

# CLERK'S CHECKLIST FOR SUBDIVISIONS AND PLATS

\*\*\*\*\* ALL INK MUST BE IN BLACK (SEALS ,SIGNATURES) \*\*\*\*\*

SUBDIVISION \_\_\_\_\_

NAME OF OWNER \_\_\_\_\_

\_\_\_\_\_ 1-18"x24" Original Mylar of final plat with Original signatures and seals  
**MYLAR MUST BE SIGNED WITH A BLACK SHARPIE PERMANENT MARKER**

\_\_\_\_\_ 1-11"x17" for recording purposes  
**MYLAR MUST BE SIGNED WITH A BLACK SHARPIE PERMANENT MARKER**

\_\_\_\_\_ Restrictions (N/A if none)

\_\_\_\_\_ Field Notes

\_\_\_\_\_ 911 Coordinator form (streets) Go to Sheriff's Office

\_\_\_\_\_ Tax certificate or statement of account issued by Central Appraisal District

\_\_\_\_\_ Stamp and Signatures of Surveyor

\_\_\_\_\_ Clerk's Certificate (see below for wording) The blank lines need to be big enough to write the information in.

\_\_\_\_\_ Space for Judge & all four Commissioners to sign

\_\_\_\_\_ Allow ½" x 4" margin from TOP for barcode label & 2"x 4" at BOTTOM for clerk's label

Certificate of Record §

The State of Texas §

County of Somervell §

I, Michelle Reynolds, County Clerk of Somervell County, Texas, do hereby certify that the foregoing plat, with its certificate of authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ m in the Official Public Records (OPR) of said County in Plat Cabinet \_\_\_\_ Slide \_\_\_\_

In testimony whereof, witness my hand and official seal of office, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Michelle Reynolds  
Clerk County Court  
Somervell County, Texas

# **RULES & REGULATIONS**

**FOR**

**SUBDIVISIONS**

**SOMERVELL COUNTY, TEXAS**

APPROVED AND ACCEPTED

7-14-03

AMENDED AND APPROVED

1-19-09

AMENDED AND APPROVED

3-10-14

TO: PROSPECTIVE BUYERS OF SUBDIVISION PROPERTY WITHIN SOMERVELL COUNTY

The Somervell County Commissioners' Court is concerned that you know all the facts about the subdivision in which you are interested. Included are some of the basic needs you will have and therefore, you should know something of the addition costs which will be incurred.

Is this subdivision on a school bus route, if not, how do the children get to school?

What will be the source of water and if a well must be dug, how much will it cost me and approximately how much will be required for operational and maintenance costs?

What will I do with my garbage?

What are the sewage plans? If I must install a septic system, what will be the costs?

What will be the source of electrical power and when will it be available? Also, how much will it cost?

Who will maintain and for what time period, the streets and roads? Subdivider or County.

Who is responsible for putting in my driveway and the drainage pipes, if necessary, between the street and my property? Is there any danger from flood and are the lots properly drained?

Is there a rural mail route?

What is to be done about fences?

Has the Somervell County Commissioners' Court approved this subdivision?

Somervell County Commissioners are delighted you have chosen Somervell County to be your home and want to make the transition as pleasant as possible.

CLERK'S OFFICE CHECKLIST

## FOR FILING PLATS

The following items will be required in order to file a plat with the Somervell County Clerk's office. This is necessary to maintain an accurate historical record of the plats filed in Somervell County.

Preliminary plats must be filed with the County Clerk.

When a plat is presented to Commissioners Court for approval EVERYTHING should be completed and in order, including signatures (WHICH MUST BE SIGNED WITH A PERMANENT BLACK SHARPIE) and seals on the 18" x 24" plats as well as the 11" x 17" plats. It is not the responsibility of the Clerk to obtain signatures. The developer should be prepared to pay the cost of recording the plat with the Clerk's office at the time the plat is presented for final approval to the Commissioners Court. The Clerk will not accept a final plat for recording until all required documents and steps have been completed.

The approval process should include a step for the Sheriff's Office (or whoever the Court designates as responsible for this) to review the plat to prevent duplication of street names, prior to approval by the Court.

1. Required plat size: 18" x 24" for first page and all consecutive pages.
  - A. The plat and all supporting documents must be on original Mylar.
  - B. Original signature and stamp seal of the surveyor
  - C. Field notes of the survey
  - D. Dedication of the subdivision by the owners (including notary acknowledgments)
  - E. Approval by the proper City and / or County authority.
  - F. All stamp seals and signatures must be original.
  - G. Tax certificate by each taxing unit having jurisdiction indicating that no delinquent ad valorem taxes are owed.
  - H. If the plat or replat does not indicate whether land covered by the plat is in the extraterritorial jurisdiction of the city or county, an affidavit must be filed stating that information.
  - I. Original signature and stamp of the engineer.
  - J. Final Engineering report
  - K. Statement on filed plat that all lots are restricted to one single family dwelling.
  - L. Certification from County Superintendent regarding status of water and wastewater facilities and whether all fees and costs have been paid.
2. An original 11" x 17" Mylar plat as per above, or an 11" x 17" Mylar copy of the above, including all signatures and seals (for microfilming purposes.)
3. Filing fee will be \$40.00 for the first page and \$5.00 for each additional page.
4. Amendment fee will be \$40.00
5. The 911 form, from the Sheriff's office, must be included to prevent duplication of street names. (See 911 form attachments)

Candace Garrett  
County/District Clerk  
Somervell County, Texas

# TABLE OF CONTENTS

Letter to Prospective Buyers

County Clerk's Checklist on Procedures for Filing a Plat

Article I: Authority, Purpose & Precedence

Article II: General Provisions

Article III: Plats

Article IV: Road Specifications

Typical Section

Article V: Bonding Procedures

Article VI: Sewage Systems

Article VII: Mailboxes

Article VIII: Utilities

Typical Road Cut

Article IX: Enforcement

Article X: Other Provisions

Article XI: Water Systems

SUBDIVISION RULES  
SOMERVELL COUNTY,  
TEXAS

ARTICLE I.  
AUTHORITY, PURPOSE AND PRECEDENCE

Section 1.01 **AUTHORITY:** These rules are adopted by the Commissioners' Court of Somervell County, Texas, acting in its capacity as the governing body of Somervell County. The authority for Somervell County to adopt these rules is contained in Article 6626, and 6626a, and 6626c, Revised Civil Statutes of Texas.

Section 1.02 **PURPOSE:** The purpose of these rules is to regulate the filing for record of subdivision plats and to establish construction standards and other requirements for all subdivisions situated outside the boundaries of any incorporated town or city in Somervell County.

Section 1.03 **PRECEDENCE:** In the event of any conflict between these rules and State Statutes, the State statute shall take precedence.

ARTICLE II  
GENERAL PROVISIONS

Section 2.01 **AREA COVERED BY RULES:** These rules shall apply only to the areas of Somervell County, which lie outside the boundaries of any incorporated city or town. Subdivisions located in the EXTRATERRITORIAL JURISDICTION (ETJ) shall be approved by the City of Glen Rose.

Section 2.02 **ADMINISTRATION:** The Commissioners' Court of Somervell County, Texas shall administer these rules.

## ARTICLE III PLATS

Section 3.01 **WHEN A PLAT IS REQUIRED:** Every owner of any tract of land situated without the corporate limits of any city in Somervell County, Texas, who divides the same into two or more parts of 10 acres or less for the non-agricultural purpose of laying out any subdivision or to sell a particular plot to any persons or corporations must file an approval plat with the Somervell County Commissioners' Court, unless exempted by SB 710, passed in August 1999. This bill creates new statutory exemptions from platting for the following, when no land is dedicated for public use:

- Continued agricultural use
- Family transfers
- Veterans' Land Board program lots
- Land owned by the state of Texas
- Land owned by a political subdivision within the flood plain being sold to an adjoining land owner
- A parcel of land is being sold for further development that will be platted
- Land being divided among members of a dissolving partnership
- Land where all lots are greater than ten acres in size

NOTE 1: These statutory exemptions from platting do not apply to divisions of land into two or more lots of 5 acres or less intended for residential purposes.

NOTE 2: For the purposes of these rules, a subdivision is defined as: "Any tract of land which divided into two (2) or more parts, in which one or more said tracts will be offered for sale to the Public." The plat must comply with all rules and regulations outlined herein. Finally, these rules are applicable to all subdivisions and the "piecemeal subdivision of land" regardless of whether they are to be used for construction of permanent homes or for trailer parks. Those who intend to layout property for rental spaces for mobile homes must comply with the rules outlined herein.

NOTE 3: Persons, Corporations, Partners, or others contemplating the conversion of raw or other type of lands into subdivisions or acreage as defined herein, should develop a Preliminary Plat submit it to the County Judge and Commissioners' Court for approval. After a minimum of two weeks for review and after it is placed on the court agenda, the court will review with the applicant any suggestions and changes that should be made to the plat to meet all county requirements.

**Approval of the preliminary plat does not constitute acceptance of the subdivision, but merely gives notice and authorization to proceed with the preparation of the final plat for record. The approval will be in effect for two years.**

Section 3.02 **WHO MUST PREPARE THE PLAT:** The Subdivider shall cause to be prepared a plat by a registered Professional Land Surveyor, as well as a final engineering report prepared by a professional engineer licensed to work in the State of Texas.

Section 3.03 **HOW THE PLAT MUST BE PREPARED:** The plat shall be drawn on tracing cloth or a permanent type of material consisting of one or more sheets measuring a minimum 18 inches wide and 24 inches long or a maximum of 24 inches wide and 36 inches long in size. It shall be prepared according to these regulations and shall be submitted on a scale of not more than two hundred (200) feet per inch and where the area being subdivided will not fit in the aforesaid dimensions, two or more sheets shall be used.

A key map with a scale of one (1) inch to 2000 feet shall show the entire area and be drawn on the first sheet or on a separate sheet.

- a. Roads and streets to be constructed shall have a minimum width of right-of-way of fifty (50) feet and must provide unhampered circulation through the subdivision. Where a dead-end road or street is designed to be so permanently, a turn a-round shall be provided at the closed end having an outside finished roadway diameter of eighty (80) feet and road or street right-of-way of one hundred (100) feet.
- b. All roads and streets are preferred to intersect at ninety (90) degree angles, where this is not possible, the intersection on the side of the acute angle must be cut back a minimum of twenty-five (25) feet.
- c. In cases where the new roads and streets intersect with established roads and streets, the new roads shall be, if practicable, a continuation without offset, of any intersecting road or street on the opposite side of the established road or street.
- d. If at all avoidable, roads or streets shall not have abrupt off sets or jogs in them.
- e. Where a part of a road or street has been dedicated and deeded in an adjoining subdivision adjacent to and along the common property line of two subdivisions, enough width of right-of-way must be dedicated in the new subdivision to provide the minimum width specified herein.
- f. Islands or other obstructions to traffic shall not be reserved within the right-of-way, this shall not exclude small parts where roads and streets are properly curved and expanded.
- g. The preliminary plat shall further show the existing topography of the proposed subdivision by use of contour lines, said contour lines shall be based on a vertical interval of (10) feet for terrain with a slope of two (2) percent or more and on a vertical interval of two (2) feet for terrain with a slope of less than two (2) percent.
- h. Lot sizes shall meet the requirements set forth in the following chart:
- i. Additional rules apply to a subdivision that creates two or more lots of five acres or less intended for residential purposes. 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.

**MINIMUM LOT SIZE**

WITH ON-SITE SEWAGE. (Septic)

WITH PUBLIC  
SEWER

WITH WELL	WITH PUBLIC WATER	WITH WELL	WITH PUBLIC WATER	
1 Acre net lot size	1 Acre net lot size	1 Acre net lot size	1/2 Acre or less	Over 1/2 Acre
			Streets must be Curb & Gutter	Standard Road

- j. Lot and block numbers are to be arranged in a systematic order on the plat in distinct legible figures with approximate size in acres.
- k. A signature block shall be inscribed and attached on the preliminary plat sheet showing ownership and acceptance by the Commissioners' Court.
- l. For the health and safety of the public, the number of roads that intersect a state highway shall be kept to a minimum. The Commissioners' Court will look very closely at the speed limit, sight distance and topography of all state highway and main thoroughfare intersections. If at all possible, interior streets of a subdivision shall concentrate traffic to a minimum of exits.

Section 3.04 **WHEN THE FINAL PLAT IS TO BE SUBMITTED:** When the plat has been adjusted to meet all requirements, suggestions and changes as agreed in the preliminary plat review and when all the following items have been satisfied the "Final Plat" may be submitted to the County Judge and Commissioners' Court for review and approval. It should be submitted a minimum of two (2) weeks before a regular court meeting to give the members time to study the submittal. No subdivided land shall be sold or conveyed until the subdivide has received approval of the final plat of the tract. The Commissioners' court will not grant any extension if it would allow an occupied residence to be without water or sewer services. Utilities may not serve or connect any land that is subject to these subdivision rules with water, sewer, electricity, gas or other utility service unless the entity holds a certificate stating that a plat has been reviewed and approved for the land.

- a. The subdivision plat must be made from an actual survey on the ground by or under the supervision of a registered Professional Land Surveyor and his certificate to that effect must appear on said plat.
- b. The plat shall be drawn with india ink on tracing cloth or a permanent type of material, consisting of one or more sheets measuring a minimum of 18 inches wide and 24 inches long or a maximum of 24 inches wide and 36 inches long and where the area being subdivided will not fit in the aforesaid dimensions, two or more sheets shall be used. A key map with a scale of one (1) inch to 2000 feet shall show the entire area and be drawn on the first sheet or on a separate sheet.
- c. Boundary lines must be shown by bearings and distances, calling the lines of established surveys and landmarks, sufficient to locate the property on the ground. In order to add a measure of permanence to the location of all the lot corners and lot lines, all curve points, angle points and block corners should be monumental with CONCRETE MONUMENTS with brass caps stamped with an identifying number. These monuments should be protected by any means possible, and should survive the construction of streets, utilities, houses, etc. In addition the entire subdivision should be tied and oriented to the Texas State Coordinate System by U.F.S. surveying methods with FIRST ORDER or better accuracy. A coordinate list containing the coordinates of each and every corner, including curve points should be filed for record along with the plat. The plat should show the location of every Concrete Monument set and the assigned point numbers for each corner or point set that matches the coordinate list mentioned above. This same coordinate list shall also be furnished to the County on 3.5 inch disk as part of the filing process. This will permit the various county departments to upgrade their base maps to show the subdivision in its proper location.

- d. The name of the proposed subdivision or any of the physical features (such as streets, alleys, etc.) must not be as similar to features in Somervell County or in any incorporated town or city therein as to cause confusion. Main entrances shall be given a county road number. Streets within the subdivision may be given names by the developer or use county road numbers. Streets, which are continuation of any existing street, shall take the name of the existing street. Street names and numbers will be coordinated with the Sheriff's Department 911 coordinator. A 911 form must be completed and included with documents filed in the County Clerk's office.
- e. Location of lots, streets, easements and other features must be shown with accurate dimensions in feet and decimals of feet. Length of radii and length of all curves, with bearings and distances of long chord, must be shown, also dimensions from all angle points of curves to lot lines.
- f. Appropriate dedication of easement for utilities must be provided where needed. Subdivision plats must be coordinated with the utility companies, as to the proper location of utility easements, which easements or references hereto are to be shown on the subdivision plat.
- g. Reference must be made to the original patented survey and the number of tracts in each survey with abstract number of same and reference made to the volume and page in the Deed records of the tract being subdivided. Reference must also be made to the number of acres in each survey with numbers of same for all dedicated areas.
- h. A certificate from the Tax Collector of all appropriate taxing agencies must accompany the plat to be recorded, showing that all taxes owed have been paid in full to date.
- i. A certificate of ownership and lien holder must accompany the plat; to be recorded from any abstract or title company operating in said county.
- j. Where a prior subdivision plat has been filed, a vacating plat must be filed or included on subdivision plat as to what is being re-subdivided.
- k. A signature block shall be inscribed and attached on the Final Plat sheet showing ownership and acceptance by the Commissioners' Court.
- l. There shall be one (1) Mylar and three (3) of each plat furnished to the Commissioners' Court. The Mylar shall be of permanent nature (not sepia).
- m. A copy of the restrictions imposed within the subdivision by the Owner shall accompany the final plat. The Commissioners' Court may, at its own discretion, appoint a registered Public Surveyor and / or Registered Professional Engineer as the designated representative of the Court to examine the subdivision on the ground to assure it that the plat and related documents accurately represent the subdivision.
- n. Before construction begins on a subdivision, the developer shall submit a drainage plan for the development. Drainage areas shall be shown and pipe sizes shall be determined. Corrugated metal pipe or reinforced concrete pipe designed for a fifty (50) year rain minimum with a positive overflow shall be used for storm run-off.

- o. Drainage Easements: Where drainage within the subdivision may create a problem, provisions shall be made for drainage easements to allow for proper control of drainage and for future maintenance within the easement area. The correctness of the size of pipe used for drainage shall be the sole responsibility of the developer; however, the Commissioner of the precinct the subdivision is in may, after a survey of the topography and potential drainage problems require that pipes be not less than a specified size.
- p. Lots: All lot corners, angle points, point of curve, etc., shall be marked with a 5/8" x 2" steel rod or concrete markers. Building setback lines shall be shown on all lots intended for residential use and shall provide for a minimum setback of at least twenty-five (25) feet from the right-of-way. If the lots within the subdivision are large, a greater setback line should be provided.
- q. A Final Plat of a subdivision may be recorded by sections or the entire subdivision may be recorded; however, in either case, that portion to be recorded shall be accompanied by a set of field notes describing that portion which is to be recorded. All drainage structures, roads and other requirements indicated by these guidelines must be completed in that section before approval can be had.
- r. Driveways must be provided by the owner/applicant. In the event culverts are necessary, culverts must be provided and must be installed by the owner/applicant. The length and diameter of the pipe shall be approved by the Commissioners' Court. The paved portion of the driveway shall extend from the owner's property line to the paved portion of the road or street at a width not less than 20 feet.
- s. The exact location, dimension, description and flow line of existing drainage structures (and drainage structures proposed to be installed by the owner, or owners, or Subdividers) and the location, flow line and flood plain of existing water sources within the proposed subdivision must be shown on the preliminary plat. A topographical plat will be required when near a waterway.
- t. The plat must contain a north arrow. A graphical scale must be prominently shown.
- u. Unconventional layouts, or layouts that will cause unsatisfactory drainage conditions, or that will complicate maintenance of streets, or any land dedicated for public use, will not be accepted.
- v. The following restriction shall be placed on the final plat and in all deeds and contracts for deeds for residential subdivisions of five acres or less intended for residential purposes: "No more than one single family detached dwelling shall be located on each lot." In addition, for plats of subdivisions of five acres or less intended for residential purposes, a final engineering report relating to the provision of water and wastewater services must be attached that provides the information set out in Rule 364.52 of the Texas Administrative Code.

## ARTICLE IV CONSTRUCTION AND SPECIFICATIONS OF ROADS

Section 4.01 **GENERAL REQUIREMENTS:** General requirements pertaining to subdivisions within Somervell County, Texas shall be as follows and shall, when appropriate, be reflected on the plat sought to be approved:

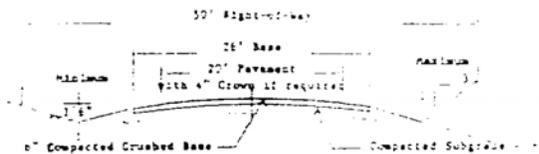
- a. Unless otherwise approved by the Commissioners' Court, provision must be made for the extension of existing dead-end streets within recorded adjacent subdivisions, if any. Proposed streets must conform to existing topography as nearly as possible in order to reduce drainage problems. Further, streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.
- b. Street Design: The minimum width of a street right-of-way within the subdivision shall be fifty (50) feet and the minimum width of a roadbed shall be twenty six (26) feet with a four (4) inch crown. (See attached TYPICAL SECTION Fig. 1.) The minimum gradient shall be four-tenths (0.4) percent and maximum gradient shall be twelve (12) percent. In addition to the requirement of a fifty (50) foot width for right-of-ways, and land adjacent to the right-of-ways must have a minimum of a three-to-one (3-1) slope (cuts and fills). Where a County road abuts the subdivision, the Owner shall set back the subdivision line such distance as the Commissioners' Court may determine is necessary to benefit the interest of the County.
- c. Construction of roads: Prior to beginning any construction within the subdivision, the Owner shall contact the Commissioner in whose precinct the subdivision is located. The Commissioner, or his designated representative, shall go over the construction plans of the Owner. All streets shown on the plat must meet the following specifications:
  1. The road right-of-way shall be cleared of trees and roots and the road bed graded up to an approved level and said road must have U-TYPE bar ditches. (Curb and Gutter-Type streets may be required in certain instances and may be substituted at any time, if desired)
  2. Drainage Pipe: The developer will be required to install corrugated metal pipe culverts according to the drainage plan submitted and approved by the Commissioners Court. Grading at all culverts will be on a 3-1 slope (See Fig. 3 Typical Section).
  3. The road sub-grade must be graded to the finished sub-grade level. The sub grade shall be inspected and where the plasticity index (P.I.) of the raw sub grade is 20 or less, the top 6 inches of sub-grade shall be scarified, mixed and re-compacted to a minimum of 95% of the maximum density as determined by TxDot test method Tex-113 E a moisture content between 2% below and 4% above the optimum moisture content. Density testing will be performed two times or 500-600 feet apart at the expense of the developer. Copies of all testing results shall be provided to Somervell County. Where the P.I. of the raw sub-grade is greater than 20, the top 6 inches of the sub-grade shall be stabilized with Hydrated Lime Slurry at a rate of 27 lbs. of hydrated lime per square yard and compacted to 95% of a maximum density as determined by TxDot Test method Tex 121, Part II. Lime slurry shall be type B as defined in TxDot Item 264, "Lime and Lime slurry" and placement shall conform to TxDot Item 260, "Lime Treatment for Material used as sub-grade" (Road Mixed). All embankments constructed under streets and roadways shall be constructed in layers not exceeding 8" in compacted thickness and shall be compacted to 95% of maximum density as determined by TxDot Test Method -113E at a moisture content between 2% below and 4% above optimum moisture.

4. Flexible Base: After sub-graded has been completed and approved, the road bed shall be covered to a minimum width of twenty-six (26) feet and with a minimum compacted depth of 6" with crushed stone (TxDot, Item 247, Grade A, number 2). The crushed stone shall be mixed, watered and compacted to a minimum 95% of maximum density as determined by TxDot Test method Tex-113-E at a moisture content between 2% below and 4% above the optimum moisture content.
5. Subdivision roads must be approved and accepted by Commissioners' Court. Upon acceptance, the developer may request the Subdivision be placed on the Commissioners' Court agenda for consideration. Somervell County has a two (2) year discretionary period for paving roads after a road has been approved.
6. Subdivision roads shall be constructed and paved by the Owner in accordance with this Section under the direction of the County Superintendent. The Owner shall post cash, bond, or a letter of credit ("Maintenance Bond") with the County Auditor to secure the proper construction and maintenance of the roads prior to County acceptance thereof in an amount equal to twenty-five percent (25%) of the construction costs of the streets, for a term of two (2) years following acceptance by the County. At the conclusion of two (2) years, the County shall assume full maintenance responsibilities. The Maintenance Bond will also secure the Owner's compliance with these regulations. Before release of the Maintenance Bond, the County Superintendent shall again inspect the roads and the owner shall remedy all deficiencies prior to release of the Maintenance Bond. If the deficiencies are not promptly remedied by the Owner, The County shall make the repairs and draw on the Maintenance Bond for payment.

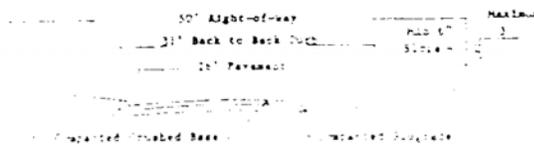
**SEE TYPICAL SECTION – COUNTY ROAD (FIGURE 1)**

P8174

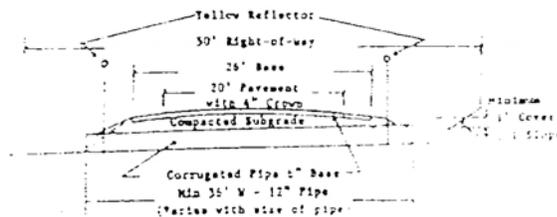
Typical Section - County Road  
Figure 1



Typical Section  
County Road  
with Curb & Gutter  
Fig. 11



Typical Pipe  
Installation  
Fig. 111



**MAINTENANCE BOND**

**KNOW ALL MEM BY THESE PRESENTS**

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

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

WHEREAS, Section 4.01 (c) (6) of the Rules and Regulations for Subdivisions requires that Obligor shall furnish a bond conditioned to guarantee for a period of two (2) years after acceptance of the required improvements, by Obligee, against all defects in workmanship and materials which may become apparent during said period. Said period to be from \_\_\_\_\_  
to \_\_\_\_\_

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

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
\_\_\_\_\_, Obligor

BY: \_\_\_\_\_  
\_\_\_\_\_, Surety

THE STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_, Obligor, and \_\_\_\_\_ Surety

\_\_\_\_\_  
Notary Public, State of Texas

## ARTICLE V BONDING PROCEDURES

Section 5.01 **PERFORMANCE BOND:** The condition of said Performance Bond shall be that the Developer shall guarantee to provide a bond to the county and to construct, in accordance with the specifications of the County, all of the streets, roads, water and wastewater improvements shown on the accepted and approved subdivision plat within a reasonable amount of time from the time of acceptance and approval by the County. Bonding is only required for water and wastewater improvements on lots of 5 acres or less intended for residential purposes. Bonds shall be in an amount equal to the estimated construction cost for the streets, roads, water, and wastewater improvements to be built in the subdivision.

The performance bond by its terms shall provide that liability there under shall begin upon the date of the acceptance and approval of the subdivision plat and remain in full force and effect until all streets, roads, water and wastewater improvements shown on the plat have been satisfactorily completed and accepted by the County.

Section 5.02 **BONDS UNENFORCEABLE AS A STATUTORY BOND:** Each of said bonds shall provide that should the same be unenforceable as a statutory bond, the obligator shall be bound by their contract as a common law obligation.

Section 5.03 **RECOVERY OF BONDS:** Recovery on said bonds shall not be limited or exhausted by one or more recoveries less than the total amounts as established in section 5.01 herein.

Section 5.04 **WHEN BONDS ARE PRESENTED:** The performance bond, in the amount as established in Section 5.01 shall be presented to the Commissioners' Court when the subdivision plat and plans are presented to the Court for final approval. The County Attorney must have approved, in writing, of the form of the bond prior to the date of submission to the Commissioners' Court. No subdivision plat or plans can receive final authorization without being accompanied by a performance bond meeting the requirements of this Article.

Section 5.05 **WHEN BONDS BECOMES EFFECTIVE:** The performance bond shall go into effect on the day the subdivision plat and plans receive final authorization.

## ARTICLE VI SEWAGE DISPOSAL SYSTEMS

The County Health Unit, Designated Representative must review and approve the plat to assure that all county sanitation rules and regulations can be met.

Soil analysis will be made on each lot when developed in accordance with applicable Somervell County and State regulations then in effect. A copy of applicable regulations shall be kept on file in the office of the Health Unit Designated Representative.

Section 6.01 **ALL HABITABLE STRUCTURES MUST HAVE APPROVED WASTEWATER SYSTEMS:**

All habitable structures shall be connected to wastewater systems conforming to the regulations and recommendations of the State of Texas and Somervell County. All onsite wastewater systems and installation thereof, shall meet State and County regulations and be inspected by the Somervell County Designated Representative.

Section 6.02 **TYPES OF APPROVED WASTEWATER SYSTEM**

Each lot in a subdivision must have some legal means of sewage waste treatment and disposal. It is the policy of the county to encourage subdivision developers to provide community sewage collection and treatment facilities wherever possible and practical to serve the needs of the subdivision. Such action by a developer will serve to eliminate the need for individual property owners to install on-site sewerage facilities on their individual lot(s). Types of approved wastewater systems are:

1. 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.
2. 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 Texas Commission on Environmental Quality.
3. Where private on-site sewerage facilities are proposed, the final engineering report shall include all required planning materials as well as a site evaluation and all other information required by the county's On Site Sewage Facilities (OSSF) policy. All final plats shall contain the following note:

"Prior to construction on any lot the owner of said lot shall contact Somervell County OSSF designated representative. All lots in this subdivision are required to comply with all current and future OSSF regulations adopted by Somervell County. Individual OSSF systems selection must be made in conjunction with the site evaluation with respect to the individual site permitting process, in accordance with the 30 TAC 285 OSSSF rules."

Section 6.03 **CERTIFICATION BY COUNTY SUPERINTENDENT OF SEWAGE FACILITIES**

The Somervell County Superintendent will make certification to the County Clerk for release of financial guarantee when all requirement regarding an approve subdivision wastewater system are considered to have been met by the developer.

## ARTICLE VII MAILBOXES

For the purpose of safety, Somervell County encourages the use of clustered or community mail facilities, whenever possible, to reduce collision hazards.

Mailboxes shall be set a minimum of three (3) feet from the edge of the pavement or one (1) foot behind curbs. When placement of the mailbox outside the three (3) foot minimum is not possible, a mailbox of "break-away design" should be used.

All Mailboxes within the County right-of-way shall meet the current TXDOT standards if the speed limit on the County road is more than 40 mph.

Mailboxes in subdivisions with speed limits at or below 40 mph must meet Post Office requirements, and must be placed in a manner that does not interfere with the traffic line of vision.

## ARTICLE VIII UTILITIES

Section 8.01 **UTILITY SOURCES:** On small tract subdivision, all conduits, water, gas or otherwise as well as telephone lines, electric cable shall be approved by appropriate agencies. Underground lines will be prominently marked with warning signs along the length of the lines.

Section 8.02 **COUNTY NOT LIABLE:** The county will not assume any liability for damage to utility lines when maintaining roads.

Section 8.03 **EASEMENTS:** Utility easements of not less than fifteen (15) feet shall be provided on rear lot line of perimeter. Utility easement of not less than eight (8) feet shall be provided on each side of rear lot line of lot whose rear lot lines abut. A utility easement of eight (8) feet on each side of side lot lines shall be provided unless valid reasons are presented by the owner justifying a waiver of this requirement. All underground utilities shall be placed at least twenty-four (24) inches below the level of lowest point of the ditch line and shall be located within the right-of-way and outside the road bed. Under no circumstances shall utilities be placed within the twenty six (26) feet roadbed except when necessary to cross the right-of-way and then for the shortest distance possible. Any utility crossing the bed shall be placed a minimum of twenty-four (24) inches below the level of the lowest point of the ditch line.

Section 8.04 **LARGER TRACT UTILITY RULES:** The Commissioners' Court reserves the right to define those subdivisions which qualify for exemption under this Article. This policy is necessary because of factors such as proximity to incorporated cities, availability of electrical power, etc.

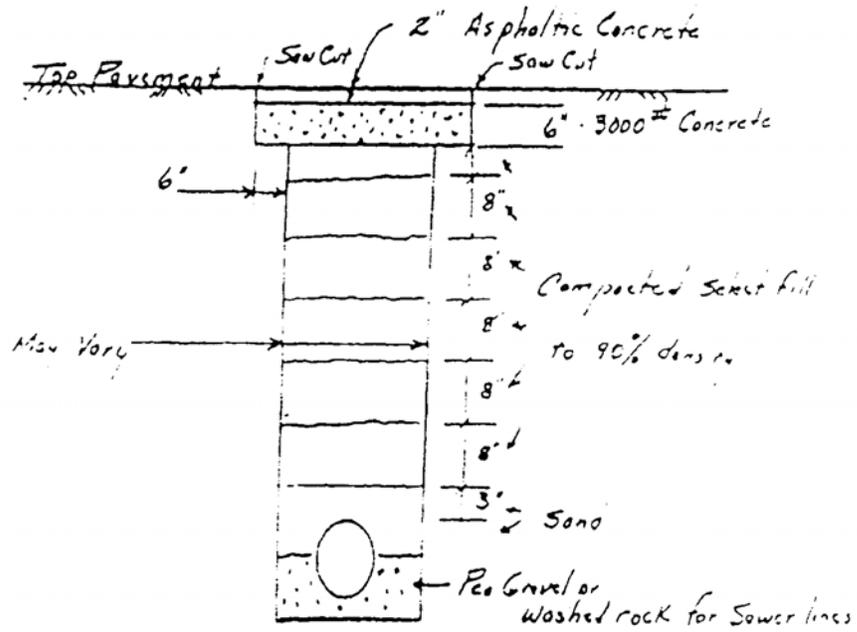
Section 8.05 **UNDERGROUND UTILITIES:** All underground utilities (water, sewer, electric, telephone and gas lines) crossing streets within a subdivision shall be installed, back filled and compacted to 95% density before the flexible base is laid on the street.

- A. If the need arises to cross an existing county road after the base has been laid or the road has been paved, the crossing must be made by boring under the road base plus five-feet (5') on both sides of the road or an open cut may be made if all traffic safety requirements can be met. An open cut must be made without unduly inconveniencing traffic. Back filling the ditch must be done in maximum eight-inch (8") lifts, compacting and watering each lift to a 90% density.

**SEE TYPICAL ROAD CUT FOR UTILITIES**  
**(INCLUDED IN RULES PACKET)**

The top eight inches (8"), to be finished according to the diagram below.

Typical Road Cut for Utilities



## ARTICLE IX ENFORCEMENT

In the event the subdivision owner shall fail to meet the requirements as set forth heretofore, the county will not be obligated to operate, maintain or accept said proposed roads, ditches, etc., until such time as they are acceptable to the Commissioners' Court. It will be the sole responsibility of the owner to assure that the work is completed prior to the expiration of the bond or funds posted. In no event shall the Court be obliged to complete the work being done by the owner. Further, the Commissioners' Court of Somervell County will cause an employee of the court or any other person or persons it so designates to review at least bi-monthly those deeds or sales contracts being recorded in the County Clerk's office to determine that any subdivision affected thereby shall comply with the requirements of Articles 6626, 6626a and 6626c of the Statutes. If deed, contracts of sale, transfers of title or other transactions do not comply with the plat requirements as set forth in this order and in 6626a and 6626c, the Commissioners' Court of Somervell County or its representative shall so notify the party selling or transferring title in whole or in part to comply with the said requirements. In the event the said notified party refuses to comply with the requirements of 6626a and 6626c, the Commissioners' Court of Somervell County will take appropriate action to obtain compliance. In accordance with 6626c, Section 2, any party violating any provision of 6626c, Section 1, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars or confined in the county jail not exceeding ninety (90) days, or both such fines and imprisonment, and each set of violations shall constitute a separate offense, and in addition to the above penalties, any violation of the provisions of Section 1 of said act shall constitute prima facie evidence of an attempt to defraud.

## ARTICLE X OTHER PROVISIONS

Section 10.01 **INVALIDATION:** In the event of invalidation of any of the provisions of this order by court of competent jurisdiction, all other provisions of this order shall remain in full force and effect.

Section 10.02 **PREVIOUSLY APPROVED SUBDIVISIONS:** Any subdivisions heretofore approved (except those approved with private roads not to be accepted and maintained by the County) are hereby excepted from this order.

Section 10.03 **UNDULY HARSH PROVISIONS:** Any owner of property affected by this order who feels that a specific requirement of said order is unduly harsh in their circumstance or creates a situation that he feels requires relief from said order may apply to said Commissioners' Court which will respond in writing within thirty (30) days.

Section 10.04 **SUBDIVIDING LOTS WITHIN A SUBDIVISION:** Once a subdivision receives final approval by the Somervell County Commissioners' Court no further alteration or modification of the approved plat is authorized. This provision also applies to new owners within the subdivision.

Section 10.05 **SUBDIVISION RESTRICTIONS:** Each subdivision must have an approved list of restrictions if any, to include minimum size homes-or not- who is to enforce the restrictions. The Somervell County Commissioners' Court will be provided with a copy of subdivision restrictions, which will be recorded with the plat in the County Clerk's office.

Section 10.06 **AVAILABILITY OF SCHOOL BUS SERVICE:** Subdivider must present a signed statement from the appropriate school district regarding the availability of school bus service. This must accompany the plat and be presented to the Commissioners' Court before final approval will be given.

Section 10.07 **FLOOD PLAIN RESTRICTIONS:** Any subdivision that is in or partially in a flood plain, will have clear identification of those lots or portions of lots which are in the flood plain area. Information on flood plains is available in the County Judge's office.

Section 10.08 **VARIANCES:** These rules and regulations are subject to change, or a variance granted or alteration without notice when, in the judgment of the Commissioners' Court of Somervell County, Texas, the interest of the public will best be served.

1. **Reviewing Body:** The Commissioners' Court shall review request for variances from these Regulations upon written application from the property owner or the owner's designated representative. The Court may approve, conditionally approve or deny the variance. The decision of the Commissioners' Court whether to grant or deny a variance under any circumstance is at the Court's complete discretion, and such decision will be final.
2. **Criteria for Variances:** A variance to the terms of these regulations may be granted if consistent with the general purpose and intent of these regulations and in accordance with any applicable rules contained in the regulations. The following factors will be considered in evaluating a request for variance:
  - A. Whether strict enforcement of the Regulations would deny the applicant the privileges of similarly situated property with similarly timed development, taking into consideration the characteristics of the property in relation to such other property; and
  - B. The granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not prevent the orderly development of the land in the area in accordance with these and other development and health and safety regulations; and
  - C. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of the provisions of these Regulations would deprive the applicant of the responsible use of the applicant's land and that failure to approve the variance would result in undue hardship to the applicant. Pecuniary hardship, standing alone, shall not be deemed to constitute undue hardship.
  - D. In no event shall a variance be granted that involves the provision of water or wastewater services to or the planning of residential lots of 5 acres or less.
3. **Application Materials:** Any person who wishes to receive a variance should apply in writing to the County Road Superintendent with a list of, and detailed justification for, any variance (s) requested. The request (s) shall be included with the application for approval of an infrastructure development plan, unless the matter requiring a variance does not become apparent until after the infrastructure plan has been approved.

4. **Procedures for Review:**

- A. Variance requests shall be submitted with an infrastructure development plan application and shall be processed in accordance with the provisions of these Rules.
- B. Variance requests shall be acted upon in the same time prescribed for taking final action on the **infrastructure development** plan.

Section 10.09 **CHECKLIST FOR PROSPECTIVE BUYERS:** Subdivider will reproduce and provide prospective buyers with a copy of the checklist printed in the front of this booklet and, in the event of a sale, will cause the checklist to be executed and recorded with the County Clerk. The checklist is entitled "Prospective Buyers of Subdivision Property."

Section 10.10 **TRAFFIC CONTROL DEVICES:** The subdivision developer will be required to properly install in conformance with the U.S. Manual of Uniform Traffic Control Devices for Streets and Highways and the County Road Sign Coordinator the following signs:

- a. Street signs: At each street intersection, one minimum 1 ½ inch 1.17 galvanized pipe standards, set in concrete, on which is attached, with acceptable four-way assembly hardware, baked enamel bonderized steel plate signs. (4 inch letters on 6-inch background). Center of the signs shall be 7 feet above the crown of the road.
- b. Traffic signs: At intersections and locations designated by the County Commissioner. "STOP" signs and "YIELD" signs mounted on galvanized pipe shall be installed.
- c. Signalization: Signalization of intersections will be reviewed and approved on an individual basis with proper warrant studies submitted to the County Commissioner.

Section 10.11 **MAJOR STRUCTURES:** If the developer proposes to construct major structures, such as box culverts or bridges across drainage channels, such structures shall conform to current standards for culverts and bridges and specifications of the State Department of Highways and Public Transportation.

- a. All bridges are to be designed to minimum HS-20 load design.
- b. Bridge Widths:
  - 1. Major thoroughfares – shall begin in accordance with the Major Thoroughfare Plan for Somervell County.
  - 2. Where there are no curbs or approach pavement, the width of bridge from curb face to curb face, shall be the width of approach road pavement merges, plus four feet.
  - 3. Where curbs are on approach pavement, the width of the bridge from curb face to curb face, shall be the same as the width between curb faces on the approach road

## ARTICLE XI WATER SYSTEMS

All habitable structures shall be connected to a water system that conforms to the regulations and recommendations of the State of Texas and Somervell County. All developers of subdivisions proposing lots of 5 acres or less must submit an engineer's report detailing one of the following acceptable methods of providing a dependable source of water to the lots:

### Section 11.01 **CONNECTION TO AN EXISTING PUBLIC WATER SYSTEM**

Developers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement from the retail public utility.

### Section 11.02 **CREATING A NEW PUBLIC WATER SYSTEM**

Where there is no existing retail public utility, the developer may opt to construct and maintain the proposed water facilities. The Developer shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the Commission.

### Section 11.03 **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's engineer shall have prepared and provided a groundwater availability study that complies with all state and local requirements.

### Section 11.04 **CERTIFICATION BY COUNTY SUPERINTENDENT OF WATER SYSTEM**

The Somervell County Superintendent will make certification to the County Clerk for release of financial guarantee when all requirements regarding an approved subdivision water system are considered to have been met by the developer.