, Menard, Texas (telephone 325-396-3670), and with its territorial land area comprising most of Menard County, Texas; and

- the **Hickory Underground Water Conservation District No. 1 ("Hickory UWCD 1")**, with its present business office located at 111 East Main Street, Brady, Texas 76825, and its present mailing

address being P.O. Box 1214, Brady, Texas 76825 (telephone 325-597-2785), and with its territorial land area comprising the remainder of Menard County, Texas which is not within the territorial land area of Menard County UWCD.

§ 2.2 Interpretation and Appendix.

(A) **Tense, Gender, and Number.** Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.

(B) **Incorporation by Reference.** The following matters are approved and incorporated by reference in the Regulations: (1) statements made in the preliminary recitals; (2) all authority recited in the Regulations and all documents attached as the Appendix; and (3) where applicable for the use, operation, and enforcement of these Regulations, all provisions of the County's active floodplain management, sewer, septic/OSSF, or other development regulations.

(C) **Minimum Requirements.** These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.

(D) **Superseding Effect.** These Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

ARTICLE 3 -- PLAT PROCEDURE

§ 3.1 Plat Required for Division of Land.

(A) **Division Defined.** Pursuant to § 232.001 of the Texas Local Government Code, the owner of a tract of land in Menard County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(B) **Scope of Division.** A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (1) by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (2) for the purpose of residential, business, commercial, industrial, or other development.

§ 3.2 Plat Submission and Review.

(A) **Application.** The County's Subdivision Plat Application Form is described in **Appendix/Exhibit A**. It shall be provided at no cost to the public at the office of the County Judge at the notice address described in § 1.3 of the Regulations. The Plat Application Form describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute and contain: (1) the fully completed and executed application; (2) the proposed plat and all supporting documents, as herein described; (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the subdivision development project; and (4) payment for all required fees, as described on the fee schedule attached as **Appendix/Exhibit D**.

(B) **Submission of Completed Application/Notice of Incomplete Application.**

(1) A completed Plat Application shall be submitted by the Developer to the County Judge at the notice address described in § 1.3.

(2) County acceptance of a submitted Plat Application shall not constitute plat approval by the County.

(3) Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and these Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

(C) **Review.** Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with the Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval procedures and requirements of §§ 232.002 and 232.0025-.0028 of the Texas Local Government Code. Pursuant to said authority, the Commissioners Court:

(1) must approve a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should the plat be: (a) the result a completed Plat Application; (b) supported by a good and sufficient bond or other financial security if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of all required fees; and

(2) may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting by an order entered into the official Court minutes,

should: (a) the plat not comply with all requirements prescribed by law and these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed development; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.

ARTICLE 4 – PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE

§ 4.1 **Minimum Plat Standards.** In order to obtain Commissioners Court approval, and for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in these Regulations.

(A) **Lawful Compliance.** The plat must comply with all applicable requirements prescribed by law and the Regulations, including the applicable statutes and regulations of the State of Texas and United States government, and their respective administrative agencies.

(B) **Acknowledgment and Recordation.** The approved plat must be: (1) acknowledged by the Developer as required for the acknowledgment of deeds; and (2) filed and recorded in the Official Public Records (Real Property and/or Plat Records) of the County Clerk on or before 90 days from plat approval, and in compliance with § 12.002, Texas Property Code.

(C) **Surveyor and Engineer Certification.** The plat on approval must be signed, sealed, and certified by the Developer's surveyor and engineer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.

(D) **Property Description, Identifying Data, and Signatures.**

(1) **General Description.** The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal parts of the subdivision -- including all lots, divisions of land, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by the Regulations.

(2) **Additional Descriptions.** The plat must describe all identifying data required by the Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts

intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) restrictive covenants, restrictions, or reservations whether of record or proposed.

(E) **Survey Data.** The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, calls for the lines of established surveys, landmarks, school districts and other data furnished in a manner sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the required scale must be prominently shown.

(F) **Lot/Block Dimension.** The plat must state the dimensions of, and accurately but separately describe by metes and bounds, each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part. Lot and block numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.

(G) **Water/Sewer/OSSF Disclosures.**

(1) **Public Facilities/Constructed.** Should public or organized water (groundwater or surface water), sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain information and documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Menard County UWCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction

regarding water wells and related permits for the land of the subdivision.

(2) **Private Facilities.** Should private groundwater, surface water, septic or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain information and documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Menard County UWCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

(H) **Drainage.** The plat must describe the provision of a reasonable drainage plan approved by the Developer's engineer for the subdivision (including all roads, streets, bridges, culverts, driveways, or common use areas located therein) in accordance with standard engineering practice, and in compliance with the reasonable drainage standards described in **Appendix/Exhibit C**, in order to efficiently manage the flow of storm water runoff in the subdivision and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.

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

(J) **Roads/Driveways, Lot Frontage, and Floodplain Description.**

(1) **Roads/Driveways.**

(a) The plat must include a description of all roads, streets, bridges, driveways, culverts, and areas of common usage in the subdivision.

These descriptions and all constructed roads, streets, bridges, culverts, driveways, and common usage areas shall comply with Texas professional engineering standards and with the drainage standards described by the Regulations and **Appendix/Exhibit C**.

(b) Regarding sufficient emergency vehicle and lot access to roads and streets, the following must be described on the plat and made the subject of compliance by the Developer: (i) the subdivision shall provide at least one point of entry/exit access to an external public road (located outside the subdivision) for a sufficient route of travel to and from each lot in the subdivision, for use by lot owners and emergency vehicles, and for use during evacuations resulting from fire or other natural disasters; and (ii) the subdivision must have internal roads or streets designed and constructed so that each lot in the subdivision shall have access to an internal road or street leading to the aforesaid entry/exit access point in the subdivision, for a sufficient route of travel to and from each lot in the subdivision, for the use by lot owners and emergency vehicles, and for use during evacuations resulting from fire or other natural disasters.

(c) Prior to any road, street, bridge, driveway, culvert, or area of common usage being constructed to connect to an existing public road, any such transportation infrastructure or facility and related drainage structures must first be approved by the County.

(d) The Developer shall comply with the road damage and repair provisions described in **Appendix/Exhibit E**.

(2) **No Acceptance Policy.** The roads, streets, bridges, culverts, driveways, and areas of common use in the subdivision (described hereafter as "those aforesaid facilities or infrastructure" -- whether private or dedicated to public use) shall not be dedicated as County property, and those aforesaid facilities and infrastructure shall not be accepted by the County for County construction, operation, or maintenance. The County shall never be obligated in any way to construct, repair, or maintain (i) any of those aforesaid facilities or infrastructure located in any subdivision, or (ii) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as acceptance of any of those aforesaid facilities or infrastructure located in any subdivision. A subdivision plat must contain a specific description of this provision.

(3) **Exception Regarding No Acceptance Policy.** Notwithstanding anything to the contrary stated in these Regulations and prior to plat approval during the plat review process, should the Commissioners Court determine (as an

exception to the County's non-acceptance policy stated above) that a road, street, bridge, culvert, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as "the aforesaid dedicated facility or infrastructure") may be considered by the Commissioners Court at a later date for acceptance into the County's public road, bridge, or drainage system of operation and maintenance – then, in that event (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations, (ii) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval, (iii) the Developer must comply with the bond or other financial guarantee requirements of **Appendix/Exhibit H** attached to these Regulations, and (iv) the certifications required for plat approval shall be accordingly revised.

(4) **Lot Frontage.** The plat must include a description of all lot frontages in the subdivision. These descriptions and all lot frontages on the ground shall comply with the following standards hereby adopted and approved pursuant to §§ 232.101, 232.103, 232.107 of the Texas Local Government Code and other authority:

(a) These Regulations are designed to provide reasonable standards for minimum lot frontages on existing county or other public roads (including lot frontages in relation to curves in a road) in compliance with accepted engineering practice and standards.

(b) The minimum lot frontage required for lots located on county or other public roads is 100 feet unless otherwise required by state or federal law.

(5) **Floodplain.** The plat must describe all land in the subdivision that is located in a floodplain, and contain a certification by the surveyor or engineer for the Developer that: (a) describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and subdivision comply with the County's active floodplain management, sewer, septic/OSSF, or other development regulations related to floodplain prevention, floodplain management, or flooding.

(K) **Fire Suppression System.** The following subdivision fire suppression system standards, pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code, are adopted and approved regarding a subdivision that is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility service:

(1) **Subdivision with Fewer Than 50 Lots, Units, or Houses.** The Developer shall construct and maintain at all times a fully operational limited fire suppression system for the subdivision with a minimum of 2,500 gallons of storage, with sufficient equipment included in the system to allow full access and connection to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.

(2) **Subdivision of 50 or More Lots, Units, or Houses.** The Developer shall construct and maintain at all times a fully operational limited fire suppression system for the subdivision with (a) a minimum of 2,500 gallons of storage with a centralized water system, or (b) 5,000 gallons of storage, and further, and with sufficient equipment included in the system to allow full access and connection to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.

(L) **Purchase Contract Disclosure.** Pursuant to § 232.003 of the Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if water will be made available to the subdivision, how and when water will be made available.

(M) **Water Availability Requirements.**

(1) **Groundwater Sufficiency.** Pursuant to § 232.0032 of the Texas Local Government Code and other authority, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat shall have attached to it a groundwater sufficiency disclosure statement that: (a) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (b) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards. The form and content of this certification shall be in compliance with all applicable rules of TCEQ as required by said § 232.0032, including without limitation the regulations contained in 30 TAC §§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. Should this plat certification be required, the Developer also shall transmit to the TWDB and any Water District (either Menard County UWCD or Hickory UWCD No. 1 as the case may be) that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all applicable rules of TCEQ and TWDB, information that would be useful in: (a) performing groundwater conservation district activities; (b) conducting regional water planning; (c) maintaining the state's groundwater base; or (d) conducting

studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 and this provision has been transmitted to the TWDB and an applicable Water District if herein required.

(2) **Surface Water Sufficiency.** If the source of the water supply intended for the subdivision is surface water, the Plat application and plat shall have attached to it a surface water sufficiency statement that: (a) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (b) certifies through sufficient written and attached evidence that (i) adequate surface water is available for the subdivision pursuant to minimum state standards, and (ii) sufficient water rights have been obtained and dedicated, either through acquisition or a wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for not less than 30 years.

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

(N) **Use of Firearms, Bows, and Arrows.** Regarding the use of firearms, bows, and arrows, in certain subdivisions, the following standards are adopted and approved pursuant to §§ 235.020-.045 of the Texas Local Government Code:

(1) **Definitions.** Notwithstanding anything to the contrary stated in these Regulations: (a) this Paragraph N applies to a subdivision which is located in the unincorporated area of the county and for which a plat is required by Chapter 232 of the Texas Local Government Code and these Regulations; (b) **"air gun"** shall mean any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring, as defined by § 229.001 of the Texas Local Government Code; and (c) **"hunting"** shall mean to hunt (i.e., to capture, trap, take, or kill, or an attempt to capture, trap, take, or kill), as defined by § 1.101 of the Texas Parks and Wildlife Code.

(2) **Firearm Use.** To promote public safety, the Commissioners Court hereby prohibits the discharge of firearms on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of air guns on the aforesaid lots or as otherwise allowed by law. This regulation does not authorize the Commissioners Court to regulate the transfer,

ownership, possession, or transportation of firearms or air guns and does not authorize the Commissioners Court to require the registration of firearms or air guns. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

(3) **Bow/Arrow Use.** To promote public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

(O) **Plat Format.** The Plat Application must include a digital map that is: (1) compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code; and (2) in a format widely used by common geographic information system software. An exemption from this requirement shall exist if the Developer submits with the Plat Application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible. The plat must be prepared on mylar, or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat must be drawn to scale on plat sheets of at least the following dimension: 18 inches by 24 inches. The Developer shall provide to the County: (1) the original plat (including all required and attached documents) and one clearly marked, same-size copy of the original plat; and (2) six reduced size copies of the original plat, either 8.5 inches by 11 inches or 11 inches by 17 inches in dimension. The plat must be drawn according to the following scale: (1) one inch to 100 feet; or (2) one inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of one foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

(P) **Building or Set-Back Lines.** Pursuant to Sections 232.104 and 233.032 of the Texas Local Government Code, and for the promotion of the general welfare and safety of the public, the following standards are adopted, and approved for building and set-back lines in subdivisions: the plat shall describe and depict a twenty (20) foot building and set-back line on the front, sides, and rear of all lots or other divided parts in the subdivision.

(Q) **Limitations Regarding County Construction/Maintenance Obligations.** The plat must contain the following statements regarding the express limitations regarding County construction or maintenance obligations:

(1) Relating to any public dedication on the plat:

FOR ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DEDICATED FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE MENARD COUNTY COMMISSIONERS COURT, MENARD COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED PROPERTY. UPON PLAT APPROVAL, THE CONSTRUCTION OR MAINTENANCE OF SAID PROPERTY SHALL REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS.

(2) Relating to any private land or improvements on the plat:

MENARD COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DESCRIBED ON THIS PLAT FOR PRIVATE OWNERSHIP OR USE. UPON APPROVAL OF THIS PLAT, IF ANY, BY THE MENARD COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE PROPERTY SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS.

(R) **Owner/Developer Signature and Disclosure.** Upon plat approval, the Developer shall: (1) sign and date the plat and all required or attached documents; (2) acknowledge the plat in the manner required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the matters described in the plat and all attached documents by stating the following on the plat:

I CERTIFY THAT: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS; (2) THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE AND CORRECT; (3) THE DEVELOPER SHALL COMPLY WITH SAID REGULATIONS; AND (4) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.

(S) **Lien Subordination Disclosure.** The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which certify lienholder consent and lien subordination to all public dedications.

(T) **Surveyor Signature/Disclosure.** The plat shall contain a signature, seal, certification, date, and affidavit by the surveyor for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES REPRESENT A TRUE AND ACCURATE SURVEY ON THE GROUND MADE BY ME OF THE SUBDIVISION IDENTIFIED; (2) ALL REQUIRED SURVEY MONUMENTS ARE CORRECTLY SHOWN ON THIS PLAT: (3) ALL EXISTING EASEMENTS AND RIGHTS OF WAY ARE SHOWN ON THIS PLAT ACCORDING TO DOCUMENTS OF RECORD OR APPARENT CIRCUMSTANCES OBSERVED ON THE LAND; (4) THE PERIMETER FIELD NOTES ARE ACCURATELY TIED TO AN ORIGINAL CORNER OF THE ORIGINAL SURVEY; (5) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES COMPLY WITH ALL SURVEYING AND PLAT DRAFTING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL LAND SURVEYING PRACTICE IN THE STATE OF TEXAS.

(U) **Developer Engineer Signature/Disclosure.** When engineering services are required by these Regulations to be performed by the Developer's engineer, the plat upon approval must contain a signature, seal, certification, date, and affidavit by the registered professional engineer for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

(V) **Commissioners Court Approval.** The plat upon approval must contain a signature, certification, and acknowledgment by the County Judge, as hereafter stated:

I CERTIFY THE FOLLOWING: (1) THIS PLAT WAS APPROVED ON _____ BY THE COMMISSIONERS COURT OF MENARD COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT), AND OTHER AUTHORITY; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF MENARD COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS.

(W) **County Engineer Approval.** If reviewed by a Texas registered professional and licensed engineer engaged by the County for plat review and consultation, and if the proposed subdivision and plat are in compliance with these Regulations, upon County approval, said engineer must sign and seal the plat, and state on said plat the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR MENARD COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

(X) **County Clerk Certification.** The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the

Commissioners Court action which approved the plat and authorized its filing. When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon "approval" of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. Pursuant to these Regulations, it shall be expressly understood that "acceptance" of the plat (and/or the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a public meeting in compliance with the Regulations.

(Y) **Additional Plat Certifications.** The following additional certifications, in language deemed sufficient by the certifying entity, shall appear on the plat: (1) the Water District (either Menard County UWCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision, shall certify on the plat that (i) the Developer and/or all lot owners in the subdivision shall comply with the permitting, registration, use, spacing, and pumping requirements of said district, and (ii) all water wells and/or water service facilities shall be in compliance with said district requirements; (2) the applicable electric and gas utility service providers for the subdivision shall certify on the plat that electric and gas utility service is (a) currently available to all lots of the subdivision, or can be made available in the future to all lots in the subdivision, subject to proper application, permitting, infrastructure, and/or utility easement acquisition, and (b) the easements shown on the plat are of sufficient nature, shape, and size to accommodate electric utility service to all lots in the subdivision; and (3) the wastewater, sewer, and septic/OSSF facilities shown on the plat or intended for the subdivision shall be certified by the Developer, the Developer's engineer, and the County's wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) as being in all things compliant with minimum state standards as herein required.

(Z) **Model Subdivision Rules Apply for Certain Subdivisions.** Notwithstanding anything to the contrary stated in these Regulations, and pursuant to and as a condition of a previous grant or loan of state funds provided regarding authorized projects in Menard County, Texas by the Texas Water Development Board (pursuant to the Economically Distressed Area Program of TWDB), and furthermore, pursuant to the authority herein described to support these Regulations, the following Model Subdivision Rules are approved and applied for use in these Regulations regarding certain residential subdivisions, as hereafter described:

(1) **Applicability.** These Model Rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes, and for which a plat is required by Chapter 232 of the Texas Local Government Code and these Regulations. *See* TEX. LOC. GOV'T CODE Ch.

232, Subch. C; TEX. WATER CODE §§ 16.343 and 16.350; and 31 TAC §§ 364.1-364.72. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

(2) **Interpretation.** Should a conflict exist between a provision in these Model Rules and a provision appearing elsewhere in these Regulations, these Model Rules shall control and be fully operative and effective regarding a residential subdivision to which the Model Rules apply.

(3) **Purpose and Basic Provisions.** These Model Rules shall: (a) provide the criteria for assuring that an adequate supply of safe drinking water and adequate, safe sewer facilities are available to residential areas of the subdivision in accordance with state standards established by the Texas Department of Health and TCEQ; (b) prohibit the establishment of residential developments (as herein described) without adequate water supply and sewer services; (c) prohibit more than one single-family, detached dwelling to be located on each subdivision lot; and (d) establish minimum set-backs to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards. These Model Rules shall promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in the aforesaid subdivisions within the jurisdiction of Menard County, and to apply the minimum state standards for water and wastewater facilities to said subdivisions.

(4) **Presumption.** These Model Rules apply only to a residential subdivision as defined in this section. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds. The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of the Model Rules is prohibited.

(5) **Effective Date.** These Model Rules are effective on the Effective Date.

(6) **Division of Land Rule.**

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

(b) No subdivided land shall be sold or conveyed until the Subdivider: (1) has received County approval of a final plat of the tract; and (2) has filed and recorded with the County Clerk of the county in which the tract is located a legally approved plat.

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

(7) **Severability.** Notwithstanding anything to the contrary stated in these Regulations, if any part or provision of these Regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Regulations without any such part, provision or application.

(8) **Special Definitions.** The special definitions of 31 TAC § 364.18 are incorporated by reference for use in these Model Rules (whether appearing in capital letters or in bolded, italicized, or underlined print).

(9) **Plat Requirements.** A plat required by these Model Rules shall contain the following:

(a) The plat shall be certified by a surveyor or engineer registered to practice in this state.

(b) The plat shall define the subdivision by metes and bounds.

(c) The plat shall locate the subdivision with respect to an original corner of the original survey of which it is a part.

(d) The plat shall describe each lot by metes and bounds, number each lot in progression, and give the dimensions of each lot.

(e) The plat shall state the dimensions of and accurately describe each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

(f) The plat shall include or have attached a document containing a description in English and Spanish of the water and sewer facilities, and roadways and easements dedicated for the provision of water and sewer facilities, which will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable.

(g) The plat shall have attached a document prepared by an engineer registered to practice in this state certifying that (i) the water and sewer service facilities proposed under the immediately preceding subparagraph (f) are in compliance with these Model Rules, and (ii) a certified estimate of the cost to install the water and sewer service facilities.

(h) The plat shall provide for drainage in the subdivision to efficiently manage the flow of stormwater runoff and coordinate subdivision drainage with the general storm drainage pattern for the area, and further, shall: (i) comply with the reasonable drainage standards for subdivisions described in these Regulations; and (ii) include a description of those drainage requirements for the subdivision.

(i) The plat shall identify the topography of the area.

(j) The plat shall include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision in a floodplain or stating that no area is in a floodplain.

(k) The plat shall include certification that the Subdivider has complied with the requirements of § 232.0032, Texas Local Government Code, and that: (i) the water quality and connections to the lots meet, or will meet, the minimum state standards; (ii) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (iii) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (iv) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards. A Subdivider may meet the requirements of this provision through the use of a certificate issued by the appropriate County or state official having jurisdiction over the approval of septic systems stating that lots in the subdivision can be adequately and legally served by septic systems.

(l) The Subdivider of the tract must acknowledge the plat by signing the plat and attached documents and attest to the veracity and completeness of the matters in the attached documents and plat.

(m) The plat must be filed and recorded with the County Clerk and is subject to compliance with § 12.002, Texas Property Code.

(n) The Plat Application shall include a digital map that is compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under § 21.071 of the Texas Natural Resources Code. An exemption from this requirement is granted if the Subdivider submits with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this provision was not reasonably accessible.

(o) The plat shall comply with the: (a) standards of Division 2 and requirements of Division 3 of Subchapter B of 31 TAC Chapter 364; and (b) other matters described for plat approval in § 4.1 and other parts of these Regulations, including without limitation the water availability requirements of said regulations.

(10) **Water Facilities Development/Public Water Systems.**

(a) Agreement with Retail Public Utility -- Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A of 31 TAC § 364.32. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

(b) CCN Acquisition -- Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity **("CCN")** from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency). The public water system, the water quality and system design, construction and operation shall

meet the minimum criteria set forth in 30 TAC §§ 290.38-290.51 and §§ 290.101-290.120. If groundwater is to be the source of the water supply, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the Subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or a wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for not less than 30 years.

(11) **Water Facilities Development/Non-Public Water Systems.** Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§ 290.104, 290.106, 290.108 and 290.109, either: (a) without any treatment to the water; or (b) with treatment by an identified and commercially available water treatment system.

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

(13) **Wastewater Disposal/Organized Sewerage Facilities.**

(a) **Waste Disposal Permit Acquisition.** Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Commission (or the Texas Public Utility Commission if permit issuance is required by law from that administrative agency) in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning

materials for such systems under 30 TAC Chapter 317 from TCEQ.

(b) **Agreement with Retail Public Utility.** Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B of 31 TAC § 364.33 with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system and those said fees have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(14) **Wastewater Disposal/On-Site Sewerage Facilities (OSSF).**

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

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

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

(15) **Greywater Systems for Reuse of Treated Wastewater/Organized Sewerage Systems.** Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30

TAC Chapter 210 promulgated and administered by the Commission.

(16) **Greywater Systems for Reuse of Treated Wastewater/On-Site Sewerage Facilities.** Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

(17) **Sludge Disposal.** The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

(18) **Set-backs.** In areas that lack a nationally recognized fire code as described in §§ 233.061-.062 of the Texas Local Government Code, and that also lack water lines sized for fire protection, set-backs from roads and rights-of-way shall be a minimum of 50-feet, set-backs from adjacent property lines shall be a minimum of 10-feet, and shall not conflict with separation or set-back distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Notwithstanding anything to the contrary stated in this paragraph (18), set-back lines required elsewhere in the County's orders or rules (including these Regulations) shall control to the extent greater set-backs are therein required.

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

(20) **Plat Application.** An application for approval of a plat shall be filed with the County Judge (at the notice address described in § 1.3) by the record owner or Subdivider of the property to be subdivided or the duly authorized agent thereof. Every plat creating two or more lots of five acres or less for residential use shall comply with all of the requirements described in 31 Texas Administrative Code, Chapter 364 (Model Subdivision Rules), Subchapter B, Divisions 2 (Minimum Standards) and 3 (Plat Approval).

(21) **Final Engineering Report/General Requirements.** The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water

supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under 31 TAC § 364.54, the schedule shall include the start dates and completion dates.

(22) **Final Engineering Report/Public Water Systems**.

(a) **Agreement with Retail Public Utility.** Where water supplies are to be provided by an existing public water system, the Subdivider shall furnish an executed contractual agreement between the Subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in 31 TAC § 364.32(a)(1). Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project, which may include in addition to the County, the Commission and the County health department, if any, and the appropriate Water District. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

(b) **CCN Acquisition.** Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a CCN from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency) and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the

final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(23) **Final Engineering Report/Non-Public Water Systems.** Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with 31 TAC § 364.32. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to 31 TAC § 364.32(b) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(24) **Final Engineering Report/Organized Sewerage Facilities.**

(a) **Agreement with Retail Public Utility.** Where wastewater treatment is to be provided by an existing retail public utility, the Subdivider shall furnish evidence of a contractual agreement between the Subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in 31 TAC § 364.33(a)(2). Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the Commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(b) **CCN Acquisition.** Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the Subdivider shall establish a retail public utility and obtain a CCN from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency). Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the Commission (or the Texas Public Utility Commission if permit issuance is required by law from that administrative agency) and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction.

(25) **Final Engineering Report/On-Site Sewerage Facilities (OSSF).** Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the County's OSSF order.

(26) **Additional Plat Information.** The following additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process shall be submitted by the Subdivider to the County and described on the proposed plat: (a) layout of proposed street and drainage work; (b) legal description of the property; (c) existing area features; (d) topography; (e) floodplains; (f) existing easements; (g) layout of other utilities; (h) notation of deed restrictions; (i) public use areas; (j) proposed area features; and (k) the other matters described for plat approval in § 4.1 and other parts of these Regulations.

(27) **Financial Guarantee/Applicability.** If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the Subdivider, to serve lots intended for residential purposes as described in this § 4.1(Z) at the time final plat approval is sought, then the Commissioners Court shall require the Subdivider of the subdivided tract to execute an agreement with the County in substantially the form attached in Appendix 2A of 31 TAC § 364.54 secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements hereafter described.

(28) **Financial Guarantee/Bonds.** Pursuant to § 232.074 of the Texas Local Government Code, and unless a person has completed the installation of all water and sewer service facilities required by these Model Rules on the date that person applies for final approval of a plat under these Regulations, the

Commissioners Court shall require the Subdivider of the tract to execute and maintain in effect a bond or, in the alternative, a person may make a cash deposit in an amount the Commissioners Court determines will ensure compliance with these Regulations. A person may not meet these requirements through the use of a letter of credit **("LOC")** unless that LOC is irrevocable and issued by an institution guaranteed by the Federal Deposit Insurance Corporation. The Developer must comply with the requirement before subdividing the tract. The bond must be conditioned on the construction or installation of water and sewer service facilities that will be in compliance with these Model Rules adopted under § 16.343 of the Texas Water Code and other authority. A bond or financial guarantee shall meet the following requirements:

(a) **Payable to County Judge.** The bond or financial guarantee shall be executed by the Subdivider and his surety and shall be payable to the County Judge or his successor in office, and in his official capacity.

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

(c) **Surety.** The bond shall be executed by a corporate or other business entity surety as may be approved by the Commissioners Court. The County's criteria for acceptability of the surety includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(d) **Bond Conditions.** The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting criteria established by 31 TAC Chapter 364, Subchapter B, Division 2, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners Court.

(29) **Financial Guarantee/Letter of Credit.** A letter of credit shall meet the following requirements:

(a) **Financial Institution Qualifications.** Any LOC submitted as a financial guarantee for combined amounts greater than $10,000 and less than $250,000 must be from financial institutions which meet the following qualifications:

(i) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least $25 million.

(ii) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total assets; and with total assets greater than $25 million, or tangible capital of at least 3.0% of total assets if total assets are less than $25 million; and with a Sheshunoff rating of 30 or better.

(iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

(b) **Additional Qualifications.** Any LOC submitted as a financial guarantee for combined amounts greater than $250,000 must be from financial institutions which meet the following qualifications:

(i) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with primary capital of at least 7.0% of total assets; and with total assets of at least

$75 million.

(ii) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets; with total assets greater than $75 million, or tangible capital of at least 5.0% of total assets if total assets are less than $75 million; and with a Sheshunoff rating of 30 or better.

(iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

(c) **Sole Beneficiary and Approval.** The LOC shall list as sole beneficiary the County Judge in his official capacity, or his successor in office, and must be approved by the Commissioners Court. The LOC form shall be the form attached in Appendix 2B of 31 TAC § 364.54.

(d) **LOC Conditions.** The LOC shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under 31 TAC Chapter 364, Subchapter B, Division 2, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(30) **Amount of Financial Guarantee.** The County will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

(31) **Alternative to Financial Guarantee.** The County may approve a final plat without receiving a financial guarantee in the name of the County if: (a) the property being subdivided lies wholly within the jurisdiction of the County; (b) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and (c) the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to (i) accept the bonds, letters of credit, or other financial guarantees that meet the requirements of 31 TAC § 364.54, (ii) execute the construction agreement with the Subdivider, and (iii) assume the obligations

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

(32) **Review and Approval of Final Plats.**

(a) Scope of Review. The County will review the final plat to determine whether it meets the standards of Division 2 and the requirements of Division 3 of 31 TAC Chapter 364, Subchapter B, and these Regulations.

(b) Approval/Disapproval Authority. The County shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Model Rules. The procedures and authority described by § 3.2 of these Regulations are incorporated by reference and shall be applied for plat review regarding these Model Rules.

(c) Prerequisites to Approval.

(i) Final plat approval shall not be granted unless the Subdivider has: (1) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities – and also provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these Model Rules and the approvals from the Commission of the plans and specifications for such construction, including any change orders filed with these agencies; or (2) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the County secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria in Division 3 of 31 TAC Chapter 364, Subchapter B.

(ii) Pursuant to § 232.073, Texas Local Government Code, a plat filed under these Model Rules is not

valid unless the Commissioners Court approves the plat by an order entered in the minutes of the Court. The Commissioners Court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Model Rules or if any bond required is not filed with the County Clerk.

(d) Certification of Plat Approval.

(i) Pursuant to § 232.076, Texas Local Government Code, and on the approval of a plat by the Commissioners Court, the Court shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by the Court.

(ii) On its own motion or on the written request of a Developer, Subdivider, an owner or resident of a lot in a subdivision, or an entity that provides a utility service, the Commissioners Court shall: (1) determine whether a plat is required under this subchapter for an identified tract of land that is located within the jurisdiction of the county; and (2) if a plat is required for the identified tract, determine whether a plat has been reviewed and approved by the Commissioners Court.

(iii) The request made under paragraph (ii) must adequately identify the land that is the subject of the request. Whenever a request is made under paragraph (ii), the Commissioners Court shall issue the requesting party a written certification of its determinations.

(iv) The Commissioners Court shall make its determinations within 20 days after the date it receives the request under paragraph (ii) and shall issue the certificate, if appropriate, within 10 days after the date the determinations are made. The Commissioners Court may adopt additional rules it considers necessary to administer its duties under this paragraph.

(e) Utility Connection Requirements. The requirements and procedure described in **Appendix/Exhibit F** regarding

utility connection requirements are adopted and shall apply for all subdivisions subject to regulation pursuant to these Model Rules.

(f) Exemptions. Pursuant to §§ 16.343 and 16.350, Texas Water Code, and notwithstanding anything to the contrary stated in these Regulations, the County may not grant an exemption (including an exception or variance described by these Regulations) from a requirement of these Model Rules unless expressly authorized by the Model Rules.

(33) **Time Extensions for Providing Facilities/Base Rule.**

(a) Base Rule. Pursuant to § 232.075, Texas Local Government Code and other authority, the Commissioners Court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the water and sewer service facilities must be fully operable if the Court finds the extension is reasonable and not contrary to the public interest. The Court may not grant an extension if it would allow an occupied residence to be without water or sewer services.

(b) **Reasonableness.** The Commissioners Court may extend, beyond the date specified on the plat or on the document attached to the plat, the date when the required water and sewer service facilities must be fully operable if: (i) the original financial guarantees provided with the plat are effective for the requested extension or new financial guarantees complying with 31 TAC § 364.54 are submitted which will be effective for the extension; and (ii) the Court finds the extension reasonable and not contrary to the public interest.

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

(d) **Unreasonableness.** An extension is not reasonable if it allows a residence to be inhabited without water or sewer services that meet the standards of 31 TAC Chapter 364, Division 2.

(34) **Time Extensions for Providing Facilities/Special Rule.**

(a) **Authority and Scope.** This subpart (34): (i) applies only to tracts that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded; and (ii) is in addition to the authority of the County to grant a delay or variance pursuant to Local Government Code § 232.043 or a rule of the County adopted pursuant to such provision.

(b) **Purpose.** It is the purpose of this provision to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the County.

(c) **Required Plat.** In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the Commissioners Court and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the Commissioners Court as provided in this provision in lieu of the filing of a plat of the subdivision.

(d) **Special Criteria.** The Commissioners Court may approve the plat of a residential lot which does not comply with 31 TAC §§ 364.15(b) (sale restrictions), 364.36 (set-backs), 364.37 (number of dwellings per lot), 364 (Final Engineering Report), and 364.5 (financial guarantees for improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these Model Rules so that the public health, safety, and welfare may be secured and substantial justice done.

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

(f) **Application.** An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the Commissioners Court may request to support the application, including: (i) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989; (ii) the name and address of the original Subdivider or the Subdivider's authorized agent, if known; (iii) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and (iv) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

(g) **Plat Approval.** Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the Commissioners Court that: (i) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original Subdivider; (ii) a plat was required for the subdivision, but has not been filed with the County by the Subdivider legally obligated to file it; (iii) an existing, currently occupied residential dwelling is located on the lot; (iv) existing water and sewer services which comply with the minimum standards set forth in these Model Rules are available to the lot; and (v) the request is reasonable, compliance with specified sections of these Model Rules is impractical, and a waiver is not contrary to the public health and safety.

(h) **Final Determination.** The Commissioners Court shall make the final decision on an application for a waiver, following review and recommendation by the Court. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the Court, the County shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

(35) **Oversight and Inspection.** The owner, by submitting a plat, acknowledges the authority of the County and state agencies to lawfully enter and inspect

property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these Model Rules. Pursuant to § 232.0775 of the Texas Local Government Code, a fee shall be imposed (as described in the **Appendix/Exhibit D**) on a Subdivider or Developer of property under these Model Rules to ensure compliance with the subdivision regulations adopted under said rules, § 16.343 of the Texas Water Code, or other law.

(36) **General Enforcement Authority.** These Model Rules are enforceable pursuant to the specific provisions of the Regulations related to enforcement and state law, including: Chapter 7 and §§ 16.352, 16.353, 16.3535, 16.354, and 16.3545 of the Texas Water Code; §§ 232.037, 232.078, 232.079 and 232.080 of the Texas Local Government Code; and the other applicable enforcement authority recited in the Regulations or state law.

(37) **Developer Responsibility Upon Plat Approval.** A Subdivider having an approved plat for a subdivision shall include certification on the plat that:

(a) the Subdivider has complied with all requirements of these Model Rules, including requirements relating to water, electricity, gas, sewer and/or OSSF facilities and service, and also roads and adequate drainage;

(b) the water quality and connections to the lots meet, or will meet, the minimum state standards;

(c) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards;

(d) electrical connections provided to the lot meet, or will meet, the minimum state standards; and

(e) gas connections, if available, provided to the lot meet, or will meet, the minimum state standards.

(AA) **Utility Connection Requirements.** The standard utility connection requirements described in **Appendix/Exhibit G** shall apply for all subdivision types described by these Regulations -- with the exception of those subdivision types which (1) create at least one lot of five acres or less intended for residential purposes, or (2) are subject to regulation pursuant to the Model Subdivision Rules. For those excepted subdivision types, the utility connection requirements of **Appendix/Exhibit F** shall apply.

(BB) **Developer Participation Contracts.** Pursuant to §§ 232.101, 232.105, and 232.107 of the Texas Local Government Code, the Commissioners Court reserves the right (from time to time and using its lawful authority, discretion, and best business judgment) to negotiate,

approve, and implement Developer participation contracts regarding certain subdivision development projects. For that reason, the Court adopts the developer participation contract standards, requirements, and procedure described in § 232.105 of the Texas Local Government Code regarding the construction of certain public improvements by the Developer related to the subdivision development, with the County participating in the cost of the improvements -- but subject to the conditions and limitations of such an agreement as described in § 232.105.

(CC) **Access by Emergency Vehicles.** Pursuant to § 232.0034 of the Texas Local Government Code, and regarding a residential subdivision that is subdivided into 1,000 or more lots in the unincorporated area of Menard County, at least two means of ingress and egress in the subdivision shall be provided (and described on the subdivision plat) for sufficient routes of travel for use by emergency vehicles and for use during evacuations resulting from fire or other natural disasters.

(DD) **Future Transportation Corridors.** Pursuant to § 232.0033 of the Texas Local Government Code, if all or part of a subdivision for which a plat is required under these Regulations is located within a future transportation corridor identified in an agreement under Section 201.619 of the Texas Transportation Code:

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

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

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

§ 4.2 <u>Plat Exceptions</u>.

(A) **Statutory Exceptions.** The plat exceptions (or exemptions) described in § 232.0015 of the Texas Local Government Code are adopted and approved for use and application for subdivisions described in these Regulations -- except as follows: regarding a subdivision type subject to regulation pursuant to the Model Subdivision Rules described in § 4.1(Z) of these Regulations, no plat exceptions or exemptions are allowed unless expressly authorized by the Model Subdivision Rules.

(B) **Previously Platted Lots.** Pursuant to § 232.010 of the Texas Local Government Code, the conveyance of portions of one or more previously platted lots by metes and bounds description may be authorized by the Commissioners Court to occur without revising the approved and recorded plat if: (1) the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights; and (2) a variance is obtained pursuant to these Regulations.

(C) **911 Emergency Service Addressing.** Should a plat not be required by these Regulations, the Developer is requested to submit to the County (at no charge to the Developer) the location of the development project to the following public office in order to confirm correct information for 911 and emergency service addressing purposes: the County Judge at the notice address described in § 3.1 of these Regulations.

§ 4.3 <u>Variances.</u>

(A) **Procedure.** These provisions apply to variance requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; or (2) MHRC and related infrastructure development plan approval. The variance, if granted, must be the result of the Commissioners Court acting through a recorded vote at a public meeting.

(B) **Application.** A Developer may request a variance from the County regarding these Regulations through the timely submission of a written variance request to the County Judge at the notice address described in § 1.3. Regarding a variance sought from the County's subdivision regulations, the variance request must be submitted with the Subdivision Plat Application as described in **Appendix/Exhibit A.** Regarding a variance sought from the County's MHRC regulations, the variance request must be submitted with the MHRC Application as described in **Appendix/Exhibit B.**

(C) **Prohibition.** The Commissioners Court may not grant a variance regarding: (1) the necessity of an approved plat or MHRC development plan if required by the Regulations; (2) a required bond or other financial security; (3) the payment of fees, unless the applicant is a unit of government or a non-profit entity; (4) a variance which violates the variance standards hereafter described; and (5) a variance from compliance with the Model Subdivision Rules described in these Regulations, unless expressly authorized by said rules. Pecuniary hardship standing alone does not constitute an undue hardship or special circumstance to support the granting of a variance.

(D) **Standards.** A variance to these Regulations may be granted by the Commissioners Court, within its discretion, only when the submitted evidence and the attendant circumstances establish the following:

(1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property owners or developers with similarly timed development of the same nature and scope;

(2) the variance will constitute only a minimum departure from the Regulations, and will not constitute a violation of state or federal law;

(3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or developers with similarly timed development of the same nature or scope;

(4) the variance must be based on the general intent of the Regulations and deemed to be in the public interest;

(5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the area in accordance with the Regulations; and

(6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

§ 4.4 **Plat Cancellation, Revision, and Amendment.** The County adopts the following for use and application in these Regulations: (a) the plat cancellation requirements and procedure of §§ 232.008 (general cancellation) and 232.0083 (obsolete plat cancellation), Texas Local Government Code; (b) the plat revision requirements and procedure of § 232.009 of said code; (c) the plat amendment requirements and procedure of § 232.011 of said code; and (d) the dormant plat requirements and procedure of § 232.002 of said code.

ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY REGULATIONS AND FEE SCHEDULE

§ 5.1 **Manufactured Home Rental Community Regulations.** Pursuant to § 232.007, Texas Local Government Code, the Commissioners Court approves and adopts the following regulations for Manufactured Home Rental Communities located in the unincorporated area of the county.

(A) **Application.** The County's Manufactured Home Rental Community Application Form is described in **Appendix/Exhibit B**. It shall be provided at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. The MHRC Application form describes all required documents for submission by the Developer to the County of a completed MHRC application.

(B) **Completed Application.** A completed MHRC application shall constitute: (1) the fully completed and executed application; (2) the required infrastructure development plan **("plan")** and all supporting documents as herein described; and (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project.

(C) **Infrastructure Development Plan.** Construction and occupancy of a proposed MHRC

may not begin before the plan has been approved by the County, as follows:

(1) **Drainage.** The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices as described in these Regulations for Subdivisions; (b) specify necessary drainage culverts and other drainage facilities for the MHRC; and (c) identify all areas of the MHRC located in the floodplain, if any. Drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in the Regulations.

(2) **Water.** The plan shall describe: (a) the provision of an adequate public or community drinking water supply to the MHRC in accordance with minimum state standards and **Appendix/Exhibit B**; and (b) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341, Texas Health and Safety Code.

(3) **Sewer, Septic, OSSF.** The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines (including OSSF), in accordance with minimum state standards and **Appendix/Exhibit B** and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate sewer, septic, or OSSF facilities and lines in accordance with Chapter 366, Texas Health and Safety Code.

(4) **Survey.** The plan shall contain a land survey of the MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.

(5) **Roads.** The plan shall identify and describe all roads in the MHRC. Those roads shall be designed and constructed to comply with following standards, and to provide ingress and egress for emergency vehicles and lot or space users: as described in the Regulations for subdivisions. The MHRC Developer shall comply with the road damage and repair provisions described in **Appendix/Exhibit E**.

(6) **Compliance.** The plan shall demonstrate lawful compliance with: (i) all applicable requirements of these Regulations, the statutes and regulations of Texas and United States governments and their administrative agencies; (ii) the County's floodplain, water, drainage, sewer, and/or septic regulations; (iii) the regulations of the Water District (either Menard County UWCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the

MHRC, including compliance with the permitting, registration, use, spacing, and pumping requirements of said district; (iii) the electric and gas utility service provider regulations or requirements for the MHRC, with the inclusion of a provider certification on the plan showing that electric and gas utility service will be available to all lots or spaces in the MHRC and (iv) minimum state standards for water and wastewater service to all lots or spaces in the MHRC.

(D) **Signature and Completeness.** The MHRC application and proposed plan shall be: (1) signed, dated, approved, and acknowledged by the Developer; and (2) signed, dated, approved, and stamped by the Developer's engineer and surveyor. The MHRC application and plan are considered complete when all applicable documents or other information required by the Regulations is received by the County.

(E) **Submission and Fees.** The original and 2 copies of the MHRC application and proposed plan (both being fully executed, complete, and in compliance with the Regulations), with payment for all required fees, and with written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project, shall be submitted by the Developer to the County Judge at the notice address described in § 1.3 of the Regulations.

(F) **County Review.** The County (through its designee) shall review the plan and thereafter shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny the MHRC and its proposed plan if: (1) the plan does not comply with these Regulations; (2) the required fees are not paid; or (3) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County designee shall so certify on the plan, and shall acknowledge the plan. The plan may be filed and recorded in the Office of the County Clerk, at the option of the County or Developer.

(G) **Construction and Occupancy.** Construction of the MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.

(H) **Utility Service.** A utility may not provide utility services (including water, sewer, gas, and electric services) to an MHRC subject to an approved infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County. As used in this paragraph, "utility" means: (1) a municipality that provides utility services; (2) a municipality owned or municipally operated utility that provides utility services; (3) a public utility that

provides utility services; (4) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (5) a county that provides utility services; (6) a special district or authority created by state law that provides utility services; or (7) other utility described in the Regulations.

(I) **MHRC Variance.** The Commissioners Court may grant a variance from these MHRC standards and requirements pursuant to the variance procedures described in § 4.3 of the Regulations.

§ 5.2 **Fee Schedule.** A reasonable fee schedule is adopted and approved for subdivision and MHRC development as described in **Appendix/Exhibit D**. The fees must be paid to the County before the County conducts a review of the proposed development project.

ARTICLE 6 – ENFORCEMENT AND INSPECTION

§ 6.1 **Enforcement.** All applicable civil enforcement remedies and penalties, criminal enforcement remedies and penalties, and litigation recovery rights (whether legal, equitable, or mixed) authorized by these Regulations, or by Texas or federal law, are hereby adopted, approved and shall be implemented for a violation or threatened violation of these Regulations, including without limitation the following enforcement authority: Chapters 232, 233, and 235 of the Texas Local Government Code; Chapter 12 of the Texas Property Code; Chapter 16, Subchapter I, of the Texas Water Code; the County's active floodplain management regulations; the County's active sewer, septic, or OSSF regulations; and all other enforcement authority described in these Regulations. Nothing contained in these Regulations shall prevent the County from taking necessary or desired action to prevent or remedy a violation or threatened violation of these Regulations as allowed by law.

§ 6.2 **Inspection.** The County's officers, employees, agents, or consultants, as determined by the Commissioners Court, are authorized to: inspect proposed or active development projects to determine compliance with these Regulations; and make recommendations to the Commissioners Court regarding violations or threatened violations of the Regulations or other applicable authority pertaining to land development in the unincorporated area of Menard County, Texas.

[End of Regulations]

CERTIFICATE OF ADOPTION

APPROVED BY: **The Commissioners Court of Menard County, Texas**

ADOPTED: **August 29, 2022**

I, Brandon Corbin, the undersigned, being the County Judge of Menard County, Texas and the Presiding Officer of the Commissioners Court of Menard County, Texas ("Commissioners Court"), do hereby certify that the above and foregoing instrument (with attached Appendix) is the Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas ("Regulations") which were duly considered, approved, and adopted by the Commissioners Court at a public meeting duly convened and conducted on this date. Copies of the Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of Menard County, Texas, or reviewed and downloaded from the internet website of said county at www.co.menard.tx.us.

EXECUTED on the 29th day of August, 2022 at 11:10 A.m.

Hon. Brandon Corbin, County Judge
Menard County, Texas

ATTEST:

County Clerk or Deputy County Clerk
Menard County, Texas

APPENDIX FOR:
SUBDIVISION AND MHRC REGULATIONS FOR MENARD COUNTY, TEXAS
(EFFECTIVE DATE: AUGUST 29, 2022)

APPENDIX:

EXHIBIT A

MENARD COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION FORM

PROPOSED SUBDIVISION: _____

COMMISSIONER PRECINCT: _____

SCHOOL DISTRICT(S) IDENTIFIED: _____

TRACT SIZE AND LOCATION: _____
_____

TOTAL LOTS, PARTS, OR DIVISIONS: _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS: _____
_____
_____
_____

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

ENGINEER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

SURVEYOR: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to Menard County ("County") for review with this Plat Application ("Application"):

all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas ("Regulations"), the contents of which are incorporated by reference), said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: County Judge, Menard County, Texas, at the address and phone number described in § 1.3 of the Regulations.

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: ____YES ____NO. If YES, identify and describe all issues to support the variance requested pursuant to the Regulations, and attach all supporting documents to this Application.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the subdivision be served by public water (including groundwater or surface water) facilities or sewer or other wastewater facilities? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the subdivision be served by private water (including groundwater or surface water) facilities or wastewater (including septic or OSSF) facilities? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the subdivision require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____
_____.

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please

explain: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____
_____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas. All documents required by the Regulations have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

_____
Developer
Printed Name: _____, Title _____
Date: _____

RECEIPT BY COUNTY:

RECEIVED BY: _____
Printed Name: _____, Title: _____
Menard County, Texas
Date: _____

DOCUMENT LIST FOR SUBDIVISION PLAT APPLICATION

The following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations:

1. **Regarding a subdivision of land subject to regulation pursuant to the Model Subdivision Rules, as described in § 4.1(Z) of the Regulations, the following documents are required:**

   (a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;

   (b) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following

matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat;

(c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with all plat requirements and standards described in the Regulations.

(d) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the requirements of § 4.1(Z) of the Regulations regarding the water (including groundwater or surface water), sewer, septic, wastewater, OSSF, greywater, and sludge facilities (public or private) proposed for the subdivision, including: (i) the water availability and wastewater facility requirements of the Regulations; (ii) the results of all required suitability analysis, surface and subsurface testing, or other analysis (including quantitative and qualitative analysis) required by the Regulations to be performed by any person or entity (including an engineer or surveyor) to demonstrate compliance with minimum state standards regarding said facilities; (iii) the acquisition of permits or agreements for said facilities required between the Developer and a private entity, or between the Developer and a governmental entity or agency other than the County; (iv) stamped and sealed engineering reports and supporting documents regarding said facilities, including the availability, methodology, and cost estimates of providing said facilities to the subdivision;

(e) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(Z) of the Regulations regarding the: (i) minimum set-back distances required for the subdivision; (ii) required restriction of only one single family detached dwelling to be located on each lot; and (iii) detailed planning materials regarding proposals required for submittal of multi-family residential development to determine proper water and wastewater utility type and design;

(f) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(Z) of the Regulations regarding the required plat formatting and other information therein stated;

(g) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(Z) of the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision;

(h) _____ a proposed subdivision plat and all supporting documents

describing and demonstrating compliance with § 4.1(Z) of the Regulations, and including evidence that the Subdivider has complied with the: (i) water availability requirements of the Regulations (including groundwater or surface water); (ii) requirements of the Regulations regarding water, sewer and/or OSSF facilities, roads, adequate drainage, electric utility service, and gas utility service); (iii) requirements that the water quality and connections to the lots meet, or will meet, the minimum state standards; (iv) requirements regarding sufficient sewer connections to the lots or septic tanks that meet, or will meet, the minimum requirements of state standards; (iv) requirements that electrical connections provided to the lots meet, or will meet, the minimum state standards; and (v) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards;

(i) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the utility connection requirements and plat certification;

(j) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability and implementation;

(k) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat;

(l) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal and state law requirements, including minimum state standards regarding water, sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with specific water and OSSF disclosure requirements; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements, (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; (ix) compliance

with specific fire suppression system requirements; and (x) compliance with the development standards and requirements described in the Regulations;

(m) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and

(n) _____ documents showing payment of all required fees to the County as required by the Regulations.

2. **Regarding a subdivision of land not described in § 4.1(Z) of the Regulations, but otherwise described in the Regulations, the following documents are required:**

(a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;

(b) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat;

(c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water (including groundwater and surface water), sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; utility connection requirements; purchase contract disclosure; compliance with the water availability requirements of the Regulations; building and set-back lines; lien subordination; and plat execution and certification;

(d) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the utility connection and plat certification requirements of the Regulations;

(e) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability and

implementation;

(f) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat;

(g) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal and state law requirements, including minimum state standards regarding water (including groundwater and surface water), sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with the water availability requirements and wastewater requirements of the Regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff, pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; (ix) compliance with specific fire suppression system requirements; and (x) compliance with the development standards and requirements described in the Regulations;

(h) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the bond or other financial security requirements in the Regulations;

(i) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and

(j) _____ documents showing payment of all required fees to the County as required by the Regulations.

APPENDIX:

EXHIBIT B

MENARD COUNTY, TEXAS -- MANUFACTURED HOME RENTAL COMMUNITY ("MHRC") APPLICATION FORM

PROPOSED MHRC: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR SPACES: _____

SCHOOL DISTRICT(S): _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

_____
_____
_____

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

ENGINEER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

SURVEYOR: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Menard County ("County") for review with this MHRC application ("Application"): all documents required for the MHRC development as described by the active Subdivision and

Manufactured Home Rental Community Regulations for Menard County, Texas ("Regulations"), the contents of which are incorporated by reference), said documents being described in the attached **Document List for MHRC Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations: County Judge, Menard County, Texas, at the business office address and telephone number described in § 1.3 of the Regulations.

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: ____YES ____NO. If YES, identify and describe all issues to support the variance requested pursuant to the Regulations, and attach all supporting documents to this Application.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the MHRC be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the MHRC be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the MHRC require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____
_____.

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain why you have not done so: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of

the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____
_____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Menard County, Texas. All documents required by the Regulations for the proposed MHRC have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

_____
Developer
Printed Name: _____, Title: _____
Date: _____

RECEIPT BY COUNTY:

RECEIVED BY: _____
Printed Name: _____, Title: _____
Menard County, Texas
Date: _____

DOCUMENT LIST FOR MHRC APPLICATION

The following documents shall be submitted with the MHRC Application Form, as required by the Regulations:

(a) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees;

(b) _____ a proposed infrastructure development plan ("Plan") as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor) designated in the Regulations -- but excluding from compliance at MRC Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County's representatives, and (ii) the filing or recordation of the Plan;

(c) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the drainage, water, and wastewater

requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (i) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (ii) necessary drainage culverts and other drainage facilities for the MHRC; (iii) areas of the MHRC located in the floodplain; (iv) the provision of an adequate public or community water supply to the MHRC in accordance with the Water Availability Requirements of the Regulations and minimum state standards; (v) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341 of the Texas Health and Safety Code; and (vi) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards -- and including (1) providing and identifying the location of all sanitary sewer facilities and lines, (2) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code, and (3) compliance with the additional Appendix R requirements for an MHRC;

(d) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all land survey requirements of the Regulations, including: (1) an accurate description of the proposed MHRC boundaries, and any significant features located therein; (ii) the proposed location of all spaces, lots, or other parts of the MHRC; (iii) the proposed or existing utility, road, and drainage easements; and (iv) the dedications of easements and rights-of-way, if any;

(e) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC, with said roads to be constructed in compliance with the road and street standards and requirements described in these Regulations for subdivisions;

(f) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (i) the Regulations; (ii) state and federal law; (iii) the County's active floodplain management, sewer, drainage, septic, or OSSF regulations;

(g) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific restrictions described in the Regulations regarding the prohibited: (i) construction and/or occupancy of the MHRC prior to issuance by the County of the MHRC; and (ii) provision of utility services to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility

with a copy of the MHRC Certificate of Compliance issued by the County;

(h) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development; and

(i) _____ documents showing payment of all required fees to the County, as required by the Regulations.

APPENDIX:

EXHIBIT C

DRAINAGE STANDARDS

These drainage standards shall apply for subdivisions and manufactured home rental communities **("MHRC")** located in the unincorporated area of Menard County, Texas:

(1) General Purpose – In the interests of public safety, these standards are designed to:

(a) provide adequate drainage for each lot, space, or other divided part (including streets or roads) of the proposed development area in compliance with standard engineering practice;

(b) provide adequate drainage to the proposed development area to efficiently manage the flow of storm water or other runoff or flooding (including flooding or runoff associated with a 100-year flood) in compliance with standard engineering practice;

(c) provide adequate plats, plans, design and planning procedures, water, sewer, septic, and OSSF facilities, and related drainage for the proposed development area in accordance with standard engineering practice; and

(d) coordinate adequate drainage in the proposed development area with the general storm drainage pattern for the area in accordance with standard engineering practice.

(2) Drainage Study – The following requirements shall apply:

(a) All lots, spaces, or other divided parts shall comply with the minimum requirements of: (i) the County's on-site sewage facilities order, or other applicable County sewer, septic, or OSSF regulations; and (ii) the minimum requirements of state law regarding sewer, septic, or OSSF systems.

(b) A drainage study shall he made of the proposed development area to insure proper drainage and, if necessary, additional right of way shall be obtained for drainage easement(s) as determined to be necessary or desired. The drainage study (including calculations and related drawings) shall be submitted in the application accompanying submission of the plat or plan for the proposed development. The

study shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the proposed development.

(c) The exact dimensions and type of the permanent drainage system for the development area, including culverts, bridges, pipes, drainage boxes, low water crossings, and other drainage facilities and infrastructure shall be established for each development project in accordance with these Regulations.

(d) A proper and adequate system of drainage shall be constructed to effectively dispose of surface and storm water (including that associated with a 100-year flood) regarding the area of the proposed development. The drainage system shall include the drainage of all lots, spaces, or other parts of the development area offered to the public for sale, lease, use, or occupancy, the roads and streets of said area, and all other divided parts of said area.

(e) Drainage from the proposed development area shall be extended to the natural drains in the area having the capacity to efficiently manage the flow of storm water runoff.

(f) Drainage material, equipment, facilities, and infrastructure shall be constructed of a permanent type, either concrete or steel and concrete, or as otherwise described in these Regulations or approved by the County. All drainage facilities, equipment, and infrastructure shall be designed and constructed in accordance with recognized engineering standards and practices.

(3) Drainage Design – All drainage design shall be based on the following criteria unless otherwise approved by the County:

(a) General: All storm drainage calculations shall be based on the Manning's Equation for Flow, as follows:

Q = A times (1.486 divided by n) times R to the 2/3 power times S to the ½ power
Q = Discharge in cubic feet per second
A = Cross sectional area of the drainage way in square feet
n = Roughness coefficient
R = Hydraulic radius in feet
S = Hydraulic slope

(b) Roughness Coefficients:

Reinforced concrete pipe (to be approved by County - n =.012

Corrugated metal pipe (to be approved by County)

- Asphalt Coated - - n =.024
- Asphalt paved inert - n =.020
- Fully asphalt lined - n =.012

Smooth interior plastic pipe - n =.012
Reinforced concrete boxes - - n =.012
Concrete lined open channel -- n =.012
Unlined open channels

- Bottom width < 25 ft. - n -.040
- Bottom width > 25 ft. - n -.035

(c) Design Criteria for Unlined Open Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	4 feet per second'
Minimum Free Board	1 foot
Minimum Side Slope	3 foot horizontal to 1 foot vertical or as otherwise designated by County
Bottom Width	as required
Minimum Easement Width	30 feet or as otherwise approved by County
Minimum Slope	0.10 percent

(d) Design Criteria for Lined Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	10 feet per second
Minimum Free Board	1 foot
Minimum Side Slopes	2 foot horizontal to 2 foot vertical
Bottom Width	As required
Minimum Easement Width	30 feet or as otherwise approved by County

(e) Driveways and Culverts: All driveway culverts placed for access to a lot or other divided part, or space shall be sized to carry a minimum of 125% of the Design Requirement including entrance and exit losses. Minimum culvert size shall be 18". All driveways shall be designed to not obstruct the normal flow of water.

(f) Determination of Run-Off: Run-Off from the development area will be determined by the "Rational Method," from the equation below and a C-factor based on total development of the proposed subdivision. Intensity for Runoff calculations for minor drainways within the development area will be based on a 5, 25, and 100-year

storms for all major drainways within the development area.

Q= CIA
Q = Cubic feet, per second
I = Intensity in inches per hour
A = Area in acreage
C = Run-off coefficient

(g) Outfalls from Ditches: Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other types of outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.

(h) Water Conveyance: Lots, spaces, and other divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to a defined drainage course as directly as possible.

(i) Grade Requirements: The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the County. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the County.

(j) Drainage Ditches: All streets and road without curbs and gutters shall have drainage ditches adjacent to and running parallel to the adjacent streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.

(k) Permanent Drainage Structures: Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and/or bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets.

(l) Permanent Obstacles for Erosion Prevention: Permanent obstacles (such as concrete, rip-rap, or rock retards) shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion.

(m) Open Drainage Ditch/Channel Design: Open drainage channels and ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning

without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

(n) Plat or Plan Description: The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses located in the proposed development area, must be shown on all plats and plans submitted to the County for review.

(o) Floodplain Requirements: Should the proposed development area contain land designated as a floodplain: (i) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (ii) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of 1 foot above the base flood elevation, and otherwise comply with the NFIP, state law, and the County's active flood damage prevention order or other floodplain management regulations.

(4) Water/Sewer/OSSF Facilities –

(a) Public Facilities/Service -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) that will be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water (including groundwater and surface water), drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District with territorial jurisdiction regarding the water wells and related permits for the land of the development project.

(b) Private Facilities -- Should private water (including groundwater and

surface water), septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water (including groundwater and surface water), drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District with territorial jurisdiction regarding the water wells and related permits for the land of the development project.

APPENDIX:

EXHIBIT D

FEE SCHEDULE

The following fee schedule is approved and adopted by Menard County, Texas ("County"), regarding subdivision and manufactured home rental community ("MHRC") development located in the unincorporated areas of said county:

(1) Requirements – Subdivision plat application fees shall be paid to the County at the time of application submission -- except filing and recording fees pertaining to an approved subdivision plat shall be paid to the County Clerk by the Developer upon plat filing and recordation. MHRC fees shall be paid to the County at the time of infrastructure development plan submission. All fee amounts shall be paid in full by cashier's check or money order, payable to the order of Menard County, Texas, and shall be timely delivered by hand, courier, or mail to the office of the County Judge described in § 1.3 of the Regulations.

(2) Amounts -- The following fee amounts are approved and adopted:

(a) regarding a subdivision plat or MHRC infrastructure development plan (including the original or amended instrument, or a replat): a base fee of $3,000.00, plus a $100.00 per lot, space, or divided part fee, plus all required filing and recording fees (if any) are required;

(b) regarding a Certificate of Approved Plat: a fee of $50.00 is required for each requested certificate;

(c) regarding a Certificate of MHRC Compliance: fee of $50.00 is required for each requested certificate.

APPENDIX:

EXHIBIT E

DEVELOPER ROAD DAMAGE AND REPAIR PROVISIONS

(1) **Definitions.** The special definitions of the above and foregoing Subdivision and Manufactured Home Rental Community Regulations of Menard County, Texas are incorporated by reference, and for purposes of this **Exhibit E, "Developer"** shall include the employees, agents, assigns, successors, contractors, and subcontractors of the Developer.

(2) **Road System.** The County's public road and bridge system **("Road System")** is located in Menard County, Texas and is owned, operated, and maintained by the County. The Road System includes the County's: roads, easements, and rights of way; bridges and abutments; driveways, fencing, and gates; bar-ditches, culverts, and drainage areas; traffic signals, delineators, road signs, and other traffic control devices; and all other land, infrastructure, facilities, equipment, and personal property owned or used by the County for its public road and bridge system.

(3) **Developer Obligations.** The road damage and repair obligations of the Developer described in these provisions shall begin on the date of the subdivision plat or MHRC infrastructure development plan approval, if any, and said obligations shall be effective and enforceable for the periods of project construction, operations, and maintenance, and for as long as the development project (as described in said plat or plan) exists in Menard County, Texas. Should a violation of these road damage and repair obligations be committed by the Developer, the County may pursue and recover all remedies authorized by law or equity. Upon said plat or plan approval, the County and Developer shall endeavor to approve and execute a separate road damage and repair agreement regarding the development project which includes the provisions stated in this **Exhibit E**; however, such agreement shall not be a condition to plat or plan approval.

(4) **Road System Use and Repair.**

(a) Authorized Road System Use. The Developer is authorized to use the following parts of the County's Road System for its development project operations: all County roads and bridges in said system.

(b) Required Licenses and Permits. While using the Road System for those stated operations, the Developer shall obtain and maintain in full force and effect all licenses and permits required by federal or state law for the operation of its vehicles, equipment, and accompanying weight loads.

(c) Developer Repair Obligations. The Developer shall repair at its sole expense (using all required labor, materials, and equipment) any part of the County's Road System which is: (i) located outside the boundary of the

subdivision or MHRC development area; and (ii) damaged by a Developer-caused damage event during project construction, operations, or maintenance. The repair of said damage shall be completed by the Developer: (i) on or before 90-days from the occurrence of a Developer-caused damage event, unless a reasonable time extension is requested by the Developer and granted by the written consent of the County, which consent shall not be unreasonably withheld; and (ii) pursuant to the following standard of repair -- specifically, a repair to the Road System which restores the system to the same or better condition as existed before the damage event, normal wear being excepted. Upon the cessation of development project construction, operations, or maintenance, and/or the removal of project facilities and equipment from the development area, the Developer shall leave the Road System in the same or better condition as existed before the Developer-caused damage event, normal wear being excepted.

(d) Traffic Disruption. The Developer shall: (i) use commercially reasonable efforts to minimize the disruption to the Road System caused by project construction, operations, or maintenance; and (ii) during project construction, operations, or maintenance that may adversely affect the Road System, take commercially reasonable action to reasonably notify the Menard County Judge and any affected Menard County Commissioner of the proposed disruption to the Road System.

(e) Traffic Signal Replacement. The Developer shall replace any road signs, delineators, or other traffic signals or devices of the County's Road System damaged by the Developer during project construction, operations, or maintenance.

(f) County Inspection Rights. The County shall have the right to: (i) inspect all repair work conducted on the Road System by the Developer to confirm compliance with these provisions, however, County inspections shall not unreasonably interfere with the Developer's repair work being conducted on the Road System; and (ii) inspect and obtain (at the County's sole expense) copies of the Developer's non-confidential business records regarding the repair work to ensure Developer compliance with these provisions.

(g) Notice of Repair Completion. On or before 10-days of the completion of the aforesaid Developer repairs to the Road System, the Developer shall provide the County with a signed letter from the Developer's engineer (which shall include the engineer's professional stamp authorized by the State of Texas) certifying that the resulting repairs and any related improvements were constructed: (i) in compliance with these provisions;

and (ii) within the public road or bridge right of way or easement.

(h) Insurance. Regarding all repair work conducted by the Developer on the Road System pursuant to these provision, the Developer shall maintain the following insurance coverage, and shall provide insurance coverage certificates to the Menard County Judge confirming such coverage on or before seven 7-days prior to commencement of any repair activities conducted on the Road System, and also confirming such coverage within 24-hours of any change in the required coverage: (i) liability coverage (naming the County as an additional insured) regarding death, personal injury, and/or property damage resulting from the repair activities on the Road System, in the minimum amount of $1,500,000.00 per occurrence; (ii) applicable workers' compensation coverage regarding the employees of the Developer (or its contractors or subcontractors) conducting repair activities on the Road System, in the minimum amounts required by state law (including self-insurance, if any, authorized by Texas law); and (iii) motor vehicle coverage regarding all vehicles used by the Developer during said repair activities, in the minimum amounts required by Texas law.

APPENDIX:

EXHIBIT F

UTILITY CONNECTION REQUIREMENTS APPLICABLE TO CERTAIN SUBDIVISIONS

(a) Pursuant to §§ 232.071-232.072 and 232.077 of the Texas Local Government Code, the following described utility connection requirements are approved and adopted for application only to a subdivision described in these Regulations which: (1) creates at least one lot of five acres or less intended for residential purposes; or (2) is subject to regulation pursuant to the Model Subdivision Rules.

(b) An entity described by paragraph (c) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate issued by the Commissioners Court applicable to the land issued under § 232.076, of the Texas Local Government Code stating that a plat has been reviewed and approved for the land.

(c) The prohibition established by paragraph (b) applies only to: (1) a municipality, and officials of the municipality, that provides water, sewer, electricity, gas, or other utility service; (2) a municipally owned or municipally operated utility that provides any of those services; (3) a public utility (as described in the Regulations) that provides any of those services; (4) a water supply or sewer service corporation organized and operating under Chapter 67, of the Texas Water Code, that provides any of those services; (5) a county that provides any of those services; and (6) a special district or authority created by or under state law that provides any of those services.

(d) The prohibition established by paragraph (b) applies only to land that an entity described by paragraph (c) first serves or first connects with services: (1) between September 1, 1989, and June 16, 1995; or (2) after the effective date of Subchapter C, Chapter 232, of the Texas Local Government Code, the same being May, 28, 1997.

APPENDIX:

EXHIBIT G

STANDARD UTILITY CONNECTION REQUIREMENTS

Except regarding the subdivision types specifically described by subparagraph (r) below, and pursuant to §§ 232.029 of the Texas Local Government Code (including therein the references to §§ 232.028 and 232.037 of said code), and §§ 232.101 and 232.106-232.107 of the Texas Local Government Code, the following described standard utility connection requirements are approved and adopted for application to all other subdivision types described in these Regulations:

(a) Prohibition of Service/Water or Sewer Service -- Except as provided by subparagraph (c) of this exhibit, or § 232.037(c) of the Texas Local Government Code, a utility may not serve or connect any subdivided land with water or sewer service unless the utility receives a certificate issued by the Commissioners Court under § 232.028(a) of the Texas Local Government Code, or receives a determination from the Commissioners Court under § 232.028(b)(1) of the Texas Local Government Code, that the plat has been reviewed and approved by the Commissioners Court.

(b) Prohibition of Service/Electricity or Gas Service -- Except as provided by subparagraphs (c) or (k) of this exhibit, or § 232.037(c) of the Texas Local Government Code, a utility may not serve or connect any subdivided land with electricity or gas unless the entity receives a determination from the Commissioners Court under §§ 232.028(b)(2) and (3) of the Texas Local Government Code that adequate water and sewer services (including septic or OSSF facilities) have been installed to service the lot or subdivision.

(c) Certificate Facts -- An electric, gas, water, or sewer service utility may serve or connect subdivided land with water, sewer, electricity, gas, or other utility service -- regardless of whether the utility receives a certificate issued by the Commissioners Court under § 232.028(a), or regardless of whether the utility receives a determination from the Commissioners Court under § 232.028(b) -- if the utility is provided with a certificate issued by the Commissioners Court that states that:

(1) the subdivided land: (a) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract (i) before September 1, 1995, or (ii) before September 1, 1999, if the subdivided land on August 31, 1999, was located in the ETJ of a municipality as determined by Chapter 42 of the Texas Local Government Code; (b) has not been subdivided after September 1, 1995, or September 1, 1999, as applicable under the immediately preceding subpart (a); (c) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003; and (d) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or

permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code;

(2) the subdivided land is a lot of record and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code; or

(3) the land was not subdivided after September 1, 1995, and (a) water service is available within 750 feet of the subdivided land, or (b) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

(d) Supporting Documents -- A utility may provide utility service to subdivided land described by subparagraph (c)(1), (2), or (3) only if the person requesting service: (1) is not the land's Subdivider or the Subdivider's agent; and (2) provides to the utility a certificate described in subparagraph (c) above.

(e) Documentation -- A person requesting service may obtain a certificate under subparagraph (c)(1), (2), or (3) only if the person is the owner or purchaser of the subdivided land and provides to the Commissioners Court documentation containing:

(1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a Subdivider before September 1, 1995, or before September 1, 1999, as applicable under said subparagraph (c) above;

(2) a notarized affidavit by that person requesting service under subparagraph (c)(1) that states that construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 2003, and the request for utility connection or service is to connect or serve a residence described by subparagraph (c)(1)(c) above;

(3) a notarized affidavit by the person requesting service that states that the subdivided land has not been further subdivided after September 1, 1995, or September 1, 1999, as applicable under subparagraph (c) above; and

(4) evidence that adequate sewer service or facilities have been installed and are fully operable to service the lot or dwelling from an entity described by § 232.021(14) of the Texas Local Government Code or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code.

(f) [This subparagraph is intentionally left blank]

(g) Document Disclosure -- On request, the Commissioners Court shall provide to the Texas Attorney General and any appropriate local, county, or state law enforcement official, a copy of any document on which the Commissioners Court relied in determining the legality of providing services.

(h) Limited Effect -- These utility connection requirements may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a Subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.

(i) Exception/Municipal ETJ -- The prohibition established by these utility connection requirements shall not prohibit a water, sewer, electric, or gas utility from providing water, sewer, electric, or gas utility connection or service to a lot sold, conveyed, or purchased through a contract for deed or executor contract or other device by a Subdivider prior to July 1, 1995, or September 1, 1999, if on August 31, 1999, the subdivided land was located in the ETJ of a municipality that has adequate sewer services installed that are fully operable to service the lot, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code, and was subdivided by a plat approved prior to September 1, 1989.

(j) In these utility connection requirements, "foundation" means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, which is partly or wholly below the surface of the ground and on which the residential structure rests.

(k) Exception/Previous Service – Subject to subparagraphs (l) and (m), a utility that does not hold a certificate issued by, or has not received a determination from, the Commissioners Court under § 232.028 to serve or connect subdivided property with electricity or gas may provide that service to a single-family residential dwelling on that property if:

(1) the person requesting the utility service: (a) is the owner and occupant of the residential dwelling,; and (b) on or before January 1, 2001, owned and occupied the residential dwelling;

(2) the utility previously provided the utility service on or before January 1, 2001, to the property for the person requesting the service;

(3) the utility service provided as described in subparagraph (2) above was terminated not earlier than 5-years before the date on which the person requesting utility service submits an application for that service; and

(4) providing the utility service will not result in: (a) an increase in the volume of utility service provided to the property; or (b) more than one utility connection for each single-family residential dwelling located on the property.

(l) Required Documentation -- A utility may provide service under subparagraph (k) only if the person requesting the service provides to the Commissioners Court documentation that evidences compliance with the requirements of subparagraph (k) and that is satisfactory to the Commissioners Court.

(m) Limitation for Service -- A utility may not serve or connect subdivided property described by subparagraph (k) if, on or after September 1, 2007, any existing improvements on that property are modified.

(n) Exception/Government Funding Program -- Except as provided in subparagraph (o), this subparagraph (n) does not prohibit a water or sewer utility from providing water or sewer utility connection or service to a residential dwelling that:

(1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in the County;

(2) is an existing dwelling identified as an eligible recipient for funding by the funding agency providing adequate water and wastewater facilities or improvements;

(3) when connected will comply with the minimum state standards for both water and sewer facilities as prescribed by the model subdivision rules adopted under § 16.343 of the Texas Water Code.

(4) is located in a project for which the municipality with jurisdiction over the project or the approval of plats within the project area has approved the improvement project by order, resolution, or interlocal agreement under Chapter 791 of the Texas Government Code, if applicable.

(o) Exception – A utility may not serve any subdivided land with water utility connection or service under subparagraph (n) unless the entity receives a determination from the County Commissioners Court under § 232.028(b)(3) of the Texas Local Government Code that adequate sewer services have been installed to service the lot or dwelling.

(p) Fees -- The Commissioners Court hereby imposes the following reasonable fee for a certificate issued under these utility connection requirements for a subdivision which is located in the county and not within the limits of a municipality: as described on the fee schedule attached to these Regulations.

(q) Plat Disclosure Statement -- An approved subdivision plat shall contain the following statement regarding these utility connection requirements:

MENARD COUNTY ("COUNTY"), BY AND THROUGH ITS GOVERNING BODY, THE COMMISSIONERS COURT OF MENARD

COUNTY, TEXAS ("COMMISSIONERS COURT"), HAS ADOPTED CERTAIN UTILITY CONNECTION REQUIREMENTS AUTHORIZED BY LAW, AND NOTICE IS HEREBY GIVEN REGARDING THOSE MATTERS:

WATER OR SEWER SERVICE – UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH WATER OR SEWER SERVICE UNLESS THE UTILITY RECEIVES A CERTIFICATE ISSUED BY THE COMMISSIONERS COURT, OR RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT, THAT THE SUBDIVISION PLAT HAS BEEN REVIEWED AND APPROVED BY THE COUNTY.

ELECTRICITY OR GAS SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH ELECTRICITY OR GAS SERVICE UNLESS THE UTILITY RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT THAT ADEQUATE WATER AND SEWER SERVICES (OR OSSF SERVICES AS AN ALTERNATIVE TO SEWER SERVICES) HAVE BEEN CONSTRUCTED OR INSTALLED TO SERVICE THE LOT OR SUBDIVISION, AND THAT: (1) SAID WATER SERVICE FACILITIES ARE FULLY OPERABLE AND THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET THE MINIMUM STATE STANDARDS; (2) SAID SEWER SERVICE FACILITIES ARE FULLY OPERABLE AND THE SEWER CONNECTIONS TO THE LOTS MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS; AND/OR (3) ALTERNATIVELY, IF SEPTIC SYSTEMS (OSSF) ARE USED, THAT THE LOT IS SERVED BY A PERMITTED OSSF, OR THAT LOTS IN THE SUBDIVISION CAN BE ADEQUATELY AND LEGALLY SERVED BY SEPTIC SYSTEMS, THAT MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS.

(r) Exception/No Application to Certain Subdivision Types -- Notwithstanding anything to the contrary described in this Exhibit, and pursuant to §§ 232.071-232.072 and 232.077 of the Texas Local Government Code, the utility connection requirements of this Exhibit specifically do not apply to a subdivision type described by these Regulations which: (1) creates at least one lot of five acres or less intended for residential purposes; or (2) is subject to regulation pursuant to the Model Subdivision Rules. Please see **Appendix/Exhibit F** for the utility connection requirements pertaining to those excepted subdivision types.

APPENDIX:

EXHIBIT H

BOND OR OTHER FINANCIAL GUARANTEE REQUIREMENTS

1. General Requirements

(a) Bond or Financial Guarantee Required. Notwithstanding anything to the contrary stated in these Regulations -- and prior to plat approval during the plat review process -- should the Commissioners Court determine (as an exception to the County's general non-acceptance policy) that a road, street, bridge, culvert, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as "the aforesaid dedicated facility or infrastructure") as an exception may be considered by the Commissioners Court at a later date for acceptance into the County's public road, bridge, or drainage system of operation and maintenance, then, and in that event: (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations; and (ii) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval.

(b) Approval. The bond or financial guarantee must be submitted to and approved by the Commissioners Court in a form and amount required by these Regulations, and that amount must be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure for the subdivision but must not exceed the estimated cost of construction. The bond or guarantee shall apply to and be in a form and amount sufficient to ensure, the proper construction of the aforesaid dedicated facility or infrastructure for the subdivision.

(c) Construction/Maintenance Limitations for Public Dedication. Upon plat approval, the County expressly does not accept for County construction, operation, repair, or maintenance purposes the aforesaid dedicated facility or infrastructure described on the plat. Upon plat approval, the construction or maintenance of the aforesaid dedicated facility and infrastructure described on the plat shall remain the responsibility of the Developer (in accordance with these Regulations and the approved bond or other guarantee) until said facility or infrastructure are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court.

2. Bond Requirements

(a) Bond Payee or Beneficiary Description. The bond shall be payable to the County Judge (in his official capacity) or his successor in office, fully executed by the

Developer and his surety, and approved by the Commissioners Court prior to plat approval.

(b) Bond Surety Requirements. The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(c) Bond Amount. The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision but must not to exceed the estimated cost of construction.

(d) Bond Condition. The bond shall be conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the bond) shall be: (i) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (ii) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval.

(e) Bond Term. The bond shall be for a term of years not less than three years from the date of plat approval.

3. Other Financial Guarantee Requirements

(a) Guarantee Types. In lieu of a bond, the Developer may deposit another good and sufficient financial guarantee approved by the Commissioners Court in the form of: (i) a monetary deposit (in good funds approved by the County); (ii) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (iii) another form of good and sufficient financial guarantee deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.

(b) Guarantee Conditions. The financial guarantee (whether a monetary deposit, LOC, or other type authorized by these Regulations) shall be:

(i) payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his guarantor, and approved by the Commissioners Court prior to plat approval;

(ii) be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision, but must not to exceed the estimated cost of construction;

(iii) conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the guarantee) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; (2) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval; and

(iv) be for a term of years not less than three years from the date of plat approval.

(c) Letter of Credit. If an LOC is used for the guarantee, it must conform to the following requirements:

(i) Beneficiary. The LOC must list as the sole beneficiary the County Judge or his successor in office.

(ii) Developer and Financial Institution Execution. The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to approval of the plat.

(iii) Requirements. The LOC shall meet the following requirements.

(1) Financial Institution Qualifications. Any LOC submitted as a financial guarantee for combined amounts greater than $10,000 and less than $250,000 must be from financial institutions which meet the following qualifications:

(a) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least $25 million.

(b) Savings and loan associations must be:

federally insured; with tangible capital of at least 1.5% of total assets; with total assets greater than $25 million, or tangible capital of at least 3.0% of total assets if total assets are less than $25 million; and with a Sheshunoff rating of 30 or better.

(c) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

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

(e) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least $75 million.

(f) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than $75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than $75 million); and with a Sheshunoff rating of 30 or better.

(g) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

(2) Sole Beneficiary and Approval. The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be modeled after the form attached in Appendix 2B of 31 TAC § 364.54.

(3) Amount and Conditions. The LOC must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but in an amount not to exceed the estimated cost of construction. The LOC must be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named and described in the LOC) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.