

SUBDIVISION RULES AND REGULATIONS

THE STATE OF TEXAS

COUNTY OF HILL

On this the ____ day of _____, 20____, the Commissioners Court of Hill County, Texas, convened in Regular Session of said Court, at Hill County Courthouse in the City of Hillsboro, Texas with the following members present, to wit:

County Judge, Justin W. Lewis
Commissioner, Precinct #1 – Bob Atwell
Commissioner, Precinct #2 – Steven Sulak
Commissioner, Precinct #3 – Sam McClendon
Commissioner, Precinct #4 – Lee Harkins

And, among other proceedings, passed the following Order after publication of notice and a public hearing as required by law:

WHEREAS, the Commissioners Court of Hill County, Texas considered the matter and deemed it appropriate to enter its Order relating to approval and acceptance of subdivision plats for recording; and

WHEREAS, the development of land lying outside of incorporated cities and towns in Hill County, Texas, has created drainage, maintenance, economic and health problems for Hill County, Texas, due id lack of planned development, and in order to avoid these problems and insure continued orderly development, it is necessary for the Commissioners Court to take the following action; and

WHEREAS, it is incumbent upon the Commissioners Court of Hill County, Texas, to approve the plats of subdivisions within Hill County, Texas, under certain conditions before the same can be recorded; and

WHEREAS, the Commissioners Court Of Hill County, Texas, deems it necessary to adopt a set of rules and regulations stipulating the conditions under which the Court, in the future, will approve plats of subdivision for recording, in order to assist the County in providing for the safety of the public, in providing for the proper drainage and maintenance of the public roads.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HILL COUNTY, TEXAS, that the following rules and regulations **be adopted as conditions precedent to the Court** approving plats of subdivisions for **recording, effective this** date, and superseding and in lieu of all previous orders **pertaining** to the approval of subdivision plats within the County:

SECTION I: DEFINITIONS

SUBDIVISION; The division of any tract of land by the owner of such tract of land situated outside the corporate limits of any city in Hill County, Texas, must have a plat of the subdivision prepared if the owner divides the same into two (2) or more parts for the purpose of laying out any subdivision of any such tract of land, including an addition; lots; or for the purpose of laying out streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Exception A. However, for the purpose of these rules and regulations subdivisions shall not include the division of land into lots, parcels, or tracts of land when both the owner does not dedicate any areas such as streets, parks, alleys, parking lots, etc. to be used by the public or lot owners AND one of the following applies:

- (1) each of the lots, parcels, or tracts contain ten (10) or more acres, or
- (2) the tract is to be used primarily for agricultural use, as defined by Sections 1-d, and 1-d1 Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d, Article VIII, Texas Constitution. If this described use ceases, the platting requirements of this order apply; or
- (3) the owner of the tract of land divides the tract into four or fewer lots if each of the lots is to be transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under chapter 573, Texas Government Code. If any lot is transferred to an individual who is not related to the owner within the third degree of consanguinity or affinity , the platting requirements of this Order apply ;or

(4) All of the lots within the tract are sold to veterans through the Veterans' Land Board Program; or

(5) The tract of land belongs to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state; or

(6) One new part of the tract is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approved requirements of this Order; or

(7) All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

Exception B. It is also an exception to platting if: (1) the owner of the land is a political subdivision of the state; (2) the land is situated in a floodplain; and (3) the lots are sold to adjoining landowners.

Exception C. It is an exception to platting if one new part is to be retained by the owner, and the other new part is less than ten (10) acres and the person obtaining the other new part complies with the alternative platting requirements set out in section IV. Each new part shall not be subdivided for a period of twenty four (24) months without complying with the plat requirements in sections II and III.

SECTION II: PRELIMINARY PLAT REQUIREMENTS

One (1) print of a preliminary plat of any proposed subdivision with all supporting documents required herein shall be submitted to the County Judge or his appointee and one (1) print of a preliminary plat of any proposed subdivision shall be submitted to the Commissioner of the precinct in which the proposed subdivision lies at least seven (7) days before the meeting at which approval is asked. The preliminary plat, (hereinafter called "Plat" in Section II), shall include or be accompanied by the following information:

(a) The proposed name of the subdivision.

(b) The names of the Owner and/or Owners of the proposed subdivision, the name of the registered Engineer and Registered Surveyor responsible for the survey and design, the name under which the property will be sold and a billing address for said Owner and/or Owners.

(c) The location of this perimeter boundary lines of the proposed subdivision and reference to established patented survey corner.

(d) The location and width of existing and proposed streets, roads, alleys, lots, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The Plat shall identify by name and location all adjacent properties, subdivisions, and patented survey lines for a distance of at least one hundred (100) feet including all adjacent streets, alleys, roads or highways.

(e) The Plat must show the physical features of the property including water courses, ravines, bridges, culverts, flood plain, as evidenced by the Flood Hazard Map prepared by HUD, present structures, and other features of importance to lot and street layout. The total acreage within subdivision should be indicated on the Plat. A USGS topographical map (ten feet contours) with the proposed subdivision located to scale thereon shall be provided in addition to the Plat.

(f) Designation of the proposed uses of all land within the subdivision, i.e., residential, commercial, industrial, or public use, such as parks, churches, etc.

(g) North Point, scale, and date of preparation of Plat, (b) The Plat shall be drawn to a scale of not less than one (1) inch equals three hundred (300) feet The Plat shall be presented on standard size sheets of 17" x 22". If the proposed subdivision is too large to be accommodated by a single standard sheet size, then two or more sheets may be used, with match lines clearly shown.

(i) The Owner must submit, by letter, from each utility company, along with the Plat, a statement as to the plan for providing utility service to the proposed subdivision. The proposed water supply should be clearly indicated, and all systems except individual wells shall be State accepted.

(j) The plan for sewage disposal should be clearly indicated, i.e. municipal sewer service, privately owned sewage disposal system, individual septic tank, etc.

(k) If it is the Owner's intent that private septic systems are to be used, then copies of tests performed by a Registered Professional Engineer or a reputable testing laboratory which has been approved for preparing such tests by the Commissioners Court shall be provided, along with a letter stating recommendations as to the type of septic system to be installed, in accordance with the requirement outlined by state law. If individual septic systems are to be used for sewage disposal, the location of each percolation test shall be outlined clearly on the Plat.

(1) Minimum lot size allowed shall be determined by the Commissioners Court based upon sewage system used, the land's ability to dispose of the sewage according to recommendations provided above and the type of use intended for the land.

(m) Approval of the Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat for approval by the Commissioners Court.

(n) If the location of the subdivision is within the extra-territorial jurisdiction of any city, town, or village within Hill County, Texas the Plat shall be approved by that public body prior to submission to the Commissioners Court.

(o) Current tax certificates shall be provided with the Plat from all taxing authorities having jurisdiction upon the land contained within the proposed subdivision.

(p) The subdivision shall be described by metes and bounds by a registered surveyor.

SECTION III: FINAL PLAT REQUIREMENTS

After the Preliminary Plat has been approved by the Commissioners Court, a final plat for recording shall be prepared and submitted to the Commissioners Court at least fifteen (15) days prior to the meeting at which approval is asked. The final plat shall be on a sheet size of 17" x 22" only and shall be to a scale not less than one (1) inch equals three hundred (300) feet. The final plat shall be on linen, plastic reinforced blue line, mylar, or other permanent type material and must be reproducible. If the final plat is photographic reduction of a larger scale original, then the scale shall be shown in graphic form. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, and must be of sufficient size as to be easily read, and must be of sufficient density to make a lasting and permanent record. One (1) additional print of the final plat shall be submitted to the Commissioners Court at the time the final plat is submitted. The Owner shall provide evidenced that a copy of the final plat and field notes have been provided to the Hill County Appraisal District.

The final plat shall show the following information.

(a) The name of the subdivision, scale, north point, and date of the preparation of the final plat,

(b) The names of streets within the subdivision, the number of linear feet of roadway to be constructed or maintained, and all lot, block, and/or section numbers within the subdivision. The final plat shall identify by name and location all adjacent properties, subdivisions, and patented survey lines for a distance of at least one hundred (100) feet including all adjacent streets, alleys, roads or highways. ;

(c) The perimeter boundary of the subdivision shall indicate all bearings and distances and be referenced to an established patented survey corner. An original field note description of the perimeter boundary of the subdivision as prepared by the engineer or surveyor shall be provided with the final plat. The field notes must be signed and sealed by the engineer or surveyor and evidence the total acreage within the perimeter boundary of the subdivision.

(d) Any portion of the subdivision lying within the flood plain as evidenced by the Flood Hazard Map prepared by HUD shall be clearly indicated on the final plat.

(e) Location of lots, streets, roads, public highways, utility easements, parks, and other features, shall be shown with accurate bearings and dimensions in feet and decimals of feet, with the length radii of all curves, and with all other information necessary to duplicate and locate the subdivision on the ground.

(f) The location of building set-back lines on all streets, and the location and dimension of utility and drainage easements and other public right-of-way or access.

(g) Certification by the Owner of the dedication of all streets, public highways, alleys, utility easements, parks, and other land intended for public use, signed and acknowledged before a Notary Public by said Owner.

(h) Certification by the Registered Public Surveyor or Registered professional Engineer who prepared the final plat that the plat correctly represents a survey made by him on the ground and that all the lot corners and boundary markers are correctly located on the ground as evidenced by the final plat. Markers shall be of metal or concrete firmly placed in the ground so as to be permanent.

(i) Certificate of approval signed by the designated representatives of the City having extra-territorial jurisdiction over the area in which the subdivision is located.

(j) Spaces shall be provided for the County Judge and all County Commissioners to sign the plat in order to indicate their approval of it.

(k) A subdivision may be recorded by Sections, or the entire subdivision may be recorded, and, 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. Field notes and dedications are to be filed separate from the plat on 8-1/2" x 11" paper, signed and acknowledged by the Owner.

(1) A copy of the restrictions imposed within the subdivision by the Owner shall accompany the final plat.

(m) The Commissioners Court may, at its own discretion, appoint a Registered Public Surveyor and/or a Registered Professional Engineer as the designated representative of the Court to examine the subdivision on the ground to assure itself that the plat and related documents accurately represent the subdivision.

(n) After examination of the final plat, the Commissioners Court shall indicate to the Owner its intent to approve or disapprove it. No plat will be approved for recording until such time as all streets, culverts, utilities, etc., have been installed and inspected within the subdivision and/or the bond required in SECTION IV (1) filed and approved. It shall be the responsibility of the Commissioner in whose precinct the subdivision is located, or his designated representative, to make the inspection of streets, culvert utilities, etc., and he shall report his findings to the Commissioners Court. If the construction of the above mentioned items are satisfactory to the Commissioners court, the owner shall appear before the Commissioners court and request that the plat be filed for record and the Commissioners Court shall sign the final plat indicating approval.

SECTION IV: ALTERNATIVE PLAT REQUIREMENTS

(a) This section only applies to a division described in Section I Exception C as set forth herein above.

(b) Only a final plat is required for such a division in the following form and manner:

(1) A survey performed by a licensed surveyor with attached field notes shall constitute a final plat.

(2) The only plat fee required for such an original plat is \$ 20

The fee for an amended plat subject to this section shall be \$ 20

SECTION V: GENERAL REQUIREMENTS

General Requirements pertaining to subdivisions shall be as follows:

(a) Street Arrangement: Unless otherwise approved by the Commissioners Court, provision must be made for the extension of existing topography as nearly as possible, in order that drainage problems may be reduced. Streets should, wherever possible, follow valleys or depressions so as to form a collection system for surface water.

(b) Street Design for Main Artery Streets Shall:

(1) Provide right-of-way of a width of not less than fifty (50) feet nor more than one hundred (100) feet.

(2) Provide shoulder to shoulder width of not less than thirty - two (32) feet nor more than fifty-six (56) feet.

(3) Where a County Road abuts the subdivision, the Owner shall dedicate to the public for street purposes a minimum of twenty-five (25) to fifty (50) feet of right -of-way from the centerline of the existing County Road depending on the expected use of such road.

(c) Street Design For All Other Streets Shall:

(1) Provide right-of-way of not less than forty (40) nor more than seventy (70) feet.

(2) Provide shoulder to shoulder width of not less than twenty-five (25) feet nor more than thirty-five (35) feet in width. .

(d) Street right-of-way width, street cut width, and construction standards to be followed in the subdivision will take in consideration the amount and kind of travel over said streets. No standard of streets shall be less than the State law requires. Any street standards changed by the State shall change county standards accordingly.

(e) Dead-End Streets: Except in very unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land, but cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connecting streets. Such cul-de-sacs shall provide proper access to all lots, and a turn-around shall be provided at the closed end, with an outside street line radius of at least fifty (50) feet.

(f) Adjoining streets and land: The system of streets designated for the subdivision except in very unusual cases, must connect with streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted, must be continued to the boundaries of the tracts subdivided,

so that other subdivisions may connect therewith.

(g) Lots: All lots, so far as practicable, shall have the side hues at right angles to the street on which the lot faces, or radial to curved street lines. All lot corners, angle point's point of curve, etc. shall be marked with steel rods or concrete markers all securer/ fastened in the ground.

(h) Building Lines: Subdivision rules on set-back lines to twenty-five (25) feet from foundation on front or twenty-three (23) feet on the overhang, ten (10) feet on the side and rear of foundation and eight (8) feet on sides and rear of the overhang.

(i) Utility Easements: Utility easements of not less than ten (10) feet shall be provided across the rear or back of each lot. Within a block or section of lots utility easement access shall be provided to a public street, alley, or roadway. After streets are laid, any utility work, including water, telephone, electricity, and gas, must be accomplished by boring under, rather than digging across, any such streets.

(j) Drainage Easement: 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.

(k) Construction: 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 review the construction plans of the Owner. Any changes in the plans required by a majority of the Commissioners Court are to be final. All streets shown on the plat must meet the following specifications:

(1) The Landowner or Developer will grade up the road bed to an approved level and said road must have V-type or flat bottom bar ditches sufficient to insure drainage.

(2) The main artery road beds, after then have been graded, compacted, and approved in an on-site inspection by the Commissioner or his designated representative, will be covered with a minimum width of twenty (20) to forty-five (45) feet of good grade base material nine (9) inches in depth after compaction to form a solid base. Before application of base material the Commissioner or his designated representative, in whose precinct the subdivision is located must approve the base material.

(3) All of the grading and gravel must meet the inspection and approval of the Commissioner in whose precinct such addition or development is located, or his designated representative.

(4) The Landowner or Developer will be required to contact the Commissioner in whose precinct the addition and/or development is located, or his designated representative, for an on-site inspection prior to the commencement of any work in the development or addition, in order that the Commissioner or his designated representative may make specific recommendations as to any drainage structures that may be required for the subdivision or other recommendations concerning the subdivision.

(l) Landowner or Developer's Bond: The Landowner or Developer desiring to construct any of the improvements covered by these Subdivision Requirements and who has not constructed the streets and drainage structures required prior to approval of the Final Plat, shall execute a cash bond or a Corporate Surety Bond, made payable to the County Judge and his successors. The bond shall be in such an amount as may be determined by the Commissioners Court not to exceed the estimated cost of constructing roads or streets. Upon approval by the Commissioners Court, a cash bond or a corporate surety bond is to be filed at the office of the County Treasurer, conditioned that the principal on the bond will faithfully comply with all the requirements of the Commissioners Court concerning the building of streets, drainage facilities, culverts and entrances, and the correction and repair of all defects in said streets and drainage structures for the period of construction.

(m) The release of any bond shall be by the Commissioners Court. To request a release, the Landowner or Developer who posted the bond in question, shall in writing request the release of said bond. The request shall contain a statement by the landowner or developer of compliance with the Subdivision Rules and Regulations of Hill County, Texas, and the date the bond was originally accepted by the Commissioners Court. The written request for release of bond shall be sent to the Commissioner of the precinct in which the subdivision lies, allowing said Commissioner sufficient time to make a final on-site inspection of the subdivision before the release of bond is heard by the Commissioners Court.

(n) All streets, roads, alleys, and the like shall be maintained by the developer and owner for a period of not less than one year from the date of final plat approval Said streets, roads, alleys and the like must meet the standards of this order after the one year period has passed to be placed before the Commissioners Court for consideration to be adopted into the county road maintenance system.

SECTION VI: SEVERABILITY

If any section, subsection or paragraph of these regulations of the Hill County Commissioners Court, or the application thereof, is held invalid for any reason; such invalidity shall not affect any other provision of these regulations which can be given effect without the invalid provision or application and to this end these regulations are severable.

SECTION VII: FEES

(a) The Commissioners Court has determined that payment of certain fees by applicants for either subdivision approval, permits, or licenses in necessary and appropriate to recover the costs of administering this order.

(b) Fees for permits, licenses and subdivision approvals shall be set by the Commissioners Court, shall be based upon reasonable costs of the administration and enforcement of this order, and shall be subject to periodic change by Orders of the Commissioners Court.

(c) The fee for reviewing plat application is hereby set as of this date, February 12, 2001 at \$ 250.00 for preliminary plat review fee prior to the preliminary plat being reviewed and a \$ 500.00 final plat review fee prior to the final plat being reviewed.

SECTION VIII: ENFORCEMENT

(a) The Commissioners Court of Hill County shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in these Subdivision Rules and Regulations; and there is submitted at the time of approval of such map or plat such bond as may be required by these rules.

(b) At the request of the Commissioners Court of Hill County, the County Attorney or other prosecuting attorney representing the county shall file an action in a court of competent jurisdiction to:

(1) Enjoin the violation or threatened violation of a requirement established by or adopted under these Rules and Regulations; or

(2) Recover damages in amount adequate for the county to undertaken any construction or other activity necessary to bring about compliance with a requirement established by or adopted under these Rules and Regulations.

(c) A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted under these Regulations. An offense under this subsection is a Class B misdemeanor.

SIGNED THIS _____ DAY OF _____, 2008

County Judge
Justin W. Lewis

Commissioner Pct. 1
Bob Atwell

Commissioner Pct.2
Steven Sulak

Commissioner Pct. 3
Sam McClendon

Commissioner Pct.4
Lee Harkins