

# *Edwards County Subdivision Regulations*

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## Edwards County Subdivision Regulations

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1.00 General Provisions/ Authority/ Purpose:

1.10 County authority to regulate subdivisions are contained in Texas Local Government Code §232.030.

1.11 Purpose of Regulations: The purpose of these regulations is to provide standards of form and procedure for filing of plats and lands in the unincorporated areas within Edwards County, subdivided or to be subdivided for sale, resale, or transfer of title of a portion or portions of any tract or parcel of land to which these regulations applicable and to assure a quality of construction of roads where necessary to insure the protection of the public's safety, health and general welfare. These plat regulations are also intended to facilitate the identification of land within subdivisions for purposes of placement on the tax roll and other land title purposes, to provide for the orderly, safe and healthful development of the undeveloped areas within the county, to preserve and protect the environment for the public, to provide guidance on construction and inspection of water wells and sewage disposal systems and to protect the health, safety and welfare of the public.

1.12 Effect of Plat Approval As To Non-conforming Matters: Final approval of a plat by the Commissioners' Court of Edwards County shall not and does not constitute approval of any plans, facilities, improvements or construction within a subdivision that do not conform to the plat or that are contrary to these regulations unless the order of the Commissioners' Court approving said plat or other order of the Commissioners' Court expressly grants an exception, variance or deviations for the non-conforming or contrary plan, facility, improvement or construction. In no case shall final approval of a plat, or order of the Commissioners' Court granting an exception, variance or deviation for the non-conforming or contrary plan, facility, improvement or construction constitute approval of any plans, facilities, improvements or construction within a subdivision that are contrary to state or federal law or regulations. To the extent any order of resolution of the Commissioners' Court grants final approval of a plat which contains facilities, plans, improvements or construction then contrary to state or federal law or regulation, the order or resolution is void at the time it is rendered with respect to, and only with respect to, such contrary matter.

1.13 Compliance With Other Laws: The following Edwards County Regulations for the Subdivision of Lands in Edwards County, and the application and enforcement of same, is intended to be and shall be construed to be in compliance to the extent possible with all applicable federal and state laws and more than one meaning or interpretation in conformity with state or federal law or regulation, that regulation shall be construed or

interpreted to have the meaning preferred by the Commissioners Court of Edwards County.

- 1.14 Amendments To Subdivision Regulations: These regulations may be changed, amended, deleted or modified at any time without advance notice, and all lands to which these regulations apply will be subject to such changes, amendments, deletions or modifications, except those lands within a platted subdivision previously granted final approval by the Commissioners' Court. However, if the change, amendment, deletion or modification is expressly made retroactive by order of the Commissioners' Court or if such change, amendment, deletion or modification is applicable by law to lands within existing subdivisions, then same may be made applicable to all lands within Edwards County regardless of whether such lands are situated within a previously platted and approved subdivision.
- 1.15 County Has No Duty To Accept Offer Of Dedication: Compliance with these regulations does not and shall not create a duty, obligation or other responsibility on the part of Edwards County or its Commissioners' Court to accept for dedication to the public any street, road, area, improvement or other facility within or pertaining to a subdivision or proposed subdivision. The Commissioners' Court of Edwards County reserves the right to refuse, to the extent permitted by law, to accept any offered dedication to the public of any street, road or other facility. Acceptance of dedicated plat is not acceptance of dedication. All roads must be approved by separate order of the Commissioners' Court. All roads must be in compliance with the Texas Transportation Code and County requirements for the road to be considered for dedication.
- 1.16 If the location of the subdivision is within the extraterritorial jurisdiction of any city, (i.e. one mile from cities of 5,000 inhabitants or less), town or village within Edwards County, Texas, the preliminary plat shall be reviewed by that public body prior to submission to the Commissioners' Court.
- 1.20 Application of Subdivision Regulations:
- 1.21 V.T.C.A., Local Government Code §232.001 requires platting of any property outside the city limits of a municipality, that is divided into two (2) or more tracts. This requirement is subject to the limitations set out in V.T.C.A., Local Government Code §232.0013.
- 1.22 V.T.C.A., Local Government Code §232.005, et. Seq., provides criminal penalties and the recovery of damages for the violation of certain requirements established by the Commissioners' Court under its authority to regulate subdivisions.

1.23 Approval by the County of all plats are to be governed and in compliance with V.T.C.A., Local Government Cod §232.002.

1.24 Every owner of any tract of land situated outside the corporate limits of any city in Edwards County, Texas, who divides the same into two(2) or more parts, for the purpose of laying out any subdivision of any tract of land, or an addition outside the corporate limits of any town or city, or streets, alleys or parks, or other portions intended for public use or use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat (5 preliminary and 3 final plats), to be made thereof, which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is apart, giving the dimensions of all-lots, streets, parks or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. Every owner shall provide plats and deed restrictions. No construction of any kind in any subdivision affected by this order is to begin until the subdivision plat and plans have received final authorization by the Commissioners' Court and have been filed with the County Clerk.

1.25 Plat Required

(a) The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of minimum one acre intended for residential purpose must have a plat of the subdivision prepared. All lots are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and deeds and contracts for deeds.

(b) No subdivided land shall be sold or conveyed until the sub-divider:

- (1) has received approval of a final plat of the tract; and
- (2) has filed and recorded with the County Clerk of the county in which the tract is located a legally approved plat.

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

2.00 Preliminary Plat: Form, Deadlines And Other Requirements: At least forty-five (45) days prior to the date the Commissioners' Court votes to grant or deny acceptance of the Final or "filing" Plat, and before any work is commenced on the site, there must be submitted to the Court, and accepted by the Court, a Preliminary Plat or Amended Preliminary Plat of the subdivision. If the Preliminary Plat or any Amended Preliminary Plat is denied acceptance by the Commissioners' Court and an Amended Preliminary Plat is subsequently granted approval by the Court. The Preliminary Plat, or any Amended Preliminary Plats, must conform to the following requirements or provide the following:

Boundaries:

- a. Boundary lines of the subdivision must be shown by metes and bounds and distance, calling for the lines of established surveys, land markers, school district and other data furnished, sufficient to locate the property on the ground. All block corners and angles in streets and alleys should be marked with a three-fourth (3/4) inch galvanized pipe approximately two (2) feet in length, or two (2) feet length of ½" re-bar.
- b. The exact location, dimension, description and flow line of existing drainage structures and drainage structures proposed to be installed by the owner or owners, or subdivide or sub-dividers and the location, flow line and flood plain of existing water sources within the proposed subdivision must be shown on said plat
- c. The plat shall also show the location of all existing permanent, man-made structures in the proposed subdivision, including houses, barns, shacks, other buildings, walls, wells (water, oil and gas whether operating, abandoned or shutin), ponds and stock tanks
- d. Set-back lines: Each individual tract, lot or site is hereby made subject to a building set-back line of no less than fifty (50) feet inside the boundary of each such tract, lot or site and construction of any permanent structure outside a set-back line (between the set-back line and the tract boundary) is hereby prohibited. The plat map shall clearly indicate the set-back line for each such tract, lot or site. A developer may elect to impose greater set-back lines; however, they must be enforced through restrictive covenants.
- e. Steel or Iron Pins: All lot or tract corners, and angles in roads and streets, shall be indicated as being marked with ½ inch (13mm) diameter steel or iron pins two (2) feet (61mm) long, or with a permanent marker.
- f. Physical Features: The location of lots, tracts, roads, streets, parks, easements and other features must be shown with accurate dimensions in feet and decimals of feet.

Length o radii and arc of all curves, with bearings of all tangents, must be shown as well as the dimensions from all angle points and points of curve to lot or tract lines.

- g. Plat And Tract Legal Descriptions: The plat shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof on said subdivision or addition and the description, by metes and bounds, and the dimensions of all individual lots and tracts, and all streets, alleys, squares, parks, or other portions of the subdivision intended to be dedicated to public use or for the use of purchasers or owners of individual tracts or lots. All physical features of said land, and the facilities and improvements to be constructed in the subdivision, which are represented on the plat must be accurately identified on the plat.
- h. Developer's Certificate: Certificate of the developer or owner of record that it is intended the property will be subdivided essentially as indicated, whether any portion of the subdivision, or roads or streets providing access thereto, will be dedicated to the public for its use and convenience and representing that no liens, other than valid purchase money liens, affecting the land to be subdivided are in effect or of record including, but not limited to, judgment, tax and mechanics' & materialmans' liens, lis pendens or bankruptcy notices.

**Plat-Form 1A-1.30c or Plat-Form 1B-1.30 c**, as applicable, shall be used for this certificate.

- i. The plat shall be prepared by a licensed engineer, licensed land surveyor or registered public surveyor, and shall be based on a scale of not more than one (1) inch equals two hundred (200) feet and certified to as to accuracy by the engineer or surveyors preparing the plat of the subdivision, in reasonable detail the locations of and width of existing streets, lots and alleys and similar details regarding all property immediately adjacent thereto.

The subdivision plat must be made from an actual survey on the ground by or under the supervision of a professional engineer, a licensed land surveyor or registered public surveyor and his certificate to that effect must appear on said plat.

**Plat-Form 2A-1.30D AND Plat-Form 2b-1.30d** may be used for this certificate.

- j. Each plat must conform to the following environmental quality rules:
  - 1) All sources of water (including wells) must be identified and all water wells must be registered with the Real Edwards Conservation & Reclamation District prior to the

approval of any plat as required by the Texas Commission on Environmental Quality, Chapter 230, Groundwater Availability Certification For Platting, Rule §230.8, Obtaining Site Specific Groundwater Data paragraph (b) Location of existing wells which states "All known existing abandoned and inoperative wells within the proposed subdivision shall be identified, located and mapped by on-site surveys. Existing well locations shall be illustrated on the plat required by the municipal or county authority."

2) Plats that are proposed with tracts of twenty or fewer acres must complete a hydrology study as outlined under Texas Administrative Code, Title 30, Part 1, Texas Commission on Environmental Quality (TCEQ), Chapter 230, Groundwater Availability Certification For Platting, Rules §230.1 thru §230.11.

3) Plats for subdivisions with tracts of five (5) or fewer acres are required to install a central water system and restrict the drilling of additional wells within the subdivision or, with approval of the Commissioner's Court, a minimum of three (3) acres may be required to install on-site sewage facilities (septic) and a water well.

2.01 Lot and block numbers are to be arranged in systematic order and shown on the plat in distinct and legible figures.

2.02 The names of the proposed subdivision and any of the physical features must not be so similar in spelling or in pronunciation to the name of any similar features in Edwards County as to cause confusion

2.03 Every such plat shall be duly acknowledged by owners or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for acknowledgment of deeds

2.04 Contour Map:

(a) A separate contour map, preferably showing the entire subdivision on one plat map page, shall be provided. The plat shall further show existing topography of the proposed subdivision by use of contour lines. Said contour lines shall be based on a vertical interval of ten (10) feet for terrain with a slope of two (2) percent or more and on a vertical interval of five (5) feet for terrain with a slope of less than two (2) percent. Said contour lines shall further be based on data provided by any Government Agency or Department or Bonded Registered Surveyor which shall be specified on the plat with flood plain boundaries for a 100 year frequency flood.

(b) Elevation, grade and contours referenced to U.S. Coast and Geodetic Survey datum, or that of an equally recognized authority, in sufficient detail to illustrate the drainage pattern, together with the approximate location and sizes of existing culverts, bridges,



gullies, ravines, draws, sloughs, ditches, and similar features germane to the drainage pattern.

(c) Said contour lines shall be based on a vertical interval of five (5) feet for terrain with a slope of five (5) per cent or more and on a vertical interval of two (2) feet for terrain with a slope of less than five (5) per cent. These requirements as to vertical interval and percent slope may be modified by order of the Commissioners' Court on a case by case basis to the extent deemed appropriate with respect to particular subdivisions and the topography thereof. Said contour lines shall further be based upon data provided by any governmental agency or department, which shall be specified on the plat. The plat shall also indicate by use of contour lines, and other appropriate description, any changes in the existing topography proposed by the owner(s) or subdivider(s), and shall be based upon the same vertical intervals and per cent of slope as set out above.

(d) The contour lines, as well as the illustration of existing and proposed roads, shall extend at least one-quarter mile into all area adjacent to the subdivision.

(e) Any road not shown in its entirety on the plat map, which is or will be used for access to the proposed subdivision and which crosses draws, ravines or other areas subject to flooding shall be so noted by a notice placed on the contour map plat.

(f) If there are no areas within the proposed subdivision within one hundred year flood plan limits, and if there are no special flood hazards in said subdivision, then the following notice shall be included on the contour map:

**NOTICE:** This subdivision contains no areas within the one hundred year flood plain limits or which constitute special flood hazards.

- 2.05 The Developer must submit a plan for providing utility service within the proposed subdivision, utility easements of no less than ten (10) feet shall be provided on each side and each end of all lot's. Surface utilities are to be placed within five (5) feet on the property line. Subsurface utilities are to be placed with ten (10) feet of the property line. Easements are to described in the deed, and must show the same on the plat, i.e.; the proposed water supply shall be clearly indicated, i.e.; municipal water, rural water supply corporation, privately owned water system, individual well, etc., including location of fire plugs, fire department filler plugs or hydrants. Filler plugs or hydrants shall have proper hose connections every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction. Water supply must be approved and licensed by the TCEQ before lots are sold, Also, the plan for sewage disposal shall be clearly indicated, i.e., municipal sewer service, privately owned sewage disposal system, individual septic tank, etc. The design and installation, etc., of the

septic system shall comply with regulations of the Texas Commission on Environmental Quality. Final authority as to design and installation of the system for sewage disposal shall rest with the licensing. The plan for sewage disposal shall show areas not suitable for ordinary septic tank systems. Such areas shall require special systems approved by the TCEQ. **The stipulation for sewage disposal shall be inserted in each deed to said purchasers.**

- 2.06 Easements: All recorded easements and easements visible on the ground shall be identified and described by metes and bounds. No subdivision plat will be accepted or approved by the Commissioners' Court unless the plat description includes, for each separate tract, a dedicated easement for utility lines, either pole-hung or buried or a combination of both, with an attached certificate of included letter of approval of said easements issued by the companies providing electric and telephone service to the area in which the subdivision is located. A statement of dedication of easements or utilities shall be included on the plat.
- 2.07 Original Survey Lines: The boundary lines of the original survey or surveys of which the subdivision is a part shall be shown and such surveys shall be adequately identified by and including, where applicable, number, abstract number, block and original grantee.
- 2.08 The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown
- 2.09 Space for Commissioners' Court Approval: The plat shall provide an area measuring three inches by five inches for the certificate of approval to be filled out by the Commissioners' Court.
- 3.00 Resolution of Commissioner's Court
- 3.10 Amount of bond State in Order: The resolution or order of the Commissioners' Court granting approval of the Preliminary Plat shall indicate the dollar amount of the bond to be provided by the subdivider(s), owner(s) or developer(s) to secure compliance with the road design and construction requirements of these regulations is such bond is required as a condition of granting approval of the Final Plat.
- 3.11 Date of Completion of Construction: The resolution of the order of the Commissioners' Court granting approval of a plat shall state the date by which all roads, streets, alleys, easements and other facilities and other improvements shall be completed in a manner acceptable to the Commissioners' Court if same are required to be constructed in

compliance with the applicable requirements of these regulations. If such resolution or order of the Commissioners' Court fails to state such date, the completion of work shall be accomplished within one year of the date the "filing" or Final Plat is granted approval and acceptance by the Commissioners' Court.

- 3.12 Preliminary Plat Not Filed: A Preliminary Plat or Amended Preliminary Plat shall not be filed of record in the plat or other public records of Edwards County Clerk.
- 4.00 Roads: All roads shall be constructed pursuant to county road specifications.
- 4.01 The Developer must present certification that all costs of roads and streets have been paid before the County will approve said roads and streets.
- 4.02 Where construction of all streets and roads in said subdivision is completed in accordance with these regulations, the owners or owners shall give written notice of completion to the Commissioners' Court and request a hearing for the purposes of certifying same. Following receipt of the notice of completion and request for hearing the Commissioners' Court shall make an inspection of the subdivision and conduct a hearing and, thereafter, consider an order granting certification that the streets and roads in said subdivision have been constructed in accordance with these regulations
- 4.03 Upon verification that the streets and roads comply with these regulations, the performance bond shall be released or said bond having been forfeited, any bond proceeds remaining shall be returned to the owner or owners.
- 4.04 One year having lapsed from the date on which the Commissioners' Court did certify completion of the construction of the streets and roads of a subdivision in accordance with these regulations, the Commissioners' Court may consider acceptance of the streets and roads of the subdivisions and may designate said streets and roads as "County Roads" to be kept and maintained as part of the County Road System.
- 4.05 Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.
- 4.06 No streets, roads or alleys shall be constructed across dam or embankment used for purpose of holding water.

- 4.07 All roads and streets that are accepted by the County must be named and marked by the Developer in compliance with 911 Requirements (See 9-1-1 Regional Planning Office) with permanent metal signs to match County Road signs. The Precinct Commissioner will furnish the Developer with the road numbers that are to be placed on the required road sign.
- 4.08 The Commissioners' Court may specify that construction of all streets, roads and drainage structures must be started and completed within a reasonable time after the plat and plans of a subdivision have received final authorization from the County, and said time period (not to exceed twelve (12) months) must be specified by the Court in its order granting or denying preliminary authorization of the plat.
- 5.00 Procedures: The following steps shall be taken, in the following order, in submitting preliminary plat to the Commissioners' Court. The Developer or other proponent of the plat is responsible for delivering and submitting the plat and supporting materials to each office after the previous office as approved same.
- 5.01 All subdivision plats and plans for drainage and street construction must be submitted to the Commissioners' Court by submitting them to the County Judge in sufficient time for the Court to adopt an order granting or denying preliminary authorization of said plats and plans.
- 5.02 The Court shall vote on whether to grant or deny preliminary authorization of the subdivision plat and plans after receipt of said plat and plans by the County Judge.
- 5.03 The Court shall deny preliminary authorization and said plat and plans unless they conform to the requirements of Article 6702.1, Texas Revised Civil Statutes, any other requirements set out in any other statute of the State of Texas, and these regulations.
- 5.04 In its order granting or denying preliminary authorization of the plat and plans, the Court may impose further requirements which must be met by the owner, subdivider or subdividers, and reflected in the plat and plans before plat and plans receive final authorization by the Court. Preliminary plat requirements are provided in Section 2.00-2.09 herein.
- 5.05 In its order granting or denying authorization of a subdivision plat and plans, the Court may also establish regulations and details with reference to individual subdivisions. Such regulations and details are those specified herein.

- 5.06 If the subdivision plat and plans are not given preliminary approval or receive preliminary approval and the Commissioners' Court also acts to impose additional regulations or to specify certain details concerning the subdivision, as provided for in Section 2.03 and 2.04 herein, the subdivider shall prepare a new plat and new subdivision plans in conformity with said additional regulations as well as with the other requirements of these Regulations and the Texas Transportation Code. The Subdivider shall then present the new plat and plans to the Commissioners' Court by submitting them to the County judge before the Court adopts and order granting or denying final authorization of said plat and plans.
- 5.07 The Court shall vote whether to grant or deny final authorization of said subdivision plat and plans after receipt of said plat and plans by the County Judge. Failure to vote on said authorization shall be deemed to constitute final approval of the subdivision plat and plans, and in such event no additional bond shall be required of the landowner or landowners, notwithstanding any provision herein to the contrary.
- 5.08 The Court shall deny final authorization of the plat and plans unless they meet all the requirements of the Texas Transportation Code or any other statute of the State of Texas, and these Regulations, including those additional regulations and specifications provided for herein.
- 5.09
- a. Edwards Central Appraisal District: The preliminary plat and any supporting or corresponding documents, information and similar materials shall be submitted to the office of the Edwards Central Appraisal District (or its successor) for review and if said office has no objection to the form or substance of the plat and supporting materials, then the Chief Appraiser shall sign the plat, as well as any supporting materials, using the form provided in Plat-Form 7-1.35a.
  - b. Edwards County Tax Assessor/Collector: After approval by the Edwards Central Appraisal District, the preliminary plat and any supporting or corresponding documents, information and similar materials shall be submitted to the office of the Edwards County Tax Assessor/Collector (or its successor) for review and if said office has no objection to the form or substance of the plat and supporting materials, and finds specifically that no taxes are past due on the property proposed to be subdivided and that the proposed name of the subdivision does not conflict with or otherwise cause confusion with any other name on the Edwards County tax rolls, then the Tax Assessor/Collector shall sign the plat, as well as any supporting materials using the form provided in Plat-Form 8-1.35b.

c. Edwards County Treasurer: After approval by the Edwards County Tax Assessor/Collector, the preliminary plat and any supporting or corresponding documents, information and similar materials shall be submitted to the office of the Edwards County Treasurer (or its successor) for review and if said office finds that none of the parties or entities named on the plat as the owner, developer or subdivider of the land proposed to be subdivided are then presently indebted to Edwards County, then the Treasurer shall sign the plat, as well as any supporting materials, using the form provided in Plat Form 9-1.35c.

d. Commissioner of Precinct:

(1) After approval by the Edwards County Treasurer, the preliminary plat and any supporting or corresponding documents, information and similar materials shall be submitted to the Commissioner of the precinct in which the proposed subdivision is situated. If the proposed subdivision is situated in more than one precinct, then the plat and supporting materials shall be submitted to the Commissioner in which the majority of said land is situated.

(2) The Commissioner to whom the plat and supporting materials are submitted, including the Compliance Checklist, shall review the plat and any such materials for sufficiency and satisfaction of and compliance with these regulations. If the Commissioner finds the plat and supporting materials are sufficient and that they satisfy and comply with these regulations, then the Commissioner shall sign the preliminary plat and any materials, recommending approval of same to the Commissioners' Court, using the form provided in Plat-Form 10-1.35d(2).

(3) Disapproval by Commissioner: If the Commissioner finds that the plat or its supporting documents and materials are insufficient or do not satisfy or comply with these regulations, then the Commissioner shall not sign the plat. The commissioner shall indicate, in writing on the Compliance Checklist, the basis for disapproval of the plat or supporting documents and materials. The Commissioner shall then notify the party who presented the plat and material to the Commissioner of the disapproval and shall then deliver the plat and materials to the office of the Edwards County Judge, who shall return all such materials to the party who presented them. After appropriate corrections, additions or other modifications are made to the plat or supporting documents and materials, same may be presented again to the Commissioner for review. NOTE: The same Compliance Checklist shall be resubmitted each time. See the provisions hereof regarding the Compliance Checklist for further requirements concerning same.

e. Middle Rio Grande Development Council/ 9-1-1-Regional Planning Services: The preliminary plat and any supporting documentation, information and similar materials

shall be provided to the 9-1-1 Regional Planning Office. The 9-1-1 Regional Planning Office shall provide:

- (1) Address for each lot to be used as physical addresses for all lots once they are sold.
- (2) Private road numbers will be assigned to each road.

f. The preliminary plat and any corresponding documents, information and similar material shall be submitted to the Real Edwards Conservation and Reclamation District for inspection and approval of compliance with the requirements set out in Section 2.00 (k).

g. Commissioners' Court Disapproval: If the plat is disapproved by the Commissioners' Court, the basis for such disapproval shall be written on the Compliance Checklist, and then the original preliminary plat and any supporting materials shall be returned to the party proposing same.

5.10 If the subdivision plat and plans receive preliminary authorization and the Commissioners' Court does not at the same time impose additional requirements or specify additional details, the Court order granting preliminary authorization to said plat and plans shall act as final authorization, and the Court order and the minutes of the Commissioners' Court meeting shall so reflect.

6.00 The final plat shall be drawn on tracing paper or a permanent type of material consisting of one or more sheets measuring eighteen (18) inches wide and twenty-two (22) inches long. If two or more sheets are used, a key map showing the entire area shall be drawn on the first sheet or on a separate sheet. Three copies of the final plat shall be presented for filing, one being for the County Clerk. The recording plat shall be on linen or mylar paper with black ink

6.01 Final Engineering Report

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided

under Section 10.01 herein, the schedule shall include the start dates and completion dates.

(1) Public water systems.

(A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include and in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of Texas Administrative Code, Title 30, Part 1, Rules §230.1 thru §230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

(B) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain and Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of Texas Administrative Code, Title 30, Part 1, Rules §230.1 thru §230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(2) Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with TCEQ Regulations. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to TCEQ Regulations does not meet the water quality standards without treatment by an identified and commercially available water treatment system, then the final report must state the type of



treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available to purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of Texas Administrative Code, Title 30, Part 1, Rules §230.1 thru §230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(3) Organized sewerage facilities.

(A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(B) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(4) On-site sewerage facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by Texas Administrative Code, Title 30, Rule §285.40, including the site evaluation described by Texas Administrative Code, Title 30, Rule §285.30.

6.02 The final Engineering Report must include the date of completion of water/wastewater facilities if already constructed, or estimated date of completion if not constructed and certification from a licensed P.E. regarding the methods used to provide these services bearing the signed and dated seal of a P.E. licensed in the State of Texas.

7.00 Restrictions

7.01 Number of Dwellings Per Lot

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

7.02 Copy of Deed Restrictions Submitted: At the time the Final Plat is submitted to the Commissioners' Court, there shall be also submitted a copy of all deed restrictions, restrictive covenants or similar requirements intended to be imposed upon the subdivision or any tracts or lots within the subdivision, whether by recital in the individual deeds, contracts for deeds or contracts for sale or whether filed as one individual document in the county records. Any deed restriction, covenant or similar matter which is contrary to state law or these regulations, or the purpose or effect of which is to circumvent these regulations, shall be cause for the Commissioners' Court to deny acceptance and approval of the submitted plat.

7.03 Deed Restrictions Filed After Approval of Final Plat: Should the developer(s), subdivider(s) or owner(s) of the subdivision impose any such deed restrictions, covenants or similar requirements on the tracts or lots within the subdivision after the Final Plat has been approved and filed of record, and which did not receive Commissioners' Court approval, then the person imposing said restrictions or requirements shall submit to the Commissioners' Court a proposed Amended Final Plat, approval of which shall be subject to compliance with all applicable provisions hereof.

7.04 Post-plat Approval Restrictions Void: Any such deed restrictions or restrictive covenants different from or contrary to those approved by the Commissioners' Court as part of the plat approval process which are filed or imposed after Commissioners' Court approval and filing of a plat, or which are otherwise filed or used without Commissioners' Court approval, and without satisfaction of the plat amendment rules established by these regulations, are hereby declared to be void to the extent permitted by law, and Edwards County may take appropriate action to obtain compliance.

7.05 Enforcement of Deed Restrictions: If the Developer or Owner imposes any such deed restrictions, covenants or similar requirements on the tracts or lots within the subdivision, e.g. tract owners may not operate a commercial hog or pig feeding operation, then the document setting out the restrictions should expressly state that

the restrictions are enforceable by injunction in any court of appropriate jurisdiction by any other owner of a tract or lot within the subdivision.

8.00 Replat- Amended Plat- Cancelled Plat- All conditions set forth in the statues cited in Sections 8.01-8.03 must be met before it may be presented to Edwards County Commissioner’s Court for final consideration and vote.

8.01 A plat may be revised as provided in Texas Local Government Code §232.0095, applying Texas Local Government Code §212.013 to 212.016 inclusive.

8.02 A plat may be amended if all the requirements of Texas Local Government Code §232.011 are met.

8.03 Cancellation of certain subdivision plats must meet the criteria for undeveloped land under Texas Local Government Code §232.0085. Obsolete plats, as defined in Texas Local Government Code §232.0083, may be cancelled if it meets the criteria set forth in Texas Local Government Code §232.008.

9.00 Bond Requirements:

9.01 The owner or owners of any tract of land to be subdivided shall give a good and sufficient performance bond for the proper construction of the streets and roads in the subdivision, said bond to be executed by a corporate surety company authorized to do business in the State of Texas, or in the alternative, said bond may be a cash bond.

9.02 In lieu of a performance bond, an irrevocable letter of credit may be substituted for a specified period in accordance with Section 9.05.

9.03 The performance bond shall be fixed in an amount equal to the estimated cost of street and road construction as determined by the Commissioners’ Court in its order granting preliminary authorization of the plat.

9.04 The performance bond shall be made payable to: Edwards County Judge or His Successor in Office; and shall be conditioned that the owner or owners of any such tract of land to be subdivided will construct all streets and roads within said subdivision in accordance with these regulations; and shall be presented for approval to the Commissioners’ Court upon presentation of the subdivision plat and plans for final authorization and approval. No subdivision plat or plans shall be considered for final

authorization and approval by the Commissioners' Court unless accompanied by a performance bond.

- 9.05 The performance bond shall be provided before construction begins, being effective on the date that the subdivision plat and plans receive final authorization and remaining in effect for one (1) year after the date on which the Commissioners' Court certifies that the streets and roads in the subdivision have been completed in accordance with these regulations.
- 9.06 In the event that the Commissioners' Court then determines that the construction of streets in the subdivision was not completed in accordance with these regulations, the Commissioners' Court shall consider an order denying certification and causing the performance bond to be forfeited in favor of Edwards County.

10.00 Water/ Sewage

10.01 Financial Guarantees for Improvements

(a) Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the Commissioners' Court shall require the owner of the subdivided tract to execute an agreement with the County in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set for the below.

(b) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) The bond or financial guarantee shall be payable to the County Judge of the County, in his official capacity, or the Judge's successor in office.

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

(3) The bond shall be executed with sureties as may be approved by the Commissioners' Court. The County shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

(A) registration with the Secretary of State and be authorized to do business in Texas;

(B) authorization to issue bonds in the amount required by the Commissioners' Court;

(C) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company just demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(D) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting there criteria established by Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners' Court.

(E) Letter of credit. A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank Qualifications:

- (i) must be federally insured;
- (ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
- (iii) total assets must be at least \$25 million.

(B) Savings and loan association qualifications:

- (i) must be federally insured;
- (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and
- (iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(2) Any letter of credit submitted as a financial guarantee for combined amounts a greater than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank Qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and

(iii) total assets must be at least \$75 million.

(B) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and

(iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and

(ii) the investment instrument must be registered in the County's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(3) The letter of credit shall list as sole beneficiary the County judge of the County, in his official capacity, or the Judge's successor in office, and must be approved by the County Judge of the County. The form of the letter of credit shall be modeled after the form attached in Appendix 2B.

(4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of the subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners' Court.

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

(e) Alternative to county accepting a financial guarantee. The County may approve a final plat under this section without receiving a financial guarantee in the name of the County if:

(1) the property being subdivided lies wholly within the jurisdiction of the County;

(2) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and

(3) the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to:

(A) accept the bonds letters of credit, or other financial guarantees, that meet the requirements of this section;

(B) execute the construction agreement with the subdivider; and

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

#### 10.02 Addition Information

(a) If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or is not constructed by the owner of the subdivided tract, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the owner of the subdivided tract shall execute an agreement with the county— secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meets the requirements set forth below.

(b) The bond or financial guarantee shall be in an amount determined by the Commissioners' Court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the

bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(c) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by this Article – and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioner Court.”

### 10.03 Wastewater Disposal

(a) Organized sewerage facilities.

(1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with Texas Administrative Code, Title 30, Rule §305 and obtain approval of engineering planning materials for such systems under Texas Administrative Code, Title 30, Rule §317 from the commission.

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

(b) On-site sewerage facilities.

(1) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with Texas Administrative Code, Title 30, Rule §285.

(2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with Texas Administrative Code, Title 30, Rule §317.



(3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rule in Texas Administrative Code, Title 30, Rule §285, and in particular 285.4, 285.5 and 285.39. In addition to the unsatisfactory on-site disposal systems listed in Texas Administrative Code, Title 30, Rule §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

#### 10.04 Water

#### 10.05 Water Facilities Development

##### (a) Public Water Systems

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

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commissioner. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in Texas Administrative Code, Title 30, Rules §290.38 – 290.51 and 290.101 – 290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of Texas Administrative Code, Title 30, Rules §230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public Water Systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of Texas Administrative Code, Title 30, Rules §230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required from community water systems as set forth in Texas Administrative Code, Title 30, Rules §290.104, 290.106, 290.108 and 290.109, either:

- (1) without any treatment to the water; or
- (2) with treatment by an identified and commercially available water treatment system.

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

#### 11.00 Drainage Specifications

- 11.01 Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible. Roads and Streets shall not be used as drainage courses. If the contour lines on the final plat indicate that the lot or lots may not drain, the Commissioners' Court shall not approve the plat until correction of said drainage has been completed.
- 11.02 All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage ditches shall have a minimum depth of eighteen (18) inches below the level of the edge of the adjacent street or road.
- 11.03 Permanent drainage structures including, but not limited to culverts, pipes, drainage boxes and bridges, shall be installed at all crossings or drainage courses, including drainage ditches with driveways, road and streets. At least one permanent drive approach with proper drainage, minimum 20 foot pipe, shall be constructed and covered with the same materials as road base and surface to property line.

- 11.04 The exact dimensions and type of said permanent drainage and structure, including culverts, pipes, drainage boxes and bridges, shall be established for each subdivision by the commissioners' Court in its order granting or denying preliminary authorization of a subdivision plat.
- 11.05 Permanent obstacles, such as concrete or rock retards, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners' Court in its order granting or denying preliminary authorization to the subdivision plat.
- 11.06 Open drainage channels and ditches shall be constructed with a proper cross-slope grade and alignment which will facilitate proper functioning without the destruction velocities of drainage waters.
- 11.07 All drainage easements for the land being authorized for development just be of adequate width, as determined by the Commissioners' Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all lands whose natural drainage runs through the property being authorized for development. After platting, the Developer shall deliver to the Commissioners' Court of Edwards County the necessary easement for each lot or acreage where there will be a drainage ditch or channel with right to ingress and egress. All drainage easements must be shown on plat.
- 11.08 Drainage Easements: provisions shall be made for drainage easements to allow for proper control of drainage, and for future maintenance within the easement area. **Stipulations for drainage easements shall be inserted in each deed to said purchaser.** The Commissioner of the Precinct wherein said subdivision lies is to meet with the contractor at least 30 days prior to submission of plat to Commissioners' Court in planning of culvert and drainage. Prior to building roads within subdivision, all Developers are required to meet with the Commissioner of the Precinct in which the subdivision is located for the purpose of determining the cost of construction of roads to conform with the above requirements.
- 11.09 A cash fee of ten dollars (\$10.00) per lot proposed to be subdivided shall be paid by any subdivision developer within Edwards County, Texas, to defer the cost of inspection

12.00 Existing Utilities

12.01 The County will not be responsible for any damage to any utilities on any county accepted right-of-way when maintaining the streets or roads.

13.00 Variances

13.01 Variances are considered by the Edwards County Commissioner's Court after the requirements of Texas Local Government Code §232.042 are met.

13.02 Variances from platting requirements are governed by Texas Local Government Code §232.043.

14.00 Miscellaneous

14.01 Supersession-These rules supersede any conflicting regulations of the county.

14.02 Owner's Representative: If any person or entity proposes to represent the Owner, Developer or Subdivider of the land proposed to be subdivided, such person or entity shall provide the Commissioners' Court with a letter of authorization or, if applicable, a satisfactory drafted and executed power of attorney suitable for recording in the public records of Edwards County.

14.03 All matters or subjects not covered by these regulations are subject to the Texas Local Government Code on "Land Use and Related Activities".

15.00 Subdivider Standards and Requirements

15.01 Subdividers shall comply with all services required under Texas Local Government Code §232.032. Requirement prior to sale shall be governed by Texas Local Government Code §232.031. Subdivider is required to comply with all provisions.

15.03 Advertising standards and other requirements before sale shall be controlled by Texas Local Government Code §232.033. Subdivider is required to comply with all provisions.

Approved the 16<sup>th</sup> day of June, 2010

Wib Salgado  
County Judge

Jerry D. Brooks  
Commissioner Pct. 1

\_\_\_\_\_  
Commissioner Pct. 2

Chiff Tuttle  
Commissioner Pct. 3

M. D. Loomis  
Commissioner Pct. 4

Appendix #1: Plat-Forms  
Form certificates, disclosures, notices and  
documents for use on or in connection with plats

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DEVELOPER'S (OWNER'S) CERTIFICATE - no public use dedication

Plat-Form 1A-1.30c

Certificate to be used on all plats in cases of no public use dedication of any portions, improvements, facilities or areas of the subdivision. The language of this certificate should be adapted for signature by "developer", "owner", or "proprietor", as applicable. A similar certificate should be utilized for the owner or proprietor if the owner or proprietor is a different person or entity than the developer. The certificate should substantially conform to the following:

-----> Use following text for preliminary plats:

"I, the developer ( *or use as applicable: "owner" or "proprietor"* ) of the land identified by abstract numbers recorded in the volume and page numbers shown on this preliminary plat, and whose name is subscribed hereto, in person or through a duly authorized agent, acknowledge that this plat was made from from existing survey data (*or if applicable: 'from a current survey performed on the ground'* ) and that it is intended that the land will be subdivided as indicated on the plat. No portion of the land within the subdivision is to be dedicated to public use. I further represent that no liens, other than valid purchase money liens, affecting the land to be subdivided are in effect or of record including, but not limited to, judgment, tax and mechanics' & materialmans' liens, lis pendens or bankruptcy notices."

-----> Use following text for final plats:

"I, the developer ( *or use as applicable: "owner" or "proprietor"* ) of the land identified by abstract numbers recorded in the volume and page numbers shown on this final plat, and whose name is subscribed hereto, in person or through a duly authorized agent, acknowledge that this plat was made from actual surveys on the ground and that the land will be subdivided as indicated on the plat. No portion of the land within the subdivision is to be dedicated to public use. I further represent that no liens, other than valid purchase money liens, affecting the land to be subdivided are in effect or of record including, but not limited to, judgment, tax and mechanics' & materialmans' liens, lis pendens or bankruptcy notices."

\_\_\_\_\_  
Developer's (Owner's) signature  
Developer's (Owner's) name typed  
Developer's (Owner's) address

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

DEVELOPER'S (OWNER'S) CERTIFICATE - public use dedication

Plat-Form 1B-1.30c

Certificate to be used on all plats in cases where portions of the subdivision, or improvements, facilities or areas therein, are proposed to be perpetually dedicated to the public. The language of this certificate should be adapted for signature by "developer", "owner", or "proprietor", as applicable. A similar certificate should be utilized for the owner or proprietor if the owner or proprietor is a different person or entity than the developer. The certificate should substantially conform to the following:

-----> Use following text for preliminary plats:

"I, the developer ( *or use as applicable: "owner" or "proprietor"* ) of the land identified by abstract numbers recorded in the volume and page numbers shown on this preliminary plat, and whose name is subscribed hereto, in person or through a duly authorized agent, acknowledge that this plat was made from from existing survey data ( *or if applicable: 'from a current survey performed on the ground'* ) and that it is intended that the land will be subdivided as indicated on the plat. Those portions of the subdivision so indicated are hereby dedicated to the use and benefit of the public forever. I further represent that no liens, other than valid purchase money liens, affecting the land to be subdivided are in effect or of record including, but not limited to, judgment, tax and mechanics' & materialmans' liens, lis pendens or bankruptcy notices."

-----> Use following text for final plats:

"I, the developer ( *or use as applicable: "owner" or "proprietor"* ) of the land identified by abstract numbers recorded in the volume and page numbers shown on this final plat, and whose name is subscribed hereto, in person or through a duly authorized agent, acknowledge that this plat was made from actual surveys on the ground and that the land will be subdivided as indicated on the plat. Those portions of the subdivision so indicated are hereby dedicated to the use and benefit of the public forever. I further represent that no liens, other than valid purchase money liens, affecting the land to be subdivided are in effect or of record including, but not limited to, judgment, tax and mechanics' & materialmans' liens, lis pendens or bankruptcy notices."

\_\_\_\_\_  
Developer's (Owner's) signature  
Developer's (Owner's) name typed  
Developer's (Owner's) address

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,

(seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

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**SURVEYOR'S CERTIFICATE**

Plat-Form 2A-1.30d

Surveyor's certificate: All plats shall contain a surveyor's certificate as to the adequacy and accuracy of information on a plat. Preliminary plats may be drawn based upon existing survey data. Final plats shall be drawn from a recent survey performed on the ground. The certificate should substantially comply with the following:

State of Texas                   §  
County of Edwards           §

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

(For preliminary plats, certificate may state: "I hereby certify that this plat is true and correct and was prepared by me or under my supervision from existing survey data believed to be reliable.)"

(surveyor's seal)

\_\_\_\_\_  
Surveyor's signature  
Surveyor's name typed or printed  
Surveyor's credentials, address and other  
info

SWORN TO and SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_,

(seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas



ENGINEER'S CERTIFICATE

Plat-Form 2B-1.30d

Engineer's certificate to be used on plats in cases where portions of the subdivision, or improvements, facilities or areas therein, are proposed to be perpetually dedicated to the public or where significant improvements are to be made to the roads or other facilities within or providing access to the subdivision shall substantially conform to the following:

"State of Texas §
County of Edwards §

I hereby certify that recognized engineering practices and standards were used in the preparation of this plat and in the design of site improvement structures and were accomplished under my direct supervision.

(engineer's seal)

Engineer's signature
Engineer's name typed or printed
Engineer's credential, address and other info

SWORN TO and SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

Notary Public in and for the State of Texas

FLOOD NOTICE ON CONTOUR MAP

Plat-Form 3-1.30h(1)

Flood notice to be placed on contour map page of plats.

NOTICE REGARDING FLOOD-PRONE AREAS: If indicated by the contour lines on this map, any roads that cross draws, ravines, gullies and similar topographical features are subject to being "washed-out" during periods of heavy rains or flooding. Although these areas may be dry virtually all of the year, in addition to being extremely dangerous during periods of high or fast moving water, such flooding can destroy the road-crossing area making vehicle travel difficult or impossible even for four-wheel drive vehicles until such crossings are properly worked with road maintenance equipment. Any such roads that are private roads are not a part of Edwards County's road system and are not the responsibility of Edwards County for repair after being washed out.

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### CONTOUR MAP - ROAD "WASH-OUT" NOTICE

Plat-Form 4-1.30h(5)

Notice for contour map for access roads subject to flooding not shown on plat.

"NOTICE - ACCESS ROADS SUBJECT TO 'WASH-OUT': This subdivision uses roads for access, all of which roads may not be shown on these plat maps, and which may be subject to being washed out during periods of flooding or heavy rains. Although these areas may be dry virtually all of the year, in addition to being extremely dangerous during periods of high or fast moving water, such flooding can destroy the road-crossing area making vehicle travel to be difficult or impossible even for four-wheel drive vehicles until such crossings are properly worked with road maintenance equipment. Any such roads that are private roads are not a part of Edwards County's road system and are not the responsibility of Edwards County for repair after being washed out."

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### UTILITY EASEMENTS

Plat-Form 5-1.30i(2)

Dedication of Utility Easements: Every plat shall have the following dedication of utility easements. The width of the easement shall be placed in the blank space provided.

#### "DEDICATION OF UTILITY EASEMENTS

There is hereby dedicated, granted and established inside and parallel to the boundary of every tract or lot within this subdivision a \_\_\_\_\_ foot wide strip of land for utility purposes, which easements shall inure to the mutual and reciprocal benefit of the owners of said tracts or lots, their heirs, successors, personal representatives, and assigns, forever, and which easements on every tract or lot may be used for utility service purposes to benefit any or all other tracts or lots and shall include the right of ingress and egress for construction, installation and maintenance, without limitation, of all types of utility services, and during periods of emergency or of repair, maintenance or construction, such additional widths of easement beyond the stated number above is temporarily granted as may be reasonably necessary to complete the repair, maintenance or construction or address the emergency.

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OWNERSHIP OF ROADS - HUNTING FROM ROADS PROHIBITED

Plat-Form 6-1.30o(1) Ownership of Roads Within Subdivision. The notice shall substantially conform to the following:

"Ownership of Roads - Hunting From Roads Prohibited:

All roads within this subdivision are hereby dedicated as perpetual, private access easements to and for the benefit of the owners of the tracts or lots within this subdivision, and their heirs, successors and assigns. These roads are not public roads, and their repair and maintenance are not the responsibility of Edwards County.

Hunting of all kinds for all game or other animals, whether on foot or by vehicle, is prohibited on or from subdivision roads and this prohibition may be enforced by permanent injunction in any civil court of competent jurisdiction. HUNTING FROM PUBLIC ROADS MAY BE A CRIMINAL OFFENSE.

All deeds, contracts of sale, contracts for deed, or similar instruments pertaining to the conveyances or proposed conveyances of lots or tracts within this subdivision are hereby deemed to conform with and contain this notice, and this notice shall control and take precedence over omitted, contrary or conflicting terms in such instruments."

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CENTRAL APPRAISAL DISTRICT

Plat-Form 7-1.35a Approval of Preliminary Plat by Edwards Central Appraisal District: The following approval form shall be placed on all preliminary plats and all supporting and corresponding documents, information and similar materials:

"Reviewed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_."

\_\_\_\_\_  
CHIEF APPRAISER  
Edwards Central Appraisal District"

TAX ASSESSOR/COLLECTOR

Plat-Form 8-1.35b

Approval of Preliminary Plat by Edwards County Tax Assessor/Collector: The following approval form shall be placed on all preliminary plats and all supporting and corresponding documents, information and similar materials:

"I, the undersigned Tax Assessor/Collector for Edwards County, Texas, after having made a diligent review of the county tax records, find that there are no taxes past due on the land proposed hereby to be subdivided and I further find that the proposed name of the subdivision does not conflict with or otherwise cause confusion with any other name on the tax rolls of this county or otherwise. I further have no objection to the form or content of this plat. Reviewed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
EDWARDS COUNTY TAX ASSESSOR/COLLECTOR"

TREASURER

Plat-Form 9-1.35c

Approval of Preliminary Plat by Edwards County Treasurer: The following approval form shall be placed on all preliminary plats and all supporting and corresponding documents, information and similar materials:

"I, the undersigned Treasurer for Edwards County, Texas, after having made a diligent review of my records, and based only upon the records of my office, find that none of the parties or entities named on the plat as the owner, developer, proprietor or subdivider of the land proposed to be subdivided are presently indebted to Edwards County. Reviewed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
EDWARDS COUNTY TREASURER"

COMMISSIONER

Plat-Form 10-1.35d(2) Approval of Preliminary Plat by County Commissioner. The following approval form shall be placed on all preliminary plats and all supporting and corresponding documents, information and similar materials:

"I, the undersigned Edwards County Commissioner, after having reviewed this plat and all supporting documents and materials find that same is sufficient and that it satisfies and complies with the Edwards County Subdivision Regulations. I hereby recommend its approval by the Edwards County Commissioners' Court. Reviewed and Approved this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_."

\_\_\_\_\_  
EDWARDS COUNTY COMMISSIONER, Prec. \_\_\_\_\_"

COMMISSIONERS' COURT

Plat-Form 11-1.35e

Approval of PRELIMINARY Plat by Commissioners' Court: The following approval form shall be placed on all preliminary plats and all supporting and corresponding documents, information and similar materials:

"I, the County Judge of Edwards County, Texas, hereby indicate approval of this preliminary plat and any supporting documents and materials by the Commissioners' Court of Edwards County, Texas. Reviewed and Approved this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
EDWARDS COUNTY JUDGE"

Approval of FINAL Plat by Commissioners' Court: The form indicating approval of the final plat shall substantially comply with the following and shall be placed on all final plats:

"I, the County Judge of Edwards County, Texas, hereby indicate approval of this plat by the Commissioners' Court of Edwards County, Texas. Reviewed and Approved this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
EDWARDS COUNTY JUDGE"

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## DEED RESTRICTIONS

Plat-Form 12-1.40q(1) Deed Restrictions and Restrictive Covenants: The following notice shall be placed on all final plats affected by deed restrictions or restrictive covenants filed as one document in the public real estate or plat records:

"NOTICE OF DEED RESTRICTIONS OR RESTRICTIVE COVENANTS:  
All land within this subdivision is subject to certain deed restrictions or restrictive covenants which may limit or otherwise affect the use and enjoyment of the land by the owner. The restrictions or covenants are filed of record in the real estate or plat records of Edwards County, Texas."

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Plat-Form 13-3.00c The following notice that Edwards County will not maintain privately owned subdivision roads shall be included on all plats where none of the roads are to be dedicated to the public.

### "EDWARDS COUNTY NOT TO MAINTAIN SUBDIVISION ROADS

The roads, streets, ditches, bridges, crossings, culverts and other such facilities and improvements in this subdivision HAVE NOT BEEN DEDICATED to public use and Edwards County (the "County") is not obligated to construct or maintain such facilities and improvements, nor is the County responsible for constructing or maintaining any non-county roads which provide access to this subdivision. FURTHERMORE, acceptance or approval by the County of this plat does not imply, nor shall same be construed as, an acceptance of dedication to the public of any such facilities and improvements in and to this subdivision. The County shall not be obligated in any way or manner, financial or otherwise, to construct or maintain the roads, streets, ditches, bridges, crossings, culverts and other such facilities and improvements; and the County is hereby fully and completely released and relieved from all such obligations or responsibilities, if any, with regard to this subdivision. "

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**SEWAGE AND SEPTIC FACILITIES**

Plat-Form 14-3.00e(1)

The following notice shall appear on all plats.

**"SEWAGE AND WASTE FACILITIES**

The sewage and waste facilities existing or which may be constructed or installed by owners of the tracts or lots within this subdivision must satisfy all applicable minimum state and county laws, rules, regulations and requirements as currently exist or which may be implemented or amended in the future. These requirements may include, for example, a permit for construction or installation of a sewage system, septic tank, or similar facility. For additional information, please refer to the ORDINANCE ADOPTING RULES OF EDWARDS COUNTY FOR ON-SITE SEWAGE FACILITIES, recorded in Vol. 12 at Page 127 of the Minutes of the Commissioners' Court of Edwards County, Texas."

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**DISCHARGE OF FIREARMS - 10 ACRES OR LESS**

Plat-Form 15-3.00g(2).

The following notice shall appear on all plats.

**"DISCHARGE OF FIREARMS PROHIBITED  
ON TRACTS OF TEN ACRES OR SMALLER**

Pursuant to V.T.C.A., Local Government Code §240.022 and §3.00, g., (1) of the Edwards County Comprehensive Regulations for the Subdivision of Lands, the discharge of firearms of all types is at all time absolutely prohibited on all tracts and lots, whether presently existing or created in the future, of ten acres or smaller within this subdivision. A person commits a criminal offense if the person intentionally or knowingly engages in conduct that is a violation of the referenced County regulation."



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### **WATER NOT PROVIDED TO TRACTS**

Plat-Form 16-3.00g(3). The following notice shall be placed on all plats for which the Developer or other proponent of the plat does not intend to provide water to tracts within the subdivision.

"NOTICE: Water Will Not Be Provided To Tracts In Subdivision

Neither the owner, developer, nor subdivider intends to provide a supply of running water to the tracts or owners of tracts in this subdivision. A supply of running water is the responsibility of the individual owners of the tracts in this subdivision. This limitation does not affect the water rights pertaining to the individual tracts within the subdivision, nor does it modify or otherwise affect existing water supply facilities, e.g., windmills, water tanks, water troughs, water pipelines, or the rights corresponding thereto."

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### **WATER WILL BE PROVIDED TO TRACTS**

Plat-Form 17-3.00g(4). The following notice shall be placed on all plats for which the Developer or other proponent of the plat does intend to provide a supply of running water to tracts within the subdivision. Correct and appropriate information shall be supplied for the blank spaces in the notice.

"NOTICE: Water Will Be Provided To Tracts In Subdivision

The owner, developer or subdivider intends to provide a supply of running water to the tracts or owners of the tracts in this subdivision. A supply of running water will be provided by means of \_\_\_\_\_

no later than the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ A.D. This limitation does not affect the water rights pertaining to the individual tracts within the subdivision, nor does it modify or otherwise affect existing water supply facilities, e.g., windmills, water tanks, water troughs, water pipelines, or the rights corresponding thereto."