

**Application for Utility Certificate of Compliance**  
EDWARDS COUNTY, TEXAS - SUBDIVISION REGULATIONS v.11/13

Applicant's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Ph: (\_\_\_\_)\_\_\_\_-\_\_\_\_ Fax: (\_\_\_\_)\_\_\_\_-\_\_\_\_ E-Mail: \_\_\_\_\_

**LEGAL DESCRIPTION, SIZE AND USE OF LAND TO BE SERVICED BY UTILITY:**

Name of subdivision: \_\_\_\_\_  
Block: \_\_\_\_\_ Lot or Tract: \_\_\_\_\_ Plat Recorded: Vol \_\_\_\_\_ Page \_\_\_\_\_ Edwards County Plat Records.  
If land is not located in a "subdivision" or if no plat map available, provide narrative metes and bounds legal description (\_\_\_\_ Copy attached as an exhibit) Number of Acres: \_\_\_\_\_  
Other information: \_\_\_\_\_  
Land \_\_\_\_ is \_\_\_\_ is not intended primarily for residential use. [Local Government Code §232.022(b)]  
\_\_\_\_ All tracts in the subdivision are comprised of ten (10) acres or more. [Local Government Code §232.022(d)]

Current Landowner's Name: \_\_\_\_\_

Land acquired by: \_\_\_\_ Deed \_\_\_\_ Contract for Deed \_\_\_\_ Inheritance \_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_ Copy of deed, contract or appropriate probate records or other evidence of ownership attached.

Date land acquired: \_\_\_\_/\_\_\_\_/\_\_\_\_ From: \_\_\_\_\_

Was land last subdivided/conveyed between persons related within the 3rd degree of affinity or consanguinity? Yes \_\_\_\_ No \_\_\_\_

**DESCRIPTION OF UTILITY SERVICE AND SITE OF DELIVERY**

Utility service sought is: \_\_\_\_ electrical \_\_\_\_ sewer/septic \_\_\_\_ gas \_\_\_\_ water \_\_\_\_ other: \_\_\_\_\_  
Service will be connected to: \_\_\_\_ residence \_\_\_\_ hunter's house \_\_\_\_ water well \_\_\_\_ other: \_\_\_\_\_  
Describe existing structures or improvements at site service to be delivered: \_\_\_\_\_  
\_\_\_\_\_  
Other comments or circumstances regarding the utility services to be provided or the location or improvements involved:  
\_\_\_\_\_  
\_\_\_\_\_

-----COMPLETE THIS PORTION OF APPLICATION IF APPLICABLE-----

**Texas LGC §232.029(c)(1) information:**

- (A) Land was conveyed to applicant prior to September 1, 1995 (or 1999 - see statute):..... (\_\_\_\_ True \_\_\_\_ False)  
(B) Land has not been subdivided after that date:..... (\_\_\_\_ True \_\_\_\_ False)  
(C) Land has construction of residence where foundation was completed on or before May 1, 2003: (\_\_\_\_ True \_\_\_\_ False)  
(D) Land has sewer service installed according to authorized agent under Chap 366 H&S Code:..... (\_\_\_\_ True \_\_\_\_ False)  
**Comment:** If "(A)", "(B)", "(C)" and "(D)" are true, and the person requesting service is the land owner (and not the subdivider or its agent), Commissioner's Court may issue a certificate of compliance regardless of plat approval.

-----COMPLETE THIS PORTION OF APPLICATION IF APPLICABLE-----

**Texas LGC §232.029(c)(3) information:** Land was not subdivided after Sept. 1, 1995, the land was not sold to the applicant by a subdivider or the subdivider's agent after that date (\_\_\_\_ True \_\_\_\_ False), ..... AND

- (A) Water service is available within 750 feet of the land: (\_\_\_\_ True \_\_\_\_ False) ..... OR  
(B) Water service is available more than 750 feet away & extension of water service may be feasible: (\_\_\_\_ True \_\_\_\_ False)

**Comment:** If land subdivision date and circumstances comply and either "(A)" or "(B)" is also true, and if the person requesting service is the land owner (and not the subdivider or its agent), Commissioner's Court may issue a certificate of compliance regardless of plat approval.

-----  
I, the undersigned applicant, hereby swear and affirm that all of the information contained in the above and foregoing application is true, complete and correct.

Applicant's Signature: \_\_\_\_\_

by: SUBSCRIBED and SWORN TO before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_.

Reserved for County Clerk's file-mark:

Notary Public in and for the State of Texas

NOTE: This application is incomplete unless it includes "Utility Certificate of Compliance on back of this page.

# Utility Certificate Of Compliance

## EDWARDS COUNTY, TEXAS - SUBDIVISION REGULATIONS

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

### LEGAL DESCRIPTION OF LAND TO BE SERVICED BY UTILITY:

Name of subdivision: \_\_\_\_\_

Block: \_\_\_\_\_ Lot or Tract: \_\_\_\_\_ Plat Recorded: Vol \_\_\_\_\_ Page \_\_\_\_\_ Edwards County Plat Records

If land is not located in a "subdivision" or if no plat map is available, other legal description is attached or included, AND

Landowner or Name Land/Ranch is known by: \_\_\_\_\_

### DETERMINATIONS OF COMMISSIONERS' COURT

I, the undersigned County Judge of Edwards County, Texas, pursuant to special appointment by the Commissioners' Court of said county for purposes of issuing a utility certificate of compliance with County plat or subdivision regulations upon proper application by landowners, hereby make the following determinations:

1. The certificate provided hereby is not required by Edwards County or its subdivision regulations, but is provided as provided by State law for persons owning land in the County requiring same as a condition to the provision of electrical or other utility service to said land.
2. Based upon the foregoing sworn application, and such investigation or research as deemed necessary and appropriate by the undersigned, the application \_\_\_should \_\_\_should not be approved for the following reason(s):
  - \_\_\_ a. The land \_\_\_is \_\_\_is not intended primarily for residential use. Local Govt Code 232.022(b)
  - \_\_\_ b. A plat of the land, or the land in which the subject tract is situated, \_\_\_has \_\_\_has not been reviewed and approved by the Commissioners' Court of Edwards County, Texas.
  - \_\_\_ c. All tracts in the subdivision are comprised of 10 acres or more. Local Govt Code 232.022(d)
  - \_\_\_ d. The subdivision of the land \_\_\_did \_\_\_did not result in a conveyance or division between two or more persons related within the 3rd degree of affinity or consanguinity.
  - \_\_\_ e. Adequate water and sewer services \_\_\_have \_\_\_have not been installed to service the subdivision as required by V.T.C.A., Local Government Code, Chapter 232, Subchapter B., Subdivision Platting Requirements In County Near International Border.
  - \_\_\_ f. The subdivision of land, if applicable, was exempted from compliance with the county plat or subdivision regulations by order or resolution of the Commissioners' Court dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, recorded in Vol. \_\_\_\_\_, page \_\_\_\_\_ of the Commissioners' Court Minutes of Edwards County, Texas.
  - \_\_\_ g. Land \_\_\_was \_\_\_was not conveyed to applicant prior to September 1, 1995; and
    - (1) Land \_\_\_is \_\_\_is not located in subdivision in which the utility has previously provided service;
    - (2) Land \_\_\_does \_\_\_does not have construction of residence where foundation was completed on or before May 1, 2003; and
    - (3) Applicant \_\_\_is \_\_\_is not the subdivider or subdivider's agent;
  - \_\_\_ h. Land \_\_\_was \_\_\_was not subdivided after Sept. 1, 1995, the land was not sold to the applicant by a subdivider or the subdivider's agent after that date, AND
    - (1) \_\_\_Water service is available within 750 feet of the land; OR
    - (2) \_\_\_Water service is available more than 750 feet away & extension of water service may be feasible.
  - \_\_\_ i. Other: \_\_\_\_\_

Based upon the above determinations, the said application for a utility certificate of compliance \_\_\_should \_\_\_should not be approved and same is hereby \_\_\_GRANTED \_\_\_DENIED.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
COUNTY JUDGE OF EDWARDS COUNTY, TEXAS

### CERTIFICATE OF COMPLIANCE - SUBDIVISION REGULATIONS OF EDWARDS COUNTY

It is hereby certified that (1) a plat covering the land described in the foregoing application has been reviewed and approved by the Edwards County Commissioners Court, (2) the said land, if and as subdivided, is exempt from Edwards County's plat requirements, or (3) the said land appears otherwise eligible for utility service under the referenced state laws.

Date: \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_  
County Judge of Edwards County, Texas

## SUBDIVISION UTILITY CERTIFICATE STATUTES

### SUBCHAPTER B. SUBDIVISION PLAT- TING REQUIREMENTS IN COUNTY NEAR INTERNATIONAL BORDER

#### Sec. 232.022. APPLICABILITY.

- (a) This subchapter applies only to:
- (1) a county any part of which is located within 50 miles of an international border; or
  - (2) a county:
    - (A) any part of which is located within 100 miles of an international border;
    - (B) that contains the majority of the area of a municipality with a population of more than 250,000; and
    - (C) to which Subdivision (1) does not apply.

**(b) This subchapter applies only to land that is subdivided into two or more lots that are intended primarily for residential use in the jurisdiction of the county.** A lot is presumed to be intended for residential use if the lot is five acres or less. This subchapter does not apply if the subdivision is incident to the conveyance of the land as a gift between persons related to each other within the third degree by affinity or consanguinity, as determined under Chapter 573, Government Code.

(c) Except as provided by Subsection (c-1), for purposes of this section, land is considered to be in the jurisdiction of a county if the land is located in the county and outside the corporate limits of municipalities.

(c-1) Land in a municipality's extraterritorial jurisdiction is not considered to be in the jurisdiction of a county for purposes of this section if the municipality and the county have entered into a written agreement under Section 242.001 that authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction.

**(d) This subchapter does not apply if each of the lots of the subdivision is 10 or more acres.**

*Added by Acts 1995, 74th Leg., ch. 979, Sec. 4, eff. June 16, 1995. Amended by Acts 1997, 75th Leg., ch. 376, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 404, Sec. 5, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 737, Sec. 1, eff. Sept. 1, 2003.*

*Amended by:*

*Acts 2005, 79th Leg., Ch. 708, Sec. 2, eff. September 1, 2005.*

#### Sec. 232.029. CONNECTION OF UTILITIES IN COUNTIES WITHIN 50 MILES OF INTERNATIONAL BORDER.

(a) This section applies only to a county defined under Section 232.022(a)(1).

(a-1) Except as provided by Subsection (c) or Section 232.037(c), a utility may not serve or connect any subdivided land with water or sewer services unless the utility receives a certificate issued by the commissioners court under Section 232.028(a) or receives a determination from the commissioners court under Section 232.028(b)(1) that the plat has been reviewed and approved by the commissioners court.

(b) Except as provided by Subsections (c) and (k) or Section 232.037(c), a utility may not serve or connect any

subdivided land with electricity or gas unless the entity receives a determination from the county commissioners court under Sections 232.028(b)(2) and (3) that adequate water and sewer services have been installed to service the lot or subdivision.

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

- (1) the subdivided land:
  - (A) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract:
    - (i) before September 1, 1995; or
    - (ii) before September 1, 1999, if the subdivided land on August 31, 1999, was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42;
  - (B) has not been subdivided after September 1, 1995, or September 1, 1999, as applicable under Paragraph (A);
  - (C) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003; and
  - (D) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code;
- (2) the subdivided land is a lot of record and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code; or
- (3) the land was not subdivided after September 1, 1995, and:
  - (A) water service is available within 750 feet of the subdivided land; or
  - (B) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

(d) A utility may provide utility service to subdivided land described by Subsection (c)(1), (2), or (3) only if the person requesting service:

- (1) is not the land's subdivider or the subdivider's agent; and
- (2) provides to the utility a certificate described by Subsection (c).

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

- (1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a subdivider before September 1, 1995, or before September 1, 1999, as applicable under Subsection (c);
- (2) a notarized affidavit by that person requesting service under Subsection (c)(1) that states that

construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 2003, and the request for utility connection or service is to connect or serve a residence described by Subsection (c)(1)(C);

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

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

(f) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1239, Sec. 6, eff. June 19, 2009.

(g) On request, the commissioners court shall provide to the attorney general and any appropriate local, county, or state law enforcement official a copy of any document on which the commissioners court relied in determining the legality of providing service.

(h) This section may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.

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

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

(k) Subject to Subsections (l) and (m), a utility that does not hold a certificate issued by, or has not received a determination from, the commissioners court under Section 232.028 to serve or connect subdivided property with electricity or gas may provide that service to a single-family residential dwelling on that property if:

(1) the person requesting utility service:

(A) is the owner and occupant of the residential dwelling; and

(B) on or before January 1, 2001, owned and occupied the residential dwelling;

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

(3) the utility service provided as described by Subdivision (2) was terminated not earlier than five

years before the date on which the person requesting utility service submits an application for that service; and

(4) providing the utility service will not result in:

(A) an increase in the volume of utility service provided to the property; or

(B) more than one utility connection for each single-family residential dwelling located on the property.

(l) A utility may provide service under Subsection (k) only if the person requesting the service provides to the commissioners court documentation that evidences compliance with the requirements of Subsection (k) and that is satisfactory to the commissioners court.

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

(n) Except as provided by Subsection (o), this section does not prohibit a water or sewer utility from providing water or sewer utility connection or service to a residential dwelling that:

(1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in a county described by Section 232.022(a)(1);

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

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

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

(o) A utility may not serve any subdivided land with water utility connection or service under Subsection (n) unless the entity receives a determination from the county commissioners court under Section 232.028(b)(3) that adequate sewer services have been installed to service the lot or dwelling.

(p) The commissioners court may impose a fee for a certificate issued under this section for a subdivision which is located in the county and not within the limits of a municipality. The amount of the fee may be the greater of \$30 or the amount of the fee imposed by the municipality for a subdivision that is located entirely in the extraterritorial jurisdiction of the municipality for a certificate issued under Section 212.0115. A person who obtains a certificate under this section is not required to obtain a certificate under Section 212.0115.

*Added by Acts 1995, 74th Leg., ch. 979, Sec. 4, eff. June 16, 1995. Amended by Acts 1997, 75th Leg., ch. 1062, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 404, Sec. 9, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 684, Sec. 1, eff. Sept. 1, 2001.*

*Amended by:*

*Acts 2005, 79th Leg., Ch. 708, Sec. 3, eff. September 1, 2005.*

*Acts 2005, 79th Leg., Ch. 708, Sec. 4, eff. September 1, 2005.*

*Acts 2007, 80th Leg., R.S., Ch. 1047, Sec. 1, eff. September 1, 2007.*

Acts 2009, 81st Leg., R.S., Ch. 546, Sec. 2, eff. September 1, 2009.  
Acts 2009, 81st Leg., R.S., Ch. 1239, Sec. 5, eff. June 19, 2009.  
Acts 2009, 81st Leg., R.S., Ch. 1239, Sec. 6, eff. June 19, 2009.  
Acts 2011, 82nd Leg., R.S., Ch. 91, Sec. 27.001(43), eff. September 1, 2011.

**Sec. 232.0291. CONNECTION OF UTILITIES IN CERTAIN COUNTIES WITHIN 100 MILES OF INTERNATIONAL BORDER.**

(a) This section applies only to a county defined under Section 232.022(a)(2). (see above)

**NOTE: Not apply to Edwards County**

(b) Except as provided by Subsection (d) or Section 232.037(c), a utility may not serve or connect any subdivided land with water or sewer services unless the utility receives a certificate issued by the commissioners court under Section 232.028(a) or receives a determination from the commissioners court under Section 232.028(b)(1) that the plat has been reviewed and approved by the commissioners court.

(c) Except as provided by Subsection (d) or Section 232.037(c), a utility may not serve or connect any subdivided land with electricity or gas unless the entity receives a determination from the county commissioners court under Section 232.028(b)(2) that adequate water and sewer services have been installed to service the subdivision.

(d) An electric, gas, water, or sewer service utility may serve or connect subdivided land with water, sewer, electricity, gas, or other utility service regardless of whether the utility receives a certificate issued by the commissioners court under Section 232.028(a) or receives a determination from the commissioners court under Section 232.028(b) if the utility is provided with a certificate issued by the commissioners court that states that:

- (1) the subdivided land:
  - (A) was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract before September 1, 2005;
  - (B) is located in a subdivision in which the utility has previously provided service; and
  - (C) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before September 1, 2005; or
- (2) the subdivided land was not subdivided after September 1, 2005, and:
  - (A) water service is available within 750 feet of the subdivided land; or
  - (B) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

(e) A utility may provide utility service to subdivided land described by Subsection (d)(1) only if the person requesting service:

- (1) is not the land's subdivider or the subdivider's agent; and
- (2) provides to the utility a certificate described by Subsection (d)(1).

(f) A person requesting service may obtain a certificate under Subsection (d)(1) only if the person provides to the commissioners court either:

- (1) documentation containing:

(A) a copy of the means of conveyance or other documents that show that the land was sold or conveyed to the person requesting service before September 1, 2005; and

(B) a notarized affidavit by that person that states that construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before September 1, 2005; or

(2) a notarized affidavit by the person requesting service that states that:

(A) the property was sold or conveyed to that person before September 1, 2005; and

(B) construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before September 1, 2005.

(g) A person requesting service may obtain a certificate under Subsection (d)(2) only if the person provides to the commissioners court an affidavit that states that the property was not sold or conveyed to that person from a subdivider or the subdivider's agent after September 1, 2005.

(h) On request, the commissioners court shall provide to the attorney general and any appropriate local, county, or state law enforcement official a copy of any document on which the commissioners court relied in determining the legality of providing service.

(i) This section may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.

(j) The prohibition established by this section does not prohibit an electric or gas utility from providing electric or gas utility connection or service to a lot:

- (1) sold, conveyed, or purchased through a contract for deed or executory contract or other device by a subdivider before September 1, 2005;
- (2) located within a subdivision where the utility has previously established service; and
- (3) subdivided by a plat approved before September 1, 1989.

(k) In this section, "foundation" means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the residential structure rests.

*Added by Acts 2005, 79th Leg., Ch. 708, Sec. 5, eff. September 1, 2005.*