

COMMISSIONERS COURT RECESSED TO EXECUTIVE SESSION AT 11:26 A.M. ON TUESDAY, JULY 14, 1998.

COMMISSIONERS COURT RECONVENED FROM EXECUTIVE SESSION AT 12:34 P.M. ON TUESDAY, JULY 14, 1998.

AGENDA ITEM # 21 July 14, 1998 *

Discuss personnel matters: (EXECUTIVE SESSION REQUESTED as per VTCA Govt. Code sec 551.074 relating to personnel)

Personnel matters were discussed but no action was taken in Executive Session.

AGENDA ITEM # 22 July 14, 1998 *

Discuss parkland acquisition: (EXECUTIVE SESSION REQUESTED as per VTCA Govt. Code sec 551.072 relating to real property.

Parkland acquisition was discussed but no action was taken in Executive Session.

AGENDA ITEM # 23 July 14, 1998 *

Discuss and take any appropriate action on any personnel matters.

No action taken on agenda item at this time.

AGENDA ITEM # 24 July 14, 1998 *

Discuss and take any appropriate action on county parkland acquisition.

No action taken on agenda item at this time.

AGENDA ITEM # 25

July 14, 1998

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Hear comments from Commissioners.

Judge Doerfler commented on the budget work sessions being held only if the department head had a conflict with the Judge's recommendations or have something they want the court to hear.

Commissioner Boatright suggested the court meet with the departments that have concerns and Judge Doerfler brief the commissioners on any increases on requests that are justified.

Judge Doerfler cancelled the Budget Work Session scheduled on Thursday, July 16, 1998 at 9:30 a.m.

Commissioner Hays commented on the meeting with the Turnpike authority about reworking the preferred route.

COMMISSIONERS COURT RECESSED AT 12:50 P.M. ON TUESDAY, JULY 14, 1998.

COMMISSIONERS COURT RECONVENED AT 2:14 P.M. ON TUESDAY, JULY 14, 1998.

AGENDA ITEM # 26

July 14, 1998

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Work session on revising county subdivision regulations.

County Engineer Joe England presented the court with changes to the current subdivision regulations for their review.

Mr. England stated he had met with Dale Rye and discussed issues concerning the subdivision regulations and also received written comments on the proposed changes.

Mr. England explained the written comments to the commissioners while answering questions from the court and the audience.

< Clerk copy here >

Section	Connection of Utilities.
232.029	Subdivision Regulation; County Authority.
232.030	Requirements Prior to Sale or Lease.
232.031	Services Provided by Subdivider.
232.032	Advertising Standards and Other Requirements Before Sale; Offense.
232.033	Conflict of Interest; Penalty.
232.034	Civil Penalties.
232.035	Criminal Penalties.
232.036	Enforcement.
232.037	Suit by Private Person in Economically Distressed Area.
232.038	Cancellation of Subdivision.
232.039	Repeating.
232.040	Revision of Plat.
232.041	Variances.
232.042	

SUBCHAPTER C. ALTERNATE SUBDIVISION PLATTING REQUIREMENTS IN CERTAIN OTHER ECONOMICALLY DISTRESSED COUNTIES

232.071	Applicability.
232.072	Plat Required.
232.073	Approval by County Required.
232.074	Bond Requirements.
232.075	Water and Sewer Service Extension.
232.076	Certification Regarding Compliance With Plat Requirements.
232.077	Connection of Utilities in Certain Counties.
232.078	Conflict of Interest; Penalty.
232.079	Civil Penalties.
232.080	Enforcement.

SUBCHAPTER A. SUBDIVISION PLATTING REQUIREMENTS IN GENERAL

Acts 1995, 74th Leg., ch. 979, § 2, designated the subchapter and added the heading.

§ 232.001. Plat Required

(a) The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to lay out a subdivision of the tract, 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 must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to an original corner of the original survey of which it is a part; and

(3) state the dimensions of the subdivision and of 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.

(c) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

(d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(e) The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

(f) Repealed by Acts 1995, 74th Leg., ch. 979, § 29, eff. June 16, 1995.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 624, § 3.04, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 422, § 8, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 979, § 29, eff. June 16, 1995.

Section 41c of the 1989 amending act provides: "The changes in law made by this Act to Chapters 212 and 232, Local Government Code, and to Section 12.002, Property Code, apply only to a subdivision of a tract of land and to an owner of the tract if the tract is subdivided on or after September 1, 1989."

§ 232.0015. Exceptions to Plat Requirement

(a) To determine whether specific divisions of land are required to be platted, a county may define and classify the divisions. A county need not require platting for every division of land otherwise within the scope of this subchapter.

(b) This subchapter does not apply to a subdivision of land to which Subchapter B applies.

Added by Acts 1989, 71st Leg., ch. 624, § 3.04, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 979, § 3, eff. June 16, 1995.

V.T.C.A., Local Government Code § 232.021 et seq.

§ 232.002. Approval by County Required

(a) The commissioners court of the county in which the land is located must approve, by an order entered in the minutes of the court, a plat required by Section 232.001. The commissioners court may refuse to approve a plat if it does not meet the requirements prescribed by or under this chapter or if any bond required under this chapter is not filed with the county.

(b) The commissioners court may not approve a plat unless the plat and other documents have been prepared as required by Section 232.0035, if applicable.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 624, § 3.04, eff. Sept. 1, 1989.

§ 232.003. Subdivision Requirements

By an order adopted and entered in the minutes of the commissioners court, and after a notice is published in a newspaper of general circulation in the county, the commissioners court may:

(1) require a right-of-way on a street or road that functions as a main artery in a subdivision, of a width of not less than 50 feet or more than 100 feet;

(2) require a right-of-way on any other street or road in a subdivision of not less than 40 feet or more than 70 feet;

(3) require that the shoulder-to-shoulder width on collectors or main arteries within the right-of-way be not less than 32 feet or more than 56 feet, and that the shoulder-to-shoulder width on any other street or road be not less than 25 feet or more than 35 feet;

(4) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road;

(5) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices;

(6) require that each purchase contract made between a subdivider and a purchaser of land in the subdivision contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when; and

(7) require that the owner of the tract to be subdivided execute a good and sufficient bond in the manner provided by Section 232.004.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 54(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 624, § 3.04, eff. Sept. 1, 1989.

§§ 232.0035, 232.0036. Repealed by Acts 1995, 74th Leg., ch. 979, § 29, eff. June 16, 1995

§ 232.004. Bond Requirements

If the commissioners court requires the owner of the tract to execute a bond, the owner must do so before subdividing the tract unless an alternative fi-

nanacial guarantee is provided under Section 232.0045. The bond must:

(1) be payable to the county judge of the county in which the subdivision will be located or to the judge's successors in office;

(2) be in an amount determined by the commissioners court to be adequate to ensure proper construction of the roads and streets in the subdivision, but not to exceed the estimated cost of construction of the roads and streets;

(3) be executed with sureties as may be approved by the court;

(4) be executed by a company authorized to do business as a surety in this state if the court requires a surety bond executed by a corporate surety; and

(5) be conditioned that the roads and streets will be constructed:

(A) in accordance with the specifications adopted by the court; and

(B) within a reasonable time set by the court.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 54(b), eff. Aug. 28, 1989.

§ 232.0045. Financial Guarantee in Lieu of Bond

(a) In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.

(b) If a letter of credit is used, it must:

(1) list as the sole beneficiary the county judge of the county in which the subdivision is located; and

(2) be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision:

(A) in accordance with the specifications adopted by the commissioners court; and

(B) within a reasonable time set by the court.

Added by Acts 1989, 71st Leg., ch. 1, § 54(b), eff. Aug. 28, 1989.

§§ 232.0046, 232.0047. Repealed by Acts 1995, 74th Leg., ch. 979, § 29, eff. June 16, 1995

§ 232.0048. Conflict of Interest; Penalty

(a) In this section, "subdivided tract" means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.

(b) A person has a substantial interest in a subdivided tract if the person:

§ 232.008 LOCAL GOVERNMENT CODE

against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the commissioners court's order granting the cancellation. Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 232.0085 Cancellation of Certain Subdivisions if Land Remains Undeveloped

(a) This section applies only to real property located:

- (1) outside municipalities and the extrajurisdictional jurisdiction of municipalities, as determined under Chapter 42; and
- (2) in an affected county, as defined by Section 16.341, Water Code, that has adopted the model rules developed under Section 16.343, Water Code, and is located along an international border.

(b) The commissioners court of a county may cancel, after notice and a hearing as required by this section, a subdivision for which the plat was filed and approved before September 1, 1989, if:

- (1) the development of or the making of improvements in the subdivision was not begun before the effective date of this section; and
- (2) the commissioners court by resolution has made a finding that the land in question is likely to be developed as a colonia.

(c) The commissioners court must publish notice of a proposal to cancel a subdivision under this section and the time and place of the required hearing in a newspaper of general circulation in the county for at least 21 days immediately before the date a cancellation order is adopted under this section. The county tax assessor-collector shall, not later than the 14th day before the date of the hearing, deposit with the United States Postal Service a similar notice addressed to each owner of land in the subdivision, as determined by the most recent county tax roll.

(d) At the hearing, the commissioners court shall permit any interested person to be heard. At the conclusion of the hearing, the court shall adopt an order on whether to cancel the subdivision. The commissioners court may adopt an order canceling a subdivision if the court determines the cancellation is in the best interest of the public. The court may not adopt an order canceling a subdivision if:

- (1) the cancellation interferes with the established rights of a person who is a nondeveloper

owner and owns any part of the subdivision, unless the person agrees to the cancellation; or

- (2) the owner of the entire subdivision is able to show that:

- (A) the owner of the subdivision is able to comply with the minimum state standards and model political subdivision rules developed under Section 16.343, Water Code, including any bonding requirements; or
- (B) the land was developed or improved within the period described by Subsection (b).

(e) The commissioners court shall file the cancellation order for recording in the deed records of the county. After the cancellation order is filed and recorded, the property shall be treated as if it had never been subdivided, and the county chief appraiser shall assess the property accordingly. Any liens against the property shall remain against the property as it was previously subdivided.

(f) In this section:

- (1) "Development" means the making, installing, or constructing of buildings and improvements.
- (2) "Improvements" means water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and other utility facilities. The term does not include roadway facilities.

Added by Acts 1995, 74th Leg., ch. 277, § 2, eff. June 5, 1996.

Section 1 of the 1995 Act provides:

"(a) The legislature finds that:

"(1) Certain conditions along the border of the United States and Mexico have resulted in a proliferation of substandard housing developments in which the lack of basic infrastructure has caused a serious and unacceptable health and safety risk. Prevention and remediation of these conditions and their results are of vital importance to the health, safety, and welfare of the residents of these areas.

"(2) The state has a vital role and an essential public interest in establishing procedures for effective county prevention of substandard and housing developments while protecting the legitimate rights of private property ownership.

"(b) The purposes of this Act are to:

"(1) provide counties with a mechanism to cancel certain subdivisions that are likely to be developed without provision of basic infrastructure;

"(2) provide adequate notice to interested parties of public hearings on this issue; and

"(3) apply model rules developed under Section 16.343, Water Code, to the affected subdivision when replicated."

§ 232.009 Revision of Plat

(a) This section applies only to real property located outside municipalities and the extrajurisdictional jurisdiction of municipalities with a population of 1.5 million or more, as determined under Chapter 42.

(b) A person who has subdivided land that is subject to the subdivision controls of the county in which

the land is located may apply in writing to the commissioners court of the county for permission to revise the subdivision plat filed for record with the county clerk.

(c) After the application is filed with the commissioners court, the court shall publish a notice of the application in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. If all or part of the subdivided tract has been sold to nondeveloper owners, the court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

(d) During a regular term of the commissioners court, the court shall adopt an order to permit the revision of the subdivision plat if it is shown to the court that:

- (1) the revision will not interfere with the established rights of any owner of a part of the subdivided land; or
- (2) each owner whose rights may be interfered with has agreed to the revision.

(e) If the commissioners court permits a person to revise a subdivision plat, the person may make the revision by filing for record with the county clerk a revised plat or part of a plat that indicates the changes made to the original plat.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 345, § 6, eff. Aug. 28, 1989.

§ 232.010 Exception to Plat Requirement: County Determination

A commissioners court of the county may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat.

Added by Acts 1989, 71st Leg., ch. 345, § 7, eff. Aug. 28, 1989.

SUBCHAPTER B. SUBDIVISION PLATTING REQUIREMENTS IN ECONOMICALLY DISTRESSED COUNTIES

§ 232.021 Definitions

In this subchapter:

- (1) "Affected county" means a county:

LAND USE & RELATED ACTIVITIES § 232.021

(A) that has a per capita income that averaged 25 percent below the state average for the most recent three consecutive years for which statistics are available and an unemployment rate that averaged 25 percent above the state average for the most recent three consecutive years for which statistics are available; and

- (B) any part of which is within 50 miles of an international border.

(2) "Board" means the Texas Water Development Board.

(3) "Common promotional plan" means any plan or scheme of operation undertaken by a single subdivider or a group of subdividers acting in concert, either personally or through an agent, to offer for sale or lease lots when the land is:

- (A) contiguous or part of the same area of land; or
- (B) known, designated, or advertised as a common unit or by a common name.

(4) "Executive administrator" means the executive administrator of the Texas Water Development Board.

(5) "Floodplain" means any area in the 100-year floodplain that is susceptible to being inundated by water from any source and that is identified by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4127).

(6) "Lease" includes an offer to lease.

(7) "Lot" means a parcel into which land that is intended for residential use is divided.

(8) "Minimum state standards" means the minimum standards set out for:

- (A) adequate drinking water by or under Section 16.343(b)(1), Water Code;
- (B) adequate sewer facilities by or under Section 16.343(c)(1), Water Code; or
- (C) the treatment, disposal, and management of solid waste by or under Chapters 361 and 364, Health and Safety Code.

(9) "Plat" means a map, chart, survey, plan, or replat containing a description of the subdivided land with ties to permanent landmarks or monuments.

(10) "Sell" includes an offer to sell.

(11) "Sewer," "sewer services," or "sewer facilities" means treatment works as defined by Section 17.001, Water Code, or individual, on-site, or cluster treatment systems such as septic tanks and includes

PERMANENT EROSION CONTROL NOTES

ALL DISTURBED AREAS SHALL BE RESTORED AS NOTED BELOW.

- A. A MINIMUM OF FOUR (4) INCHES OF TOPSOIL SHALL BE PLACED IN ALL DRAINAGE CHANNELS (EXCEPT ROCK) AND BETWEEN THE CURB AND THE RIGHT-OF-WAY LINE.

THE SEEDING FOR PERMANENT EROSION CONTROL SHALL BE APPLIED OVER AREAS DISTURBED BY CONSTRUCTION AS FOLLOWS USING HYDROMULCH:

1. FROM SEPTEMBER 15 TO MARCH 1, SEEDING SHALL BE WITH A COMBINATION OF 7 POUNDS PER 1000 SQUARE FEET OF WINTER RYE AND 1 POUND PER 1000 SQUARE FOOT OF UNHULLED BERMUDA WITH A PURITY OF 95% WITH 90% GERMINATION.
 2. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF 1 POUND PER 1000 SQUARE FEET WITH A PURITY OF 95% WITH 85% GERMINATION.
- A. FERTILIZER SHALL BE A WATER SOLUBLE FERTILIZER WITH AN ANALYSIS OF 15-15-15 AND SHALL BE APPLIED AT THE RATE OF 1.5 POUNDS PER 1000 SQUARE FEET.
 - B. MULCH TYPE USED SHALL BE HAY, STRAW OR MULCH APPLIED AT A RATE OF 45 POUNDS PER 1000 SQUARE FEET, WITH SOIL TACKIFIER AT A RATE OF 1.4 POUNDS PER 1000 SQUARE FEET.
 - C. THE PLANTED AREA SHALL BE IRRIGATED OR SPRINKLED IN A MANNER THAT WILL NOT ERODE THE TOPSOIL, BUT WILL SUFFICIENTLY SOAK THE SOIL TO A DEPTH OF SIX (6) INCHES. THE IRRIGATION SHALL OCCUR TEN-DAY INTERVALS DURING THE FIRST TWO MONTHS. RAINFALL OCCURRENCES OF 1/2 INCH OR MORE SHALL POSTPONE THE WATERING SCHEDULE FOR ONE WEEK.
 - D. RESTORATION SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1-1/2 INCHES HIGH WITH 95% COVERAGE, PROVIDED NO BARE SPOTS LARGER THAN 16 SQUARE FEET EXIST.
 - E. NATIVE GRASS AND WILDFLOWER SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL.
 - F. CONTRACTOR SHALL SALVAGE AND REUSE NATIVE TOPSOIL IN ACCORDANCE SECTION 601 OF THE CITY OF AUSTIN STANDARD SPECIFICATIONS, EXCEPT THAT SANDY LOAM SHALL NOT BE USED. IMPORTED TOPSOIL SHALL NOT BE USED UNLESS ALL TOPSOIL FROM ON-SITE EXCAVATION HAS BEEN CONSUMED.
 - G. NATIVE GRASSES AND TEXAS WILDFLOWER SEEDING

NATIVE GRASSES

Common Name	Scientific Name	Pure Live Seed Rate (Drilled) (lbs/acre)
Buffalo grass	<i>Buchloe dactyloides</i>	2.0
Blue grama	<i>Bouteloua curtipendula</i>	1.0
Side-oats grama	<i>Bouteloua gracilis</i>	8.0
Green sprangletop	<i>Leptochloe dubia</i>	1.0
TOTAL NATIVE GRASSES		12.0

TEXAS WILDFLOWERS

Common Name	Scientific Name	Pure Live Seed Rate (Broadcast) (lbs/acre)
Texas bluebonnet	<i>Lupinus texensis</i>	2.0
Indian paintbrush	<i>Castilleja indivisa</i>	2.0
Lemon mint	<i>Monarda citriodora</i>	2.0
Mexican hat	<i>Ratibida columnifera</i>	2.0
Black-eyed Susan	<i>Rudbeckia hirta</i>	2.0
Plains coreopsis	<i>Coreopsis tinctoria</i>	2.0
Clasping coneflower	<i>Dracopis amplexicaulis</i>	2.0
TOTAL TEXAS WILDFLOWERS		14.0

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COUNTY CLERK'S REQUEST

January 29, 1998

Proposed Subdivision Regulation changes

Not smaller than 8 pt type for plat typing

Last 2 items on plat = County Judge signature

= County Clerk's signature

Remove postmaster approval and add 911 signature approval for subdivisions inside E.T.J. but outside city limits, and inside county boundaries.

Plat should be ready for approval before appearing on the Commissioners Court agenda. (3.1.6)

Check with Dale Rye for legality of hand printed plat notes.

3.5 on page 9 - Actually the County Clerk requires only an 18" x 24" linen or photographic mylar for permanent record for recording. If the developer, owner, engineer, surveyor, city, etc. wishes a mylar stamped with the recording information, we will do so if the mylar is in hand at the time of recording of the photographic mylar.

The County Clerk's office stamps and records one copy for filing in the County Clerk's office, stamps and returns one copy for the standard fee but every set after the first 2 will be charged an additional \$5.00 per set for recording information to be included on the copy.

3.5 on page 9 - The County Clerk requires 5 blue line copies of the plat to present to Commissioners Court.

Engineer's Assistant Requests

- 3.1.1. Change the seven copies to be received by the Engineer's office and one delivered to the Commissioner's office on week before Commissioner's Court..
- 3.5 Request the photo mylar be sent to the Clerk's office after final plat approval by the Commissioner's Court, As changes may be required by the Court, the cities hold plats in their procession until the Court has approved the plat. Also our present regulations allow six months to file a plat.
- 1/30/96 Amendment -Change requirement for an engineer or surveyor to sign a letter verifying the placement of a subdivision sign. As this is expensive for the small developer, usually a two lot development.

AGENDA ITEM # 15January 30, 1996

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Consider approving proposed amendments to subdivision regulations.

County Engineer Joe England presented a list of amendments to the current subdivision regulations. He stated Commissioners Boatright, Hays, Engineer Don Bizzell, Kathy Heideman, a member from the Northlake Subdivision and himself met last week to consider changes to the notification section of the regulations. Currently, notification has to be provided by the owner to all property owners within the subdivision. If someone across the street is in another section they will not be notified. The proposed change is to send a certified letter to all property owners within 400' of the boundaries of the property that is going to be resubdivided. In addition, there will be signs placed adjacent to the property (one per 300' of street frontage) by the owner or his representative.

Commissioner Boatright stated the wording on the signs should be general such as "Posted-Public Hearing for Resubdivision, call this number for further information". He believes the signs should also be a minimum of 24"x24".

Commissioner Mehevec noted the regulations should say the signs **must** be purchased from the County Engineer and the engineer or surveyor must present a statement to the County Engineer's office stating the signs were posted and not removed prior to the public hearing.

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To approve proposed amendments to subdivision regulations with the changes that the signs shall be purchased from the County Engineer and the engineer or surveyor shall provide a statement to the County Engineer stating they posted the signs not less than 20 days prior to public hearing.

Vote: Motion carried 5 - 0

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AGENDA ITEM # 16January 30, 1996

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Consider awarding proposal for time clock system.

Benefits Administrator Diana Cecil gave her recommendation the proposal for the time clock system be awarded to Kronos, Inc., in the amount of \$62,249.00, which includes the scanner option.

Moved: Judge Doerfler

Seconded: Commissioner Heiligenstein

Motion: On the basis of the recommendations of the County Auditor and Attorney, EMS, and Sheriff's Department, to award proposal for time clock system to Kronos, Inc., in the amount of \$62,249.00.

Vote: Motion carried 5 - 0

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AGENDA ITEM # 17January 30, 1996

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Consider authorizing advertising and setting date to open proposals for inmate telephone system at county jail.

Assistant County Auditor Bob Space stated the current contract with Tellink is coming up for renewal or rejection April 1, 1996.

KOKEL APPRAISAL ASSOCIATES

Larry D. Kokel, ARA, MAI
Melvin P. Noack
David W. Oberrender
Sam Williams
Wendell C. Wood

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TO: Williamson County Board of Realtors
Commercial - Farm & Ranch Division

FROM: Larry D. Kokel, ARA, MAI

DATE: March 12, 1998

RE: Proposed changes to Williamson County Subdivision Regulations

On February 24, 1998, the Williamson County Commissioners Court tabled the vote to adopt amended Williamson County Subdivision Regulations. Several Commissioners stated they wish to have further input from the public and the real estate sector prior to a formal vote. A public hearing was held February 10, 1998 but it was not well publicized and only two comments were made. I attach a copy of the proposed changes. I also make the following observations as to revisions as compared to existing regulations which were adopted January 24, 1995.

- 3.2.9 (p. 9) Financial disclosure document is burdensome and an invasion of privacy.
- 3.3.3 (p. 10) I have been told by a surveyor that the requirement to give surveys tied to the state plane coordinates as per NAD 83 is not practical for rural areas.
- 3.3.4 (p. 10) Dedication of 15' P.U.E. on front lines and 7.5' P.U.E. on side and rear lines appears to be a new requirement.
- 3.3.5 (p. 10) Identification of the 500 year flood plain and requiring set back of improvements outside the 500 year flood plain is a very restrictive change. Current regulations are tied to the 100 year flood plain. It is my understanding that FEMA maps give elevation data on the 100 year flood plain. I'm not sure the 500 year flood plain is well documented.
- 3.3.7 (p. 10) Stating design speed of street is additional requirement.

Letter to Williamson County Board of Realtors
March 12, 1998
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- 3.3.9 (p. 10) Minor change on reporting requirement. Old regs state 300 feet or ¼ mile; proposed regs state 300 feet.
- 3.3.11 (p. 11) Requires the compliance statement to be on the plat.
- 3.3.16 (p. 12) All addresses on the plat (probably advisable).
- 3.3.17 (p. 12) Places burden on owner. This is fine if adequate records are available.
- 4.5 (p. 13 of the existing regs) stated "A public hearing shall not be required if a public hearing for the proposed resubdivision was held by a municipality." This appears to be deleted in the proposed regs and thus duplicate public hearings are required.
- 5.1 (p. 13) Adds bonding cash or letters of credit for streets and drainage. An added development cost. The existing regs hold off final plat recording until satisfactory completion of roads.
- 5.9 (p. 14) Adds language related to Texas Department of Transportation approval.
- 6.4 (p. 16.) Adds bonding requirements for 100% of the cost of streets and drainage.
- Section 7 (p. 16) Changed from "substandard subdivisions" to "private subdivisions". The new regs address private subdivision roads which are increasing in demand. The section for adopting substandard existing subdivision roads appears to have been deleted. It seems wise to have some method to bring these older subdivisions into compliance as provided in the existing regs.
- Section 8 (p. 17) Adds section on "Building Set-backs".
- Appendix A-6 (p.20) Decreases plat size from 10 acres to 5 acres.
- Appendix B-1 (p.22) Decreases septic to well distance from 150' to 100'.
- Appendix B-2.5 (p.22) Adds maximum street length of 1,500'.
- Appendix B-6.2 (p.26) Adds additional density requirements.
- Appendix B-10.1(p.28) Language changes some.

Letter to Williamson County Board of Realtors
March 12, 1998
Page 3

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Appendix B-10.2(p.28) Drainage changes from existing 100 year flood plain to the 500 year flood plain.

Appendix B-10.4(p.28) Changes language to construct bridges to 500 year flood plain.

Appendix B-10.6 thru
10.10 (p. 29) Language changes.

Appendix C-1 (p. 31) New land owned liability language.

JOE
England
FYI

February 17, 1998

John Doerfler, County Judge
Williamson County
County Court House
Georgetown, Texas

Dear John,

As you are aware from our recent telephone conversation, I have been reviewing the proposed changes in the subdivision policy for our county. There are a number of improvements that I see in the new guidelines. However, I also see a number of changes which I question because of the potential for excessive cost to the regulated community. If someone in the county government truly believes that these measures are necessary, then I theorize that a cost benefit analysis should be done before they are enacted.

The three paragraphs which I predict will be the most aggravating and costly for the regulated community are section 3.2.1, 3.3.3 and B.10.2.

In Section 3.2.1 the new language will require a topographical site survey with on the ground control for any subdivision lot which is 1.00 acre or less. Admittedly, in areas of uneven terrain this data may be a benefit to know. For this reason some of the cities in the county have acquired contour survey information in parts of their jurisdictions. However, this type of detailed survey information is not widely available in most areas of the county and would have to be generated by the land owner and his representatives. It can be foreseen that in many instances involving gently rolling or flat ground this could be an unnecessary expense which will provide little or no benefit unless road construction is planned.

In Section 3.3.3 the new requirement is for the bearing basis of a property survey to be rotated to the state plane coordinate system NAD 83. In the absence of a county monumented system the only solution for a property owner would be to hire a qualified professional to prepare a G.P.S. survey which would use advanced technology to access coordinates for the state plane coordinate system. I believe that the cost for this type of endeavor would be a little incredible to the average citizen. I would not expect this to be cost-effective for any small project or even medium size subdivisions. If there is an advantage to basing a survey upon this control system, that advantage appears to me to be outweighed by it's cost and difficulties regarding lack of monumentation. If this is something that the county considers a public benefit then

the county should be willing to expend funds as necessary to establish a control network so that this requirement will not overburden property owners who wish to divide their privately owned property.

Regarding Section B.10.2, you should reconsider the notion that county subdivision control should extend to the 500-year flood plain as opposed to the 100-year flood plain which is identified by the F.E.M.A. flood insurance rate system. The F.E.M.A. network has been sufficiently monumented in most areas of the county such that it is not too costly for a surveyor to identify elevations that have been set out by engineering studies to assist in marking grades for the limits of the 100-year flood plain. However, the F.E.M.A. maps etc. do not give known elevation detail for the limits of the 500-year flood. If the county chooses to make this a requirement then it would be necessary to undertake an in-depth engineering study of all factors which may apply to any property which lies in the vicinity of a local waterway. It would appear to be necessary for the county to determine whether to extend this requirement to all waterways or just to those major waterways which have flood limits as identified in the F.E.M.A. study.

Another problem which I have with the new rules is regarding a driveway permit to be issued by TXDOT at subdivision review stage according to section 5.9. This requirement, if necessary, should be deferred until driveway construction begins.

I do not understand why the county inspection fee for road construction is 1.5 percent of road construction cost. This number could be quite large in some projects. It is unclear why the county inspection is so costly in addition to the county requirement that a registered professional engineer must prepare the construction and as built plans to county specifications.

My suggestion to improve the county subdivision guidelines is to also include a new section to encourage landowners to register a survey in the county records by accepting a plat for filing in the plat records even though it is not required to be filed by the provisions of the road and bridge act. As an incentive, the county should offer to accept the plat for filing with a minimum of review requirements. Any requirements should be limited to additional right-of-way needed and public health and safety issues such as are now required by the health department for lots in unplatted subdivisions.

I have some other questions which are of lesser importance and would appreciate being notified of any upcoming work sessions to discuss outstanding issues.

Cordially,


Kathryn F. Heidemann

P.S. Please provide copies of this letter to the county commissioners for their consideration

**FOREST SURVEYING
AND MAPPING COMPANY
1006 45th STREET
CHICAGO, ILL. 60647
616-603-6067**



I. & G.N. R.R. CO. SURVEY A-340

I. & G.N. R.R. CO. SURVEY A-35

*The Ethel Barnes Association**P. O. Box 5055**Georgetown, Texas 78627*

June 27, 1998

Mr. Joe England, P.E.
Williamson County Engineer
1900 Georgetown Loop, Suite B
Georgetown, TX. 78626

Dear Mr. England:

At your invitation during one of the Court proceedings you invited our organization to make comments on the revision of the Williamson County Subdivision Authorization Requirements. Your invitation gave a due date of June 28, 1998 which fell on Sunday and we are therefore delivering these comments to you on the first workday following the due date.

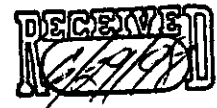
We also plan to be present at the July 7th meeting for discussion of these new and/or amended rules. Our record of the announced time was 10:00 a. m.. The location was not announced at the Commissioner's Court and we would appreciate your advising us of the location and any changes of plans that may have occurred.

Thank you very much for the opportunity to comment.

Sincerely,


George Gregory
President

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Changes to Williamson County's Development Rules and Regulations

Recommended by Members of the Ethel Barnes Association

2.4 & 2.5

While it seems to us that the definitions of collector and local streets is quite clear, recent experience had demonstrated that anyone with the proper motivation can develop an argument about most anything.

We propose for clarification purposes the explanation of the differences in these road types be more explicitly outlined and if necessary pictures be drawn to illustrate the differences.

2.6 & 2.7

The sole difference in urban and rural in the current document seems to be the spacing of driveways. In recent discussions a defining difference seemed to be based on the volume of traffic to be produced by the development. The prediction used the National ADT projection planning figure of 8 vehicle trips per day per household as a basis and where the total volume exceeded the specified number urban rules applied.

We propose that these vehicular trips per day be integrated into the street requirements to assure the safety of the development roadways as well as the roadways that exist and must serve the "new development."

3.3.11

The requirement that the owner produce a letter acknowledging the responsibility to assure compliance of state and federal is totally insufficient.

We recommend that the requirement read:

It is required that the owner/developer produce all required permits and/or assurances to guarantee the county that all state, federal and local laws and regulations relating to the environment, including but not limited to the endangered species Act, state Aquifer Protection Regulations, federal and state regulations and municipal watershed ordinances. Owners/developers are hereby notified that agencies providing such permits and/or assurances will be contacted for confirmation of required permits for the project under consideration.

3.3.14

The current requirement is "that a representative" sign the plat that all Health requirements have been met.

We recommend the following adjustment to the regulations:

The signature block must be signed by the director of the District prior to final plat approval.

3.5.1

It would seem that this section is aimed at the possibility of the Commissioner's Court requiring compensation from a major development that would have the impact of requiring the widening and reworking as existing county owned and maintained roadway.

If this is the intent, We recommend that the section clearly identify this requirement and specify the process the Court will follow in acquiring compensation for the improvements that will assure the safety of the area residents.

Appendix B,

B1 - Lot size

Recommendation:

The lot size requirement should track exactly that required by the Williamson County and Cities Health District.

B.3 Minimum Road Requirements

Recommendation:

Clarification of the meaning of these definitions in the preceding section should resolve the clarification of the meaning of collector Vs local streets. There should be no lack of clarity of the meaning of these rules.

B10. Drainage and Flood Control

Recommendation:

1. Federal law requires that all development of five acres or more tender a non-point source runoff plan and receive a permit before development construction begins. Including a requirement that the developer demonstrate to the County Engineer that they have complied with these regulations would prevent the lack of compliance with this law.
2. In order for Williamson County to retain FEMA approval for Federal flood insurance no development or part of the development may be in the 100 year flood plain. FEMA must approve of the drainage plans for certification of this compliance. Including a requirement that the developer demonstrate to the County Engineer such permit approval would prevent the lack of compliance with this law and require no additional funding for compliance assurance.
3. Where a development adjoins a state owned or maintained highway and involves drainage onto that highway, plans must be presented to the Texas Department of Transportation of impact on the 25 year flood plan. Any alterations required to handle the increased runoff are to be paid for by the developer. Including the requirement that evidence of such interactions with TxDOT has occurred should be included in the regulations.

B10- 10.2 "Drainage calculations shall be based on the assumption...."

Recommendation:

This requirement should reflect a standard set of assumptions that must be used or have the engineer clearly state the details of his assumptions if they are different. Example: the average roof footage, average driveway, average carport or garage if there is to be a variance with the standard. Without knowing the assumptions used by the developer the reports of the engineer are not subject to evaluation to a standard and may therefore make the task of the county engineer responsible for reviewing and certifying these reports unduly difficult and/or expose him to unnecessary liability.

B10 - 10.3

This item requires all calculation be made using the City of Austin's drainage criteria or other methods satisfactory to the county engineer.

Recommendation:

A stated set of standard by which all development is assess is a critical part of fair and accurate assessments. We suggest that the county engineer establish that set of standard and these requirements cause the engineers and developers follow those standards in all cases.

C6. Health Department Approval

The current statement that is signed by the Director of the Environmental Services contains such evasive language so to in no way cause the director to assume any responsibility for the conditions contained in the plat.

Recommendations:

We recommend that the required verification to assure the Commissioner's Court, the county taxpayer and the public at large that responsible evaluation of the environment, projected plans and general condition will assure health and safety of the residents who are to use the property and those who resident in the general proximity of the property. This evaluation should be carried out as a responsibility of the County and therefore carry all the "government duty" burden usually associated with such responsibility. As a government duty, no personal liability is assumed unless there is a clear case of negligence.

Other recommendations:

We propose that the Commissioner's Court embrace a voluntary advisory committee whose purpose would be to include in the "loop" development outside the extra-territorial jurisdiction of the cities of the county. The purpose of the advisory committee would be the provision community input about specific planned developments and in general advise the Court on planning efforts. The limitations of the powers of the committee could be clearly outlined. This committee could be an asset if used by developer to establish a harmonious process rather than an acrimonious relationship.

Hays county has already established such a committee. While we strongly believe the structure of the Hays County advisory committee is flawed and is to large to be functional, the concept is certainly one that they have had the courage to establish.

It order that such a group does not become a "puppet of the Court," we suggest the advisory committee remain totally independent of the Court so to provide an "arms length" relationship.

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**Steger & Bizzell Engineering, Inc.**
Consulting Engineers Surveyors1978 South Austin Avenue
Georgetown, Texas 78626Telephone: (512) 930-9412
Facsimile: (512) 930-9416

April 29, 1998

Honorable John Doerfler, County Judge
Mike Heiligenstein, Commissioner Pct. 1
Greg Boatright, Commissioner Pct. 2
David Hays, Commissioner Pct. 3
Jerry Mehevec, Commissioner Pct. 4

RE: Williamson County
Subdivision Regulations

Gentlemen:

I appreciate very much the opportunity to respond to your request for input regarding the proposed changes to the subdivision regulations. I feel that there are several areas that need clarification so that I can advise my clients on the proper procedures.

One of the biggest problems I have encountered when designing subdivisions that lie within a city's ETJ, is the overlapping and sometimes conflicting requirements of the City and County. It would be of great help if either the County or the City would take the lead.

There are basically two types of developments that lie within a City's ETJ, one being those that are getting full city utilities and more than likely will be annexed, and the second being those that get water from a water supply corporation, have onsite septic systems and more than likely will not be annexed. The City of Georgetown is requiring that all new subdivisions in their ETJ have full fire flows which is not normally provided by the water supply corporation. I feel sure that this will be challenged in court because it essentially condemns several thousand acres to their present condition. As cities grow, their ETJs also extend to include more areas.

The following comments directly pertain in the outline provided to you by Mr. England, using the same numerical sequence:

- ★ 3.2.9 This section requires financial disclosure for the various owners. Who would be responsible for gathering this information and why is it necessary? Is this an item that can be legally required?

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April 29, 1998

Judge Doerfler and Commissioners

Subdivision Regulations

Page Two

3.3.3 This section requires that all subdivisions be tied to the State Plan Coordinate System. There is currently no established monumentation in this county except around the city of Georgetown, on some new state highways and in the southern portion of the County. The only way to secure this information in remote areas is by using GPS equipment. This could be very expensive. My question is of what value this information is to the County?

3.3.4 This section requires a 7½' drainage easement along all rear and side lot lines. This is simply not needed. There are places where drainage easements are needed but certainly not on all lot lines. This would significantly increase the lot sizes because of the WCHD 75' setback requirement from all drainage easements.

3.3.5 This section requires that the 500 year floodplain be shown on the plat. The recent study that done by the SCS only shows the 100 year base flood elevations (BFE) on the major streams. Most of the county is not accurately mapped for the 100 year event much less the 500 year event. Is the County going to construct all of their culverts, bridges, etc., based on the higher criteria?

5.1 There is a conflict in these sections.
&6.4

5.9 Flag Lots - If a willing buyer and a willing seller agree on the shape of a tract of land, what business is it of the County, as long as other requirements are met.

A.5 Platting Requirements - Does this section meet the requirement of the Elgin Bank
&A.6 case?

B.4 Density - TxDOT specifications allow for ordinary compaction for a material on which a Procter Density is not an accurate test. It is my opinion that ordinary compaction should be allowed.

B10 Drainage and Flood Control

As I have always contended, it is difficult to prove that rural type subdivisions,

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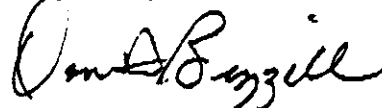
especially those without curb and gutter should require detention. It has also been the courts position that the County does not want to assume the responsibility and liability for owning and maintaining these the drainage easements that will contain these ponds. Under Section C2 of these proposed rules, there is a provision whereby the County will not assume responsibility for drainage easements except those associated with the road system.

It appears that the County Health Board is prepared to recommend that no lot in the county that utilizes an OSSF by less than one acre. If this happens, most assuredly detention will not be needed.

- 10.4.1 County bridges and culverts should be designed for the 25 year storm event.
- 10.11 I am very much in favor of allowing sheet drainage in rural subdivisions.

I plan to attend the meeting on May 5th and again thank you for allowing my input. If you should have any questions, please give me a call.

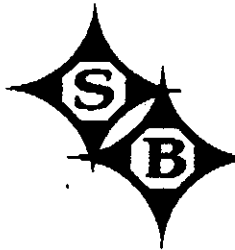
Respectfully,



Don H. Bizzell, P.E.

cc: Joe England, P.E.

DHB/pkc
119dhh01

**Steger & Bizzell Engineering, Inc.**
Consulting Engineers1978 South Austin Avenue
Georgetown, Texas 78626

Surveyors

Telephone: (512) 930-9412
Facsimile: (512) 930-9416

June 1, 1998

Honorable John Doerfler, County Judge
and Commissioners Court
2nd Floor, Williamson County Courthouse
Georgetown, TX 78626


RE: Subdivision Approval
City's ETJ

Gentlemen:

It is getting more difficult to get engineering plans for subdivision in the ETJ's approved by both the cities and the County, due to somewhat different technical specifications. The City of Georgetown has two registered engineers on staff and they have some very good specifications. They also review our water and wastewater plans. It would be extremely helpful if the County would defer engineering plan approval to the cities that have the capacity to do the review. This would take a huge burden from Mr. England's office, and give him time to spend on other county problems. Many of these subdivisions that have city services will more than likely be annexed by the cities in the near future.

Of course the Commissioners Court would continue to review plats and any change made by the court would be reflected in the engineering plans. I would respectfully request that you give this item some consideration.

Respectfully,


Don H. Bizzell, P.E.

cc: Joe England, P.E.

DHB/pkc
152dhb01

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DRAFT

Williamson County Subdivision Regulations

On July 20, 1992, acting pursuant to Section 232.003, Texas Local Government Code, the Commissioners' Court of Williamson County, Texas adopted the following regulations governing the subdivision of land. They were further revised on October 19, 1992, March 15, 1993, January 24, 1995, and July 14, 1998. These regulations shall be known as the Williamson County Subdivision Regulations.

1. Purpose

- 1.1 These regulations have been prepared in general to aid in the orderly development of Williamson County, Texas, and provide *guidelines* which will lead to a desirable environment. Specifically they have been prepared for the following purposes:
- 1.2 To furnish the developer with guidance and assistance in the expedient preparation and approval of his or her plat.
- 1.3 To protect the citizens of Williamson County by insuring minimum subdivision and development *guidelines* for residential, commercial and industrial subdivisions.
- 1.4 To provide for the welfare of the public by providing *guidelines* for the location, design, and construction of roadways, roadway intersections, drainage improvements and other features that provide for the safety of the general public.
- 1.5 To prevent the Williamson County Unified Road System from being burdened with substandard streets or roads in the future.

2. Definition of Terms

2.1 Subdivision

Defined by Section 232.001, Local Government Code, as "The division of a tract of land into two or more parts to lay out a subdivision of the tract, 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." The Williamson County commissioners court has adopted guidelines, incorporated in these Regulations as Appendix A, stating when they require owners to file a plat for a subdivision.

2.2 Street or Road

The terms "street" or "road" are interchangeable and mean a vehicular way or a way for vehicular traffic and are used to describe all vehicular ways regardless of any other designation they may have. Streets and roads shall be dedicated to the public except as indicated in Section 8. The landowner may dedicate either the fee ownership in the land or an easement for street, drainage and utility purposes, at the landowners' option.

2.3 Arterial Streets or Roads

Arterial streets or roads are principally regional in nature and are used for through or heavy traffic and shall be divided into two classifications:

2.3.1 Streets or roads which will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.

2.3.2 Streets or roads which are existing county roads and carry a numerical designation and are longer than one mile.

2.4 Collector streets or roads

Collector streets or roads generally connect arterial streets or roads with local streets or roads. Collector streets are generally streets that are between 1500 feet and one mile in length and/or have a projected ADT of more than 1000 ADT.

2.5 Local Streets or Roads

Local streets or roads are those streets which principally provide direct access to lots within a subdivision. Local streets are to be less than 1500 feet long and have a projected volume of less than 1000 ADT.

2.6 Urban Street

For the purposes of these regulations, an urban street is any street situated such that the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

2.7 Rural Street

For the purposes of this ordinance, a rural street is any street situated such that the spacing of driveways is greater than 100 feet apart.

2.8 Precinct Commissioner

All references in these regulations to a "Precinct Commissioner" shall be construed to refer to the Williamson County Commissioner in whose precinct the subdivision is located.

2.9 Minimum Requirement

Requirements when defined as minimum shall be the minimum acceptable requirements. Such requirements may be increased by the county due to issues pertaining to each unique subdivision.

2.10 Owner

All references in these Regulations to an "Owner" shall be construed to refer to the person or persons possessing title and/or lien to the property to be subdivided. This can also refer to the owner's surveyor, engineer, lawyer, or planner who has been given authority to represent the owner.

2.11 Preliminary Plat

A map or drawing of a proposed subdivision meeting the requirements of Section 3.2. This map is to show the proposed improvements to all the owner's adjacent property thus providing a master plan for the entire development. The purpose of this plat is for conceptual planning purposes only and should not be considered for "locking in" any final plat.

2.12 Final Plat

A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of preliminary approval previously granted by the commissioners court and meeting the requirements of Section 3.3.

2.13 Developer

Any owner of property who wishes to divide it into two or more smaller tracts.

2.14 Parent tract

The original tract owned by the developer prior to any division.

2.15 Daughter tract

Any of the tracts created by division of a parent tract, including the remainder of the parent tract itself.

2.16 County Engineer

All references in these Regulations to the "County Engineer" shall be construed to refer to the Williamson County Engineer or any staff under the supervision of the Williamson County Engineer.

3. Platting Procedure

3.1 The platting procedure for subdivisions within Williamson County will be as follows:

- 3.1.1 Prior to any subdivision of land, it is recommended that the Owner set a meeting with the Precinct Commissioner and the County Engineer during which the Owner shall present the preliminary plat. The Precinct Commissioner and the County Engineer will provide general comments and requirements to the Owner. Based upon the comments and requirements, the owner or his representative will submit one copy of the adjusted preliminary plat of the subdivision to the Precinct Commissioner's office and one copy to the County Engineer's office.
- 3.1.2 The County Commissioner will review the plat and forward any additional comments and recommendations to the County Engineer.
- 3.1.3 The County Engineer will review the plat for compliance with the Williamson County Subdivision Regulations.
- 3.1.4 The County Engineer will return his and the Commissioner's comments and recommendations to the Owner or his agent.
- 3.1.5 The Owner will address the comments and recommendations and set a meeting with the County Engineer to resolve the comments.
- 3.1.6 The County Engineer will contact the Commissioner's office to request placement of the plat on the next Commissioner's court agenda for approval if all comments have been addressed or placement of a variance request on the next Commissioner's court agenda.

- 3.1.7 Plats must be submitted and all comments must be completely addressed or variances must be requested for non addressed comments by 12:00 P.M. on the Wednesday prior to the next commissioners court meeting.
- 3.1.9 The final plat procedure will be the same as the preliminary plat procedure.
- 3.2 Every preliminary plat submission must include all of the following:
 - 3.2.1. Existing topographic contours at two foot intervals for subdivision where lots are 1.00 acre or less, 10 foot intervals for all other subdivisions.
 - 3.2.2. Tangent lengths, centerline radii, names, and right-of-way dimensions for all proposed and existing streets.
 - 3.2.4. Proposed approximate property line dimensions.
- 3.3 Every final plat submission must include all of the following:
 - 3.3.1. Owners' and any lien holders' dedication, and restrictions, if any, duly acknowledged in the manner required for acknowledgement of deeds. For road widening and drainage purposes the landowner may dedicate either the fee interest in the property or a right-of-way easement for road widening and drainage improvements at the county's option. Right-of-way easements for widening roadways or improving drainage must be accompanied by a plat note as found in Section C.1 placing the burden of maintaining the property upon the landowner until a road or drainage improvements are actually constructed on the property. This plat note must also state that the County has the right at any time to take possession of any road widening easement for construction, improvement or maintenance and that any improvements located within this easement maybe removed by the county and that the owner of the improvement will be responsible for the relocation and/or replacement of the improvement.

The plat must also contain the note as found in Section C.2.
 - 3.3.3 Perimeter field notes certified by a Registered

Professional Land Surveyor. The beginning point to recite approximate bearings and distances to a corner of the original land grant survey of which the subdivision is a part (according to the best available data).

- 3.3.6 A plat note as found in Section C.5 for commissioners court approval, including authorization for the County Clerk to file the plat for record as found in Section C.6.
 - 3.3.9 A typical purchase contract between the developer and the purchaser of a lot in the subdivision which contains a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when. All purchase contracts for lots within the subdivision must contain this information.
 - 3.4 No approval in the form of the Judge's signature, verbal commissioners court action, or otherwise shall be given on any subdivision until the owner meets every subdivision requirement, including signature, letters of credit, linen copies, paper copies, etc.
 - 3.5 The owner shall submit to the county clerk the original 18"x24" plat at least one week before the date of the Commissioner's Court meeting. The plat must be linen or photographic mylar. The plat must be typed in eight point or larger, platted on a scale large enough so that all writing and printing is easily readable. Photocopies are not acceptable. The County Judge's approval and the County Clerk's approval shall be located on the last plat page on the lower right hand corner with the County Clerk's approval being last.
- If the individual wishing to have the plat recorded desires to obtain a mylar stamped with the recording information, the individual must have the mylar on hand at the time of recording of the photographic mylar. Every set of mylars after the first two sets will be charge an additional \$5.00 per set for the recording information to be included on the copy.*
- 3.6 Following final approval of the subdivision, the County Clerk will record the plat in the Plat Records of Williamson County, Texas, and return the original to the owner with approval and recording information. The Clerk will retain the copy of the plat for the county's files.
 - 3.7 Unless the preliminary plat is followed by a final plat approval within one year, the preliminary plat lapses and the

subdivision must be resubmitted for approval.

- 3.8 The final plat must be recorded within six months of approval by the commissioners court. A single six month extension may be granted by the commissioners court.

4. Revision of Plat

- 4.1 Once the owner of an exiting lot or lots in a legally platted subdivision has followed the procedure as found in Section 3, the owner of an existing lot or lots in a legally platted subdivision may initiate a resubdivision by notifying the County Engineer. The County Engineer will contact the Commissioner's office to request placement of the plat on the next Commissioner's Court agenda in order to set a public hearing on the proposed resubdivision. The owner shall provide the commissioners court with a written application requesting permission to revise the subdivision plat filed for record with the county clerk.
- 4.2 After the application is filed with the commissioners court, the court shall publish a notice of the application in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the court will meet to consider the application and to hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date on the meeting. If all or part of the subdivided tract has been sold to nondeveloper owners, the court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.
- 4.3 A proposed plat meeting the requirements of these Regulations must be submitted to the Court signed by each owner (including lienholders) of the property to be resubdivided. The owners of property elsewhere in the subdivision need not give specific written consent.
- 4.4 If the Court finds after the public hearing that the resubdivision will affect no established legal rights, it will enter its order partially vacating the original plat and approving the plat of the resubdivision. If the Court finds that the resubdivision will affect established legal rights, it may not approve the resubdivision without the consent of all affected parties.

5. Road and Drainage Construction

- 5.1 To protect the public interest, the commissioners court of Williamson County hereby decrees under the provisions of

Chapter 232, Local Government Code, that the owner of any tract of land that desires to obtain approval of a subdivision plat for recording a plat in the county records shall give a good and sufficient bond, cash, or letter of credit. This security must be payable to the County Judge, or his successors in office, of Williamson County, Texas, in the amount of the estimated cost of construction for all the streets and drainage in the subdivision according to the calculations of a Registered Professional Engineer. The security shall be conditioned on the completion (in compliance with the Engineering Guidelines) of all the roads, streets and their drainage systems shown on the plat within one year.

- 5.2 If the subdivision is within the boundary of a utility district and said utility district has executed an interlocal agreement with Williamson County that prevents the MUD from providing utility service to the subdivision without first obtaining Williamson County acceptance of the construction of the street and drainage within the subdivision, then the subdivision is exempted from posting fiscal with Williamson County.
- 5.3 In areas within the Extraterritorial Jurisdiction of a city, the city letter of credit policy may apply if the commissioners court finds that the city policy provides the same protection as found in Section 5.1 or Section 5.2 adequate protection of the County's and public's interest in the land development and construction of infrastructure, and the County is named with the City on the financial document.
- 5.4 The developer shall be entitled to partial reductions of his security requirement upon written approval by the County Engineer and the County Judge less 10 per cent. The developer shall be entitled to reduction of his security requirement in accordance with the City ordinance when the subdivision lies inside the extraterritorial jurisdiction of a city.
- 5.5 The owner shall submit construction plans for streets, roads and, drainage, traffic signage, landscaping, irrigation, and utilities within a platted subdivision to the County Engineer for approval prior to beginning construction. These plans shall show the location of all underground utilities located within the right-of-way, including water, sewage, cable television, electric, gas, telephone, and storm sewers. These plans shall include the design issues as described in Appendix B Engineering Guidelines.
- 5.6 Upon approval of the construction plans, the owner shall pay an inspection fee in the amount of 1.5% of the construction cost for the roads and drainage. If the subdivision is within the ETJ of a municipality and the municipality provides equal or better inspection, then this fee is waived.

- 5.7 If landscaping and/or irrigation is proposed within the right-of-way, the owner shall create a body (municipal utility district, home owners association, neighborhood association, etc.), that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance.
- 5.10 When traffic signal lights will be required for the entrance of traffic generated by subdivisions at the principal thoroughfares, such signal lights shall be the responsibility of the owner and the construction cost shall be included in the security.

7. Private Subdivisions

- 7.1 Private subdivisions shall follow the same procedures as regular subdivisions. Items that deviate from these guidelines will be so stated in the review comments. The owner may request a variance any of these comments.
- 7.2 Private subdivisions will be required to provide the following items:
- 7.2.1 The plat will show that all lots will extend to the centerline of the roads with the roads being centered in a 60 foot road easement. The road easement will be dedicated for the use of the property owners, their assigns and successors, and emergency response individuals. The plat will note that Williamson County will never accept the roads for maintenance.
 - 7.2.2 A sign will be placed at the entrance of the subdivision clearly stating that the roads in this subdivision are private roads.
 - 7.2.3 The conveyance deed for each lot will contain a statement that Williamson County will never accept the roads for maintenance.
 - 7.2.4 A home owners association with assessment authority will be formed. Membership in the association will be mandatory for each lot owner. The association will be responsible for the maintenance of the roads in the subdivision.
 - 7.2.4 The owner shall provide a maintenance schedule for the roads to the County Engineer. The schedule will include the maintenance activities, their cycle of occurrence, and the current cost of

providing the maintenance activity. The total cost of the activities along with a rate of inflation will be used to determine the annual assessment per lot.

9. Variances

- 9.1 The commissioners court of Williamson County shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the rules.
- 9.2 Any person who wishes to receive a variance should apply to the Precinct Commissioner, who will place it on the agenda of the Court and present it with his or her recommendation whether the variance should be granted.
- 9.3 The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

10. Penalties

- 10.1 Section 232.005 of the Texas Local Government Code provides for the enforcement of the state subdivision laws and of these Regulations.
- 10.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Platting and Engineering Guidelines incorporated as appendices. That offense is a Class B Misdemeanor (punishable in 1998 by a \$2000 fine and up to 6 months in jail).
- 10.3 Under Texas law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.
- 10.4 Besides prosecuting a criminal complaint, the County Attorney may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, and to recover damages.
- 10.5 A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for the construction or modification of a Private Sewage Facility located on the tract.

Appendix A --- Platting Guidelines

As a guide to the public in determining when it is necessary to file a plat and comply with these Regulations, the commissioners court (as an incident of its power to enforce the subdivision laws and regulations under Section 232.003, Texas Local Government Code, and with the specific authority of Section 232.0015) has adopted the following policy guidelines stating when the division of an existing tract will be considered by the Court to be a subdivision requiring the filing of a plat by law, and thus requiring compliance with these Regulations:

A1. Form of Sale

If a plat is required under these guidelines, it is immaterial that the sale of daughter tracts is by contract or lease-purchase rather than by deed, or that the daughter tracts are described by metes and bounds rather than lot and block.

A2. Grandfather Clause

Any tract whose boundary has not changed since February 21, 1985 may be sold in its entirety without being platted.

A3. Commercial Development

A plat is always required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

A4. Revision of Plat

A plat is always required to divide a parent tract which is already located within a subdivision. In addition, partial vacation of any existing subdivision plat will be required simultaneously to resubdivision.

A5. Access to Public Road

Except as provided in Section A8., a plat is always required if any daughter tract is created that does not have at least 30 ~~50~~ feet of frontage on (and direct access to) a public road. Private roads and easements are not public roads; rights-of-way that have been dedicated to the public remain private until accepted by the county for maintenance. A "driveway" that is owned or used in common with other tracts is a private road.

This Section requires each separate tract to have 30 feet of separate frontage on a public road, to be used for access by that tract alone. If any daughter tract is out of compliance with this requirement, the subdivider must plat the entire subdivision (including any tracts that do have frontage). Any tract that has less than 50 feet of frontage to a public road must be restricted from any further subdivision.

A6. Size of Lot

A plat is required if any daughter tract will be less than 5 acres in area. If any daughter tract is out of compliance with this requirement, the subdivider must plat the entire subdivision (including any tracts that do have 5 acres or more).

A7. Adjacent Lots

A plat is not required when the owner of two or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be "distinct," the tracts must have a history of separate use and meet the requirements of Section A2.

A8. Family Grants

A plat is not required when a person makes a conveyance of one or more tracts, each of which is one acre or more in area, to members of his or her immediate family (*parent to child, child to parent, grandparent to grandchild, or siblings*) for their personal use; provided, however, that each daughter tract is either located on a public road or has access to such a road by a private easement. However, if the family member sells the land to a non-family member within two year, it will be presumed that the conveyance was not for personal use.

A9. Phased Subdivisions

A plat is not required when daughter tracts are created solely for purposes of platting them as individual subdivisions in their own right. The developer must submit to the Court the preliminary plat for the project as a whole before claiming this exception.

A10. Property-line Adjustments

A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there are the same number of tracts and owners after the transaction as existed before it. This exemption applies whether the transaction requires an exchange of land by both owners, or only a transfer of land from one owner to the other, and whether the transaction takes the form of a sale or of an exchange in kind. However, any land added to a tract through such a transaction shall become an integral part of that tract, and may not be separately conveyed except in compliance with the subdivision laws. Each resulting tract shall, of course, be subject to the minimum lot size requirements of these Regulations and other applicable laws. This exception does **not** apply if the adjustment will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision.

A11. Partial Financing

A plat is not required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified, and provided that each tract has 50 feet of frontage on a public road.

A12. Foreclosure

A plat is not required when a smaller tract is created by the legitimate foreclosure of a valid lien on a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirement.

A13. Judicial Partition

A plat is not required if the property has been divided by the final decree of a court of record with appropriate jurisdiction.

Appendix B --- Engineering Guidelines

B2. Road Alignments

- 2.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting such subdivisions with a minimum of road construction. No voids may be left within the subdivision with the intent of avoiding responsibility for constructing roads or bridges, nor along the subdivision boundary to avoid connecting with adjacent subdivisions or roads. Arterials shall be placed and designed in accordance with the Austin Transportation Study plan or any other arterial roadway plan that contains the subdivision. Collectors will be placed in accordance with the desires of the County Commissioner and County Engineer.
- 2.2 Cross-streets at a maximum spacing of 1500 feet shall be provided to facilitate the movement of emergency vehicles such as fire trucks and ambulances. More frequent spacing for urban roads may be required, depending on traffic conditions and density.
- 2.3 Dead end streets which end at property which may be developed may remain as Dead End streets, but must be extended to the property lines. Dead End streets which shall remain as Dead End streets shall end in a cul-de-sac with a minimum radius of right-of-way 50 feet (minimum base 44 foot radius) with Dead End street signs placed on these streets.
- 2.4 County may require an internal street system that minimizes road cuts to existing County or other public roadways.
- 2.5 *Local streets that have homes directly fronting them may not exceed 1500 feet.*

B3. Minimum Road Requirements

- 3.1 Arterial streets shall be designed as follows:
 - 3.1.1 If the arterial is included in a roadway or transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
 - 3.1.2 The minimum right-of-way shall be ~~90~~ 80 feet.
 - 3.1.3 The pavement cross section in a rural subdivision shall be 24 feet of travel way with paved eight foot shoulders.

- 3.1.4 The pavement cross section in an urban subdivision shall be two 24 foot travel ways(LOG-LOG) with a 19 foot median(LOG-LOG).
- 3.1.5 The minimum design speed shall be 45 MPH.
- 3.2 Collector streets shall be designed as follows:
 - 3.2.1 If the collector is included in a roadway or transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
 - 3.2.2 The minimum right-of-way shall be 60 feet.
 - 3.2.3 The pavement cross section in a rural subdivision shall be 22 feet of travel way with paved six foot shoulders whose ADT is less than 4000, 22 feet of travel way with paved eight foot shoulders whose ADT is greater than 4000.
 - 3.2.4 The pavement cross section in an urban subdivision shall be a 37 foot travel way(LOG-LOG) whose ADT is less than 2000, a 41 foot travel way(LOG-LOG) whose ADT is less than 4000, and a 45 foot travel way(LOG-LOG) whose ADT is greater than 4000.
 - 3.2.5 The minimum design speed shall be 35 MPH.
- 3.3 Local streets shall be designed as follows:
 - 3.3.1 The minimum right-of-way shall be 50 feet.
 - 3.3.2 The pavement cross section in a rural subdivision shall be 20 feet of travel way with paved four foot shoulders or an 18" ribbon curb whose average daily trip (ADT) is less than 1000.
 - 3.3.3 The pavement cross section in an urban subdivision shall be a 30 foot travel way(LOG-LOG) whose ADT is less than 1000.
 - 3.3.4 The minimum design speed shall be 25 MPH.
- 3.4 The following standards apply to all streets:
 - 3.4.1 It will be assumed for planning purposes that land adjacent to a street will produce 32 ADT/acre unless there is a plat note prohibiting the resubdivision of the adjacent property in which case it will be assumed that each lot will produce 8 ADT.

- 3.4.2 The standard for curbs, where installed, shall be 18 inches, with 18 inches of base beyond the curb.
- 3.5 Additional Right of Way for Existing Roads
 - 3.5.1 Where the subdivision affects a county road, the commissioners court shall determine the right-of-way width which will be necessary for the maintenance and improvement of the road. This right-of-way requirement may be as wide as 100 feet if the county road is a potential major artery.
 - 3.5.2 Where the subdivision affects only one side of a county road, adequate right-of-way shall be provided to obtain one-half the total proposed width to provide right-of-way as prescribed by the commissioners court. *More than one-half of the total proposed width may be required by the commissioners court under unusual circumstances.*
 - 3.5.3 Where the development is on both sides of the existing county road, right-of-way for the total prescribed width shall be provided.
 - 3.5.4 Any improvements proposed by the developer along an existing county roads shall:
 - 3.5.4.1 Comply with the standards set in Paragraph 3.1;
 - 3.5.4.2 Be included in the construction plans as approved by the County Engineer; and
 - 3.5.4.3 Where it is an improved facility, it must be equal to the existing road, in the sole judgment of the commissioners court.
- 3.6 Unless otherwise stated in these regulations, all roads and streets shall be designed in accordance with the latest version of the *American Association of State Highway and Transportation Officials AASHTO's "A Policy on Geometric Design of Highways and Streets"* and the latest version of the *City of Austin's Transportation Criteria Manual*. *Should there be a conflict between the two publications, the AASHTO publication will overrule.* All references to "mountainous terrain" shall not apply to Williamson County.

B4. Construction: General

- 4.1 A preconstruction meeting will be scheduled prior to the start of construction. The Design Engineer, Owner,

Contractor, Subcontractors, and County Engineer shall attend this meeting. All streets and roads are to be constructed according to specifications found in the current version of the Texas Department of Transportation Manual Standard Specifications for Construction of Highways, Streets, and Bridges unless otherwise stated in these guidelines.

- 4.2 All streets, roads, and concrete structures shall be tested by an Independent Testing Laboratory. The subgrade will be tested for Plasticity Index, per cent of lime if lime is added, and Proctor density. The each base course will be tested for Proctor density and depth. The two course surface treatment will have certification of distribution of AC-5 or HFRS-2 asphalt and of the cover stone. The HMAC course will be tested for Proctor density and depth. All Proctor density test reports will include a copy of the work sheet showing 100% Proctor. Concrete will be tested for compressive strength. A test will be placed at intervals no greater than 500 feet and will be determined by the County Engineer. The developer will pay for all testing and will furnish the County Engineer with certified copies of these tests. *The number and location of all subgrade, base, and HMAC test samples shall be determined by the County Engineer.* The County Engineer must approve the test results prior to constructing the next course of the pavement.
- 4.3 All underground nonferrous utilities within a right-of-way or easement must be accompanied by ferrous metal lines to aid in the location of said utilities through the use of a metal detector except for electrical lines.
- 4.4 All pavement to be designed by a professional engineer. The design is to be based upon a soils report of samples taken along the proposed roadways. Test holes will be placed at a maximum spacing of 500 feet. The County Engineer shall review the report along with the street and drainage construction plans for the subdivision.

B5. Subgrade

- 5.1 The preparation of the subgrade shall follow good engineering practices as directed by the County Engineer. When the PI is greater than 20, then a sufficient amount of lime shall be added as described in TxDOT Item 260.4 "Construction Methods for Lime Treated Subgrade" until the PI is less than 20. If Item 260.4 is not feasible, an alternate stabilizing design will be required. The subgrade will be prepared and allowed to reach a Proctor Density of 95%.
- 5.2 The subgrade must be inspected and approved by an

Independent Testing Laboratory and a certified copy given to the County Engineer, who must approve the report in prior to application of the base.

B6. Base Material

- 6.1 Base material shall conform to TxDOT Item 247 "Flexible Base". The base material shall be Type A Grade 2.
- 6.2 The base will be prepared and allowed to reach a Proctor density of 98%. *The final lift of base will be prepared and allowed to reach a Proctor density of 100%. The maximum lift shall not exceed 5 inches.* The base must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the County Engineer for approval.

B7. Wearing Surface

- 7.1 Urban streets require a minimum 1-1/2" layer of HMAC Type D. A Proctor density of 95% will be required. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. The County Engineer shall be provided with a copy of the HMAC design.
- 7.2 Rural streets may use the above or two course surface treatment. The type and rate of asphalt and aggregate will be determined at the preconstruction conference. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. Aggregate shall conform to TxDOT Item 302. Type B Grade 4 shall conform to TxDOT Item 302.4 except that 98.8 - 100 be retained on No. 10 sieve provided that the decantion test does not exceed 1.0%. Gradation tests will be required for each 300 CY with a minimum of one test per each grade per each project. The type of asphalt will be determined at the preconstruction meeting.
- 7.3 Paving material shall be applied only as directed in the Texas Dept. of Transportation Manual as to temperatures, etc.

B8. Concrete

- 8.1 Design Engineer shall determine class of concrete for each structure. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. Batch design will be required for each class of concrete. Test beams will be required for each 50 CY or a minimum of one beam for each class of concrete. A slump test will be required with each set of test beams. Air entraining and retarding agents used shall be from approved TxDOT list. Fly ash may be used if the batch design is approved by the Design Engineer and the minimum compressive strength test is met.

B9. Street Names and Markers

- 9.1 All streets and roads to be dedicated to the public with a subdivision shall be named, with prior approval for said name from the Williamson County 911 Addressing Coordinator. The developer shall provide the Coordinator with two copies of the plat. The street names shall be displayed on standard intersection street markers erected by the owner at each street intersection. All houses shall be numbered.
- 9.2 Traffic control signs (such as stop, yield, and speed limit signs) as approved by commissioners court, shall be installed by the owner or owners of said subdivision at all intersections. Other traffic control signs shall be installed to indicate any unusual traffic or road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with the current standards of the Texas Department of Transportation and the construction cost shall be included in the security. The placement of these signs shall be shown in the construction plans.
- 9.4 A speed limit of 25 MPH for local streets, 30 MPH for collector streets, and 40 MPH for arterial streets within all platted subdivisions is hereby adopted. This limit may be changed only by commissioners court upon the basis of an engineering and traffic investigation showing that the prima facia maximum reasonable and prudent speed for a particular street (or part of a street) should be different. Placement of a stop sign on the minor street at all tee intersections is hereby adopted.
- 9.6 A street name sign shall be placed at the end of all streets that are proposed to be extended at some time in the future. The sign will state the following: Future Extension of <name of street>.

B10. Drainage Specifications

- 10.3 Drainage calculation shall be made using the City of Austin's drainage criteria manual or other methods satisfactory to the County Engineer. All data and calculations must be presented to the County Engineer as part of the construction plans for the streets in the subdivision.
- 10.4 Flood-Handling Requirements
 - 10.4.1 Drainage for arterial streets, roads, and bridges shall be designed to convey the 25-year storm.
 - 10.4.2 Drainage for local and collector streets, roads,

and bridges shall be designed to convey the 10-year storm.

- 10.5 All drainage structures and appurtenances shall be designed by a registered professional civil engineer. All culverts shall be shown in profile except driveway culverts. Each profile shall show the design flow, velocity, depth, and headwater.
- 10.9 Responsibility for drainage is not to be accepted by the County other than that accepted in connection with draining or protecting the road system and streets.
- 10.10 All road side ditches shall have a minimum depth equal to the diameter of the driveway culvert pipe plus six inches and a bottom width equal to the diameter of the driveway culvert pipe. The side slope of the ditches is to be 3:1 or flatter.
- 10.11 Roadside ditches may be eliminated within a rural subdivision provided that the road has 18 inch ribbon curbs, the street has a minimum of two per cent (2%) cross slope, and that the drainage patterns in the subdivision remain as in an undeveloped state.

B11. Driveways

- 11.3 No driveway drain pipe will be accepted unless it has a minimum drain of 18" or equal in diameter and a minimum length of 22 ft. Larger or longer drain pipes shall be installed if necessary to handle drainage based upon a 25-year flow frequency. Use of "dip type" driveways are permitted as long as the grade breaks are less than 15%.
- 11.4 Certification of a registered professional engineer as to the size or type of driveway drainage pipes for each lot in a subdivision shall be shown on the plat. The county shall regrade the roadside ditch within 14 days of notification by the owner. This will be done prior to the engineer sizing the pipes.

Appendix C ---, Plat Notes

C1. Road Widening Easements

Right-of-way easements for widening roadways or improving drainage shall be maintained by the landowner until a road or drainage improvements are actually constructed on the property. The County has the right at any time to take possession of any road widening easement for the construction, improvement or maintenance of the road.

The landowner assumes all risks associated with improvements located in the right-of-way or road widening easements. By placing anything in the right-of-way or road widening easements, the landowner indemnifies and holds the county, its officers, and employees harmless from any liability owing to property defects or negligence not attributable to them and acknowledges that the improvements may be removed by the county and that the owner of the improvement will be responsible for the relocation and/or replacement of the improvement.

C2. Owner's Responsibilities

In approving this plat by the Commissioners Court of Williamson County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners Court of Williamson County, Texas. Said commissioners court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets.

The County assumes no responsibility for the accuracy of representations by other parties in this plat. Flood plain data, in particular, may change depending on subsequent development. It is further understood that the owners of the tract of land covered by this plat must install at their own expense all traffic control devices and signage that may be required before the streets in the subdivision have finally been accepted for maintenance by the County.

C4. Lien Free Right-of-Way

The all public roadways and easements as shown on this plat are free of liens.

C5. County Judge's Approval

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF WILLIAMSON	§	

I, (CURRENT COUNTY JUDGE), County Judge of Williamson County, Texas, do hereby certify that this map or plat, with field notes hereon, has a subdivision having been fully presented to the

Commissioners' Court of Williamson County, Texas, and by the said Court duly considered, were on this day approved and plat is authorized to be registered and recorded in the proper records of the County Clerk of Williamson County, Texas.

(CURRENT COUNTY JUDGE), County Judge
Williamson County, Texas

Date

C6. County Clerk's Approval

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF WILLIAMSON §

I, (CURRENT COUNTY CLERK), Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record in my office on the day of _____, 19__ A.D., at _____ o'clock, __.M., and duly recorded this the day of _____, 19__ A.D., at _____ o'clock, __.M., in the Plat Records of said County in Cabinet _____, Slide _____.

TO CERTIFY WHICH, WITNESS my hand and seal at the County Court of said County, at my office in Georgetown, Texas, the date last shown above written.

(CURRENT COUNTY CLERK), Clerk County Court
of Williamson County, Texas

By: _____ Deputy

LARRY KOKEL

1. 4.5 If we do a revised plat it must follow procedure as set forth in law. If the plat is in the ETJ then we can elect not to hear the plat as per 232.0015.
2. 5.1 True. If the construction of the subdivision stops and there is an adverse impact to adjacent property owners, then the county will have the leverage to stop the impact.

DON BIZZELL

1. A.5 Misread. If the lots have at least 30 feet of frontage on a public road, a plat will not be required.
2. B.4 While ordinary compaction is acceptable, it requires proof rolling under the constant supervision of an inspector. This would be impossible with our current work load.

AGENDA ITEM # 27July 14, 1998*Consider approving any revisions to county subdivision regulations.

No action taken on agenda item at this time.

AGENDA ITEM # 28July 14, 1998*Budget Work Session.

Budget work session cancelled by Judge Doerfler on July 14, 1998.

COMMISSIONERS COURT ADJOURNED AT 3:45 P.M. ON TUESDAY, JULY 14, 1998.

AGENDA:MINUTES

*

*

of theWILLIAMSON COUNTY ROAD DISTRICT MEETINGJuly 14, 1998

THE STATE OF TEXAS) (

COUNTY OF WILLIAMSON) (BE IT REMEMBERED that at 12:51 P.M. on this the 14th day of July A.D., 1998, there was begun and holden a SPECIAL SESSION of the Commissioners Court of Williamson County, Texas, pursuant to V.A.C.S. art. 6702-1, acting as ex-officio road commissioners of their respective precincts, the following members being present, to-wit:

JOHN C. DOERFLER, County Judge
 MICHAEL L. HEILIGENSTEIN, Commissioner, Precinct 1
 GREGORY W. BOATRIGHT, Commissioner, Precinct 2
 DAVID S. HAYS, Commissioner, Precinct 3
 JERRY L. MEHEVEC, Commissioner, Precinct 4
 NANCY E. RISTER, County Clerk

I.July 14, 1998Read and approve the minutes of the last meeting.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To approve the minutes of the last road district meeting.

Vote: Motion carried 5 - 0

II.July 14, 1998

*

Discuss and take appropriate action on the Southeast Williamson County Road District #1, including but not limited to payment of bills.

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To approve payment to Brown McCarroll Sheets & Crossfield in the amount of \$2.04 and \$350.00.

Vote: Motion carried 5 - 0

< Clerk copy here > SERD

BROWN McCARROLL SHEETS &
CROSSFIELD, L.L.P.
309 EAST MAIN STREET
ROUND ROCK TX 78664-5246
(512) 255-8877

June 30, 1998

SERRD
C/O JERRY MEHEVEC, CTY COMM
PO BOX 1104
TAYLOR TX 76574

Re: Special Counsel
Attorney - CDC
EXPENSES

	<u>Amount</u>
6/3/98- Fax	1.00
6/25/98- Long distance phone calls	1.04
	<hr/>
Total expenses	\$2.04
PREVIOUS BALANCE	\$354.06
6/24/98- Payment - thank you	(\$354.06)
	<hr/>
BALANCE (due upon receipt)	\$2.04
	<hr/>

Approved 7-14-98
John C. Daeyflen

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BROWN McCARROLL SHEETS &
CROSSFIELD, L.L.P.
309 EAST MAIN STREET
ROUND ROCK TX 78664-5246
(512) 255-8877

June 30, 1998

SERRD
C/O JERRY MEHEVEC, CTY COMM
PO BOX 1104
TAYLOR TX 76574

Re: Refinancing
Attorney - CDC
PROFESSIONAL SERVICES

		<u>Hours</u>	<u>Amount</u>
6/2/98	CDC Telephone conference with Paul Steets.	0.20	25.00
6/4/98	CDC Telephone conference with Paul Steets.	0.20	25.00
6/8/98	CDC Telephone conference with Jim Currey regarding preparing an audit for the Southeast Williamson County Road District.	0.20	25.00
6/10/98	CDC Telephone conference with Nickey Lawrence.	0.20	25.00
	CDC Meeting with Nickey Lawrence, Jim Currey with Patello Brown & Hill and John Howell regarding refinancing.	2.00	250.00
	For professional services rendered	2.80	\$350.00
	BALANCE (due upon receipt)		<u>\$350.00</u>

approved 7-14-98
John C. Daefler

III.

July 14, 1998 *

Discuss and take appropriate action on the Southwest Williamson County Road District # 1, including, but not limited to payment of bills.

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To approve payment to Brown McCaroll Sheets & Crossfield in the amount of \$166.90.

Vote: Motion carried 5 - 0

< Clerk copy here > SWRD

BROWN McCARROLL SHEETS &
CROSSFIELD, L.L.P.
309 EAST MAIN STREET
ROUND ROCK TX 78664-5246
(512) 255-8877

June 30, 1998

SW WILLIAMSON COUNTY ROAD DISTRICT
NO. 1
C/O JUDGE JOHN DOERFLER
WILLIAMSON COUNTY COURTHOUSE
GEORGETOWN TX 78626

Re: Special Counsel

Attorney - CDC

PROFESSIONAL SERVICES

			<u>Hours</u>	<u>Amount</u>
6/2/98	CDC	Telephone conference with Rebecca Eurguhart from Exxon for Release of Assessment.	0.30	37.50
6/3/98	CDC	Telephone conference with Rebecca Eurguhart regarding sale of Exxon property.	0.20	25.00
6/8/98	CDC	Telephone conference with Nickey Lawrence.	0.20	25.00
6/10/98	CDC	Conference with Nickey Lawrence and Vance Powell regarding reassessment.	0.40	50.00
6/18/98	CDC	Telephone conference with Bill Hammer.	0.20	25.00
		For professional services rendered	1.30	\$162.50

EXPENSES

6/3/98- Fax	1.20
6/8/98- Fax	3.20
Total expenses	<u>\$4.40</u>

TOTAL AMOUNT OF THIS BILL	<u>\$166.90</u>
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PREVIOUS BALANCE	\$250.00
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SW WILLIAMSON COUNTY ROAD DISTRICT

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	<u>Amount</u>
6/24/98- Payment - thank you	(\$250.00)
BALANCE (due upon receipt)	<u>\$166.90</u>

approved 7-14-98
John C. Daefler

IV.July 14, 1998*

Discuss and take appropriate action on the Northeast Williamson County Road District # 1, including, but not limited to payment of bills.

No action taken on this agenda item.

V.July 14, 1998*

Consider authorizing release of lien for any properties in district which have paid assessment in full.

No action taken on this agenda item.

VI.July 14, 1998*

Consider authorizing County Judge to sign agreement with Patillo, Brown & Hill to conduct an audit of the District to enable possible refinancing in the Southeast Williamson County Road District.

Moved: Commissioner Hays

Seconded: Commissioner Boatright

Motion: To authorize Judge Doerfler to sign agreement with Patillo, Brown & Hill to conduct an audit of the District to enable possible refinancing in the Southeast Williamson County Road District.

Vote: Motion carried 5 - 0

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WDL 0039 PAGE 006



PATTILLO, BROWN & HILL, L.L.P.
CERTIFIED PUBLIC ACCOUNTANTS ■ BUSINESS CONSULTANTS



June 19, 1998

Southeast Williamson County Road District #1
350 Discovery Boulevard, Suite 201
Cedar Park, Texas 78613

Gentlemen:

We are pleased to confirm our understanding of the services we are to provide Southeast Williamson County Road District #1, for the period ended September 30, 1997. We will audit the financial statements of the District, as of and for the period from 1993 inception to September 30, 1997.

The objective of our audit is the expression of an opinion as to whether the financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles. Our audit will be conducted in accordance with generally accepted auditing standards and will include tests of the accounting records and other procedures we consider necessary to enable us to express such an opinion. If our opinion on the financial statements is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to express an opinion, we may decline to express an opinion or may not issue a report as a result of this engagement.

In planning and performing our audits, we will consider the internal control sufficient to plan the audit in order to determine the nature, timing, and extent of our auditing procedures for the purpose of expressing our opinion on the District's financial statements.

An audit is not designed to provide assurance on internal control or to identify reportable conditions. However, we will inform the governing body of any matters involving internal control and its operation that we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the general purpose financial statements.

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Identifying and ensuring that the District complies with laws, regulations, contracts, and agreements is the responsibility of management. As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. Because of the concept of reasonable assurance and because we will not perform a detailed examination of all transactions, there is a risk that a material misstatement may exist and not be detected by us. In addition, an audit is not designed to detect errors, fraud, or other illegal acts that are immaterial to the financial statements. However, we will inform you of any material errors and any fraud that comes to our attention. We will also inform you of any other illegal acts that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

Management is responsible for making all financial records and related information available to us. We understand that you will provide us with such information required for our audit and that you are responsible for the accuracy and completeness of that information. We will advise you about appropriate accounting principles and their application and will assist in the preparation of your financial statements, but the responsibility for the financial statements remains with you. That responsibility includes the establishment and maintenance of adequate records and effective internal control over financial reporting, the selection and application of accounting principles, and the safeguarding of assets.

We understand that your employees will prepare all cash or other confirmations we request and will locate any invoices selected by us for testing.

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Southeast Williamson County Road District #1

06/18/98

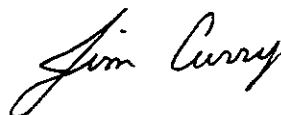
Page 3

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report production, typing, postage, travel, copies, telephone, etc.). Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. We estimate our fee for these services to be approximately \$8,500. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Yours truly,

PATTILLO, BROWN & HILL, L.L.P.



James C. Curry, CPA, CGFM

JCC/dw

RESPONSE:

This letter correctly sets forth the understanding of Southeast Williamson County Road District #1.

By: John C. Daerfler

Title: County Judge

Date: 7-14-98

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VII.July 14, 1998*

Consider clarifying who is delinquent tax attorney for the road districts.

Moved: Commissioner Hays

Seconded: Commissioner Mehevec

Motion: To recommend McCreary Beck as tax attorney for the road districts.

Vote: Motion carried 5 - 0

VIII.July 14, 1998*

Discuss and take appropriate action regarding assessment on lots in Eagle Ridge, Section 1.

Moved: Judge Doerfler

Seconded: Commissioner Mehevec

Motion: To approve order for Judge Doerfler to sign to clarify the correct lots in Eagle Ridge, Section 1.

Vote: Motion carried 5 - 0

< Clerk copy here >

THE ROAD DISTRICT COURT ADJOURNED AT 12:58 P.M. ON TUESDAY, JULY 14, 1998.

THE FOREGOING MINUTES in Volume 98 on pages 865 through 1000, and Volume 99 on pages 001 through 012, inclusive had at a Special Session of Commissioners Court of Williamson County, Texas, having been read are hereby approved this 21st day of July, 1998.

John C. Doerfler, County Judge

ATTEST: Nancy E. Rister, Clerk County Court & Ex-officio Clerk,
Commissioners Court, Williamson County, Texas

by: _____
Deputy Clerk

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