The seal of Washington County, Texas, is a large, light-colored circular emblem in the background. It features a central five-pointed star surrounded by a wreath of oak leaves and a branch of cotton. The outer ring of the seal contains the text "COUNTY OF WASHINGTON" at the top and "BIRTHPLACE OF TEXAS" at the bottom, with a five-pointed star on each side.

WASHINGTON COUNTY
SUBDIVISION AND DEVELOPMENT REGULATIONS

**Approved by Commissioners Court on
March 31st 2026**

**Washington County
Engineering and Development Services**

Table of Contents

Section 1 – General Provisions.....	3
1.01. Authority	3
1.02. Purpose.....	5
1.03. Interpretation.....	5
1.04. Coordination with Other Jurisdictions	5
1.05. Invalidity	6
1.06. Health Issues	6
1.07. Effective Date	6
1.08. Compliance Required.....	6
Section 2 – General Subdivision Requirements and Exceptions.....	7
2.01. Subdivision of Property	7
2.02. Exemption to Plat Requirements.....	7
Section 3 – Application Submittal and Processing	9
3.01. Pre – Application Meeting	9
3.02. General Application Processing.....	9
3.03. Final Plat Submittal Requirements	12
3.04. Process Following Commissioners Court Decision.....	13
3.05. Amendments to and Expiration of Approved Applications.....	14
3.06. Procedure Summary	15
3.07. Washington County Contacts.....	15
Section 4 – Plat/Plan Types.....	16
4.01 Minor Plat	16
4.02 Final Plat	17
4.03 Replat	19
4.04 Amending Plat.....	20
4.05 Vacating / Cancellation Plats	21
Section 5 – Subdivision Categories and Requirements	22
5.01. Subdivision Categories	22
5.02. Easement and Dedications	24
5.03. Subdivision and Replats Within a City’s ETJ.....	24
5.04. Phased Subdivisions.....	24

Section 6 – Right-Of-Way Dedication	25
6.01. New Roads; Proportional Dedication and Cost of Construction	25
6.02. Existing Right-of-Way below Minimum Standards	25
6.03. Additional Right-of-Way Needed Above Minimum Standard	25
6.04. Subdivision Proportionality and Development Agreement	26
6.05. Abandonment Process for County Roads	27
Section 7 – Private Subdivisions.....	28
7.01. Private Subdivisions.....	28
7.02. Procedures to Convert Private Roads to Public Roads	29
Section 8 – Financial Responsibilities and Guarantees	30
8.01. Fiscal Surety for Subdivision Improvements	30
8.02. Construction Surety.....	31
8.03. Maintenance Surety.....	32
8.04. Collection of Surety	32
8.05. Release of Construction Surety	33
Section 9 – Road Acceptance Procedure.....	35
9.01. Road Acceptance Procedure	35
Section 10 – Subdivision Variances.....	36
10.01. Variances.....	36
Section 11 – Penalties.....	37
11.01. Penalties	37
Section 12 – Definition of Terms	38
12.01. Definitions.....	38
APPENDIX A.....	46
CERTIFICATES AND DEDICATIONS	46
APPENDIX B.....	54
PLAT NOTES.....	54
APPENDIX C.....	57
SURETY TEMPLATES	57

Section 1 – General Provisions

1.01. Authority

These regulations are adopted under the authority of the Constitution and laws of the State of Texas, including particularly:

1. **Texas Local Government Code**
 - a. Chapter 212, Municipal Regulation of Subdivisions and Property Development
 - b. Chapter 232, County Regulations of Subdivisions
 - c. Chapter 242, Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality’s Extraterritorial Jurisdiction
 - d. Chapter 245, Issuance of Local Permits
2. **Texas Transportation Code**
 - a. Chapter 251, General County Authority Relating to Roads and Bridges
 - b. Chapter 252, Systems of County Road Administration
 - c. Chapter 253, County Improvements of Subdivision Roads
 - d. Chapter 254, Drainage on Public Roads
 - e. Chapter 255, County Regulation of Sight Distances
3. **Commissioner Court Responsibilities**

Commissioners Court Responsibilities
Approving, Conditionally Approving, or Disapproving a Final Plat
Approving, Conditionally Approving, or Disapproving an Amending Plat
Approving, Conditionally Approving, or Disapproving Cancellation of a Subdivision
Approving, Conditionally Approving, or Disapproving a Revision of a Plat (Replat)
Approving or Denying a Construction Surety Release
Issuing an Order of the Commissioners Court for Final Acceptance
Accepting Right-of-Way and Roadways
Approving or Denying the Abandonment of Roadways
Approve or Disapprove an Appeal of the County Engineer’s Disapproval of a Minor Plat
Approve or Disapprove a Variance Request

4. Engineering and Development Services Department (EDS) Responsibilities

Engineering and Development Services Department (EDS)
Reviewing Applications for Administrative Completeness
Recommending Approval, Conditional Approval, or Disapproval of a Final Plat
Reviewing the Minor Plat Conformance to Minor Plat Requirements
Approving, Conditional Approving, or Disapproving of a Minor Plat
Reviewing the Final Plat for Conformance to Final Plat Requirements
Reviewing the Amending Plat for Conformance to Amending Plat Requirements
Recommending Approval, Conditional Approval, or Disapproval of an Amending Plat
Reviewing Cancellation of a Subdivision
Recommending Approval, Conditional Approval, or Disapproval of Cancellation of a Subdivision
Recommending Approval, Conditional Approval, or Disapproval of a Revision of a Plat (Replat)
Recommending Approval or Denial of a Construction Surety Release
Recommending Approval or Denial of an Order of the Commissioners Court for Final Acceptance
Recommending Approval or Denial of Public and Private Roadways
Recommending Approval or Denial of Abandonment of Roadways
Approval or Denial of Site Development Authorization
Scheduling and Holding a Pre-Construction Meeting
Reviewing the Revision of a Plat (Replat)
Approval or Disapproval of Construction Plans
Approval or Denial of Construction Plan Extensions
Attending and Conducting a Pre-Construction Meeting
Approving Construction Bond Release for Private Infrastructure
Conducting a Preliminary Inspection of Public Improvements
Conducting a Final Inspection of Public Improvements
Reviewing the Cost for Construction

1.02. Purpose

These Regulations have been prepared in general to aid in the orderly Development of Washington County, Texas, and provide guidelines which will lead to a desirable environment. Specifically, they have been prepared for the following purposes:

1. To furnish the Owner with guidelines and assistance in the expedient preparation and approval of a plat.
2. To protect citizens of Washington County by providing subdivision and development guidelines within Washington County.
3. To provide for the ability to construct suburban subdivisions within the County and provide development guidance for the same.
4. To provide for the welfare of the public by providing guidelines for the location, design, and construction of roadways, roadway intersections, drainage improvements and other features that provide for the safety of the general public.
5. To ensure adequate access for emergency response vehicles.
6. To protect the citizens of Washington County from an unreasonable tax burden resulting from substandard design and construction of public infrastructure or inadequate funding for maintenance of public facilities.

1.03. Interpretation

In the interpretation and application of these regulations, it is in the intention of the Washington County Commissioner's Court that the requirements provided for herein shall be minimum requirements of the platting and developing of subdivisions outside the corporate limits of a municipality and within Washington County, and, where other court orders of the County are more restrictive in their requirements, such other court orders shall control.

Washington County Subdivision Regulations are derived from Texas Statutes (**Section 1 Authority**) and any interpretations shall be in accordance with those statutes.

1.04. Coordination with Other Jurisdictions

All authority specifically provided to Washington County, or agreed to between Washington County and other local, state and/or federal agencies, shall be applied to the fullest extent. Specific platting and permitting requirements are subject to inter-local agreements which may exist for governing the Extraterritorial Jurisdictions (ETJs) surrounding incorporated cities within Washington County. In the event no inter-local agreement exists, all Development must be approved by both the municipality and Washington County with final approval to be granted by the County. To the extent that other laws conflict, the more stringent provision shall prevail.

In addition to compliance with Subdivision Regulations of Washington County, and with municipalities having ETJ, the development and use of real property in Washington County may be subject to regulation by other jurisdictions including, but not limited to, the Texas Commission on Environmental Quality (TCEQ), the US Corps of Engineers (USACE), Federal Emergency Management Agency (FEMA), United States Environmental Protection Agency (EPA), United States Fish and Wildlife Service (USFW), and other County regulations.

1.05. Invalidity

In the event that any portion of these Regulations should be held unconstitutional, or invalid, other parts hereof shall not be affected thereby and they shall be held in affect unless and until otherwise changed by the Commissioner’s Court of Washington County, Texas, and so recorded in its minutes.

1.06. Health Issues

Owners of properties in Washington County subdividing shall familiarize themselves with the rules of sanitation and avoidance of water, air or other types of pollution as established by Federal and State statute or regulation or by the Washington County Environmental Department. Special attention is called to regulations adopted by the Commissioner’s Court of Washington County, Texas relating to on-site sewage facilities (OSSFs).

1.07. Effective Date

These regulations shall be in full force and effect immediately upon their adoption by the Washington County Commissioner’s Court. Any subdivision for which the Commissioner’s Court has received a preliminary plat prior to effective date of these Regulations shall be governed by those in effect at the time the plat was submitted for review.

1.08. Compliance Required

As per the Texas Local Government Code Section 232.001, the Owner of any tract of land located outside the boundaries of any incorporated town or city in Washington County, Texas that intends to subdivide a tract of land into two or more parts to lay out a Subdivision of the tract, including an addition, lots, roads, alleys, squares, parks or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on an adjacent to the roads, alleys, squares, parks, or other parts, shall prepare and submit a plat for approval by the Commissioner’s Court of Washington County in accordance with Section 3.01.

A division of a tract shall include any division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method of conveyance of an interest in land.

Section 2 – General Subdivision Requirements and Exceptions

2.01. Subdivision of Property

The owner or owners of any tract of land outside the platting jurisdiction of any incorporated town or city in Washington County, Texas, who, subsequently to the effective date of these regulations, has divided or will divide the same in two (2) or more parts for the purpose of

1. laying out any subdivision of any such tract of land, or
2. for laying out lots, or
3. to lay out, roads, parks, alleys, or squares, including an addition, or other portion intended for public use, or for the use of the purchasers or owners of such lots fronting on or adjacent to the roads, alleys, squares, parks or other parts of such tract,

The owner or owners must comply with the rules and regulations adopted herein and as provided in Texas Local Government Code Section 232.

2.02. Exemption to Plat Requirements

In accordance with Texas Local Government Code Section 232.0015, a plat is not required if:

1. The owner's division of a tract of land into two (2) or more parts; and
2. The owner is not intending to lay out a part of the land for streets, alleys, squares, parks, or other parts to be dedicated for public use; and
3. Meets at least one of the exceptions on the Exception to Plat Requirements table.

An Exemption does not release the Subdivider from the responsibility to meet other requirements of these Subdivision Regulations, including the following:

1. Minimum lot frontage requirements;
2. Minimum setback requirements;
3. Minimum lot area requirements;

Although it is not a requirement, Washington County requests a courtesy notification letter from a land owner/developer who believes their division is an exception to the Platting requirements, a survey or sketch of the division would be helpful.

All landowners of daughter lots related to a subdivision utilizing an exemption listed under TLGC Section 232.0015 shall plat the entirety of the area of the parent tract in the event that any or all daughter lots lose the exemption status or no longer qualify for the exemption originally utilized.

Exemption to the Requirement to Plat for the Subdivision of Land TLGC Section 232.0015 exempts land from any requirement to Plat in one or more of the following scenarios.

EXEMPTION TO PLAT REQUIREMENTS		
Exemption to the Requirement to Plat for the Subdivision of Land <u>TLGC Section 232.0015</u> exempts land from any requirement to Plat in one or more of the following scenarios. must meet at least one of the categories listed below		
Texas Local Government Code	Exemption	Scenario
Section 232.0015 (D)	The land is used primarily for agricultural uses, or for farm, ranch, wildlife management, or timber production use.	The land is used primarily for agricultural, farm, ranch, wildlife management, or timber production uses.
Section 232.0015 (E)	The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third consanguinity or affinity.	Each of the Lots is to be sold, given, or transferred to an individual who is related to the owner within the third (3rd) degree by consanguinity or affinity defined by Texas Government Code Section 573.022.
Section 232.0015 (F)	All of the lots of the subdivision are more than (10) acres in area.	Each Lot in the Subdivision is more than ten (10) acres in area.
Section 232.0015 (G)	All Lots Sold to Veterans.	All of the lots are sold to veterans through the Veterans' Land Board Program.
Section 232.0015 (H)	The tract owned by the State or other State agency, board, or commission, or owned by the permanent school fund, or any other dedicated funds of the State.	Land Owned by State or Permanent School Fund.
Section 232.0015 (I)	The owner of the land is a political subdivision of the State, the land is situated in a flood plain, and the lots are sold to adjacent landowners.	Land Owned by Political Subdivision of the state in a Floodplain and the Lots are sold to adjoining landowners.
Section 232.0015 (J)	Division of Land for Purpose of Selling Part to Subdivider.	The owner retains one new part, and the other new part is to be transferred to another Person who will further subdivide the land subject to the Plat requirements of these Subdivision Regulations.
Section 232.0015 (K)	Divisions of Tract Transferred to Existing Owners of Tract.	All parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract.

Section 3 – Application Submittal and Processing

3.01. Pre – Application Meeting

A. Purpose

The Pre-Application Meeting is a meeting that allows for the exchange of non-binding information between the Applicant and the County, including requirements and timelines for Approval, before the Applicant submits a Plat Application.

The Pre-Application Meeting provides the Applicant and the County an opportunity to discuss major Development considerations such as utilities, roadways, and drainage concerns. This exchange of information is intended to promote an efficient and orderly review process.

B. Applicability

1. Pre-Application Meeting is required before an Applicant submits an Application for a Final Plat, Replat, or Cancellation of a Subdivision.
2. A Pre-Application Meeting is optional but recommended before an Applicant submits an Application for a Minor Plat or Amending Plat.

C. Pre-Application Meeting occurs before the Submission of Plans and Applications

1. At the Pre-Application Meeting, the Applicant may attend in person, by teleconference or video conference, or through a representative or development professional such as a land planner, Engineer, Licensed Surveyor, or other qualified professional.
2. A Pre-Application Meeting does not vest a Permit, Application, or other type of development Approval, defined under TLGC Chapter 245.

D. Sketch Plan

A Sketch Plan is required for a Pre-Application Meeting.

1. A Sketch Plan is an informal visual aid to assist the Subdivider and the County during the Pre-Application Meeting.
2. A Sketch Plan is an informal freehand sketch on paper or a computer-aided drawing depicting the following elements:
 - a. The boundaries of the original property in its entirety along with any pertinent historic information based on surveys, hydrological maps such as Rivers or wetlands, or geological studies;
 - b. Significant environmental features such as bodies of water, Floodplain, springs or wells, groves or stands of trees, steep slopes, or other similar features.
 - c. Proposed improvements, including grading, drainage, water, sewer, electricity, fiber, or pavement;
 - d. Lots and roadway layout; and
 - e. Development phasing, if applicable.

3.02. General Application Processing

Application Form

1. The County is authorized to create any Application Form necessary and impose requirements for Administrative Completeness through the use of checklists, plan specifications, standardized requirements for property description and Applicant contact information, and any other information necessary to determine compliance with County standards.

2. The EDS Department, maintains, and updates all Application Forms.
3. All submittal documents for review shall be submitted electronically in PDF form.

Application Fees

1. The county will not consider an application complete if the Applicant has not paid the applicable County approved application fees.
2. Fees are not refundable unless the County accepted the Application in error.
3. The Commissioners Court may amend the Fee Schedule at any time.

Payment of Indebtedness

The EDS Department will not issue a Determination of Completeness to anyone owing delinquent taxes, assessments, fees, or other debt to the County on any matter concerning the subject property until the Applicant provides evidence of full payment, or arranges for full payment to be made.

Initiation of Application

1. Required Plans and Documents

Before the EDS Department can review a Plat Application for administrative completeness, the Applicant must complete the following, as applicable:

- a) **Application** - The property owner must initiate and sign the Application or designate an agent to act on the property owner's behalf.
 - i. If the Applicant is a designated agent, the Application must include a statement from the property owner authorizing the agent to initiate the Application on the owner's behalf.
 - ii. The statement must be signed by the property owner.
- b) **Plat** – Plat size shall be (18"x24") and shall be submitted electronically in pdf form with all corresponding attachments via the electronic submittal instructions outlined below.
- c) **Plans** – Plans shall meet all requirements outlined in **Section 3 of the Washington County Design and Construction Standards Manual**.
- d) **Tax Certificate** - Provide an original Tax Certificate from the Washington County Tax Assessor-Collector certifying that the property carries no delinquent taxes.
- e) **Title Information** - A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas certifying to at least the following concerning the title to the land: A statement of records examined and date of examination within thirty (30) days of submittal. Name of the fee owner as of the date of examination and the date, file number, and volume and page or the recording of the deed involved; the name of any lien-holder together with the date of filing and volume and page of such lien and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording.
- f) **Fees** - All fees as shown on the **Engineering and Development Services Department Fee Schedule** and in the amounts specified therein must accompany the final plat submittal. Recording fees shall be paid at the time of hard copy plat submitted and shall be per the **Washington County Clerk Fee Schedule**.
- g) **A will-serve letter** - from utility provider who will serve the Subdivision with water /wastewater in the event that public water/wastewater is intended for use.
- h) **OSSF Suitability Study** - If the subdivision will use On-Site Sewage Facility (OSSF), An OSSF Suitability Study must verify that proposed Lots will comply with the current Washington County

OSSF order. OSSF suitability report shall comply with specifications outlined in the **Floodplain and OSSF suitability report guidelines.**

- i) **Variance Request** - If the subdivider requests a Subdivision Variance of any requirement under these subdivision Regulations, the Commissioners Court must approve the variance before Application processing (see **section 10.01 Subdivision Variance.**)
- j) **Development Agreement** - approved by Commissioners Court under **TLGC Section 232.105.** if the Court or the Applicant request an agreement under **Section 6.04 Subdivision Proportionality and Development Agreement** to construct Public Improvements.
- k) **A Traffic Impact Analysis** - if required by the Washington County Design and Construction Standards.
- l) **Flood Study** - If the property lies within the 100-year Floodplain as shown on Flood Insurance Rate Map (FIRM) published by FEMA, a Flood Study.

2. Official Submittal Date

- a) An Application is complete when the EDS Department receives all documentation or other information required in **Section 3.02 General Application Processing** or requested by the Department.
- b) The Application is filed under **TLGC Section 232.0025** when the Responsible Official issues a Determination of Completeness.
- c) The date the Department issues a Determination of Completeness is the Official Submittal Date of the Plat Application for the purpose of calculating time under **TLGC Section 232.0025(d).**
- d) Issuance of a Determination of Completeness does not imply Approval of a Plat or Subdivision.

3. Incomplete Applications

- a) If an Application does not include all of the documentation or other information required in **Section 3.02 General Application Processing** or **Section 4 Plat/Plan Types**, the Responsible Official will notify the Applicant no later than the tenth (10th) business day after the date the department receives the Application.
- b) The Applicant must submit the missing documents or other information no later than the thirtieth (30th) business day after the EDS Department issues the notice.
- c) If the applicant fails to respond with thirty (30) business days, the Application will expire.

Action by the EDS Department

1. Circulate Plat and Compile Comments

- a. Once the Application is complete (**Section 3.02**), the EDS Department will circulate the Application materials to the appropriate staff for review and comment.
- b. All comments and the recommendation shall be compiled by the EDS Department once review has been completed.

2. Modifications Requested by the Applicant Restart Process

a. Revised Application Becomes New Application

If the Applicant chooses to submit a revised Application because of a change in development decisions, the EDS Department will treat the modified Application as a new Application.

b. Effect on Timeline for Approval

A revised Application submitted under **Section 3.02** will restart the entire review process under **Section 3.02**, including the Official Submittal Date, Determination of Completeness, and the 30-day Approval period.

3. Hardcopy Submittal

a. Final Plat Hardcopy Submission

- i. Mylar Plat Copy (18"x24")
- ii. 2 Paper Plat Copies (18"x24")
- iii. Original Tax Certificate
- iv. County Clerk Recording Fees
- v. Plans (If Applicable)
- vi. Construction Surety (If Applicable)

b. Minor Plat Hardcopy Submission

- i. 2 Original Metes and Bounds Copies (8.5"x11")
- ii. Original Tax Certificate
- iii. County Clerk Recording Fees

4. Approval or Disapproval

If the Application is a Minor Plat, as defined in **Section 4.01** the County Engineer will give their decision to the Applicant in writing within the time required under **Section 3.02**.

5. Forward Application and Provide Notification

If the Commissioners Court is responsible for approving the Application (**Section 1.02**), the EDS Department will forward the Application to the Court with the recommendation of the County Engineer (**Section 1.02**).

Action by the Commissioners Court

1. After the Applicant addresses the comments of the EDS Department, as applicable (**Section 3.02.F**), the EDS Department will prepare a report and schedule the Application for decision by the Commissioners Court within the time required under **Section 3.02.F**.
2. The Commissioners Court will consider the Application and approve, approve with conditions, or disapprove the Application.

3.03. Final Plat Submittal Requirements

All final plat submittals shall be in conformance with all applicable requirements found herein and the Washington County Design and Construction Standards. Before approval of a final plat by Commissioners Court, and before recording of the plat shall be permitted by Commissioners Court, compliance with the following requirements is mandatory; these documents are to be submitted with the final plat presentation.

1. **Plat** - Final plat size shall be (18"x24") and shall be submitted electronically in pdf form with all corresponding attachments via the electronic submittal instructions outlined below. Final plat shall follow all specifications listed within the regulations found herein.
2. **Tax Certificates** - Original tax certificate (certified tax receipt) shall accompany the plat, indicating that all taxes have been paid, as required by **Texas Property Code 12.002**.

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3. **Title Information** - A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas certifying to at least the following concerning the title to the land: A statement of records examined and date of examination within thirty (30) days of submittal. Name of the fee owner as of the date of examination and the date, file number, and volume and page or the recording of the deed involved; the name of any lien-holder together with the date of filing and volume and page of such lien and a general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording.
 4. **Restrictive Covenants (If Applicable)** - A general statement of the proposed uses of the land and a copy of the restrictive covenants, if any, to accompany the filing of the plat if approved. Subordinations to be filed separately shall accompany the final plat.
 5. **Plans And Specifications (If Applicable)** - A complete set of plans and specifications prepared and sealed by a Professional Engineer, licensed by the State of Texas, for all roadway, drainage and utility improvements within or extending to the proposed subdivision shall be submitted electronically in pdf form. Plans and specifications shall adhere to all requirements listed in the Washington County Design and Construction Standards.
 6. **Construction Surety (If Applicable)** -The owner or developer of the proposed subdivision shall file a construction/performance bond or a Letter of Credit as to form and surety and sureties on such bond guaranteeing the completion of such improvements (in addition to road construction cost, bridges and any other structures must be included in the security amount) and as are required to be constructed by the owner or developer under county policies in effect, and as required by this article. Such bond or letter of credit shall be in an amount equal to one hundred twenty percent (120%) of the estimated construction cost at the time of submittal, and the County Engineer shall approve the amount of the bond. Such bond shall be payable to the County and shall guarantee completion of all required improvements within two (2) years from the date of final approval of such plat.

Where for good cause shown to the satisfaction of the Commissioners Court, the developer or owner has not completed the required site improvements within the two (2) years from the date of approval of the final plat, the Commissioners Court, upon a written request, may grant additional time, not to exceed a period of one (1) year, within which to complete said improvements. A written request for an extension must be requested prior to expiration of initial two-year construction term. No such extension shall be granted unless the developer or owner has filed new bond or letter of credit in conformance with the conditions applied to the original bond or letter of credit. Proposed bonds and/or letters of credit shall be reviewed and approved by the County Attorney prior to acceptance.

7. **OSSF Suitability Report** – If the subdivision will use On-Site Sewage Facility (OSSF), An OSSF Suitability Study must verify that proposed Lots will comply with the current Washington County OSSF order. OSSF suitability report shall comply with specifications outlined in the **Floodplain and OSSF suitability report guidelines.**
8. **Fees** - All fees as shown on the **Engineering and Development Services Department Fee Schedule** and in the amounts specified therein must accompany the final plat submittal. Recording fees shall be paid at the time of application and shall be per the **Washington County Clerk Fee Schedule.**

3.04. Process Following Commissioners Court Decision

Notification of Decision

1. Application Approval

- a. If the Commissioners Court grants Approval, the EDS Department will deliver the decision to the Applicant in writing.
- b. The Applicant has authorization to proceed to the next phase (see **Section 4**).

2. Application Approval with Conditions

- a. If the Commissioners Court grants a conditional Approval, the EDS Department will deliver the decision and the conditions to the Applicant in writing in accordance with TLGC Section 232.0026.
- b. The application is disapproved until the Applicant addresses each condition.
- c. Once the Applicant addresses the conditions, the Plat is automatically approved and the Applicant has authorization to proceed to the next phase (see Section 4).

3. Application Disapproval and Applicant Response

- a. If the Commissioners Court disapproves the Application, the EDS Department will deliver the decision and reasons for disapproval to the Applicant in writing in accordance with TLGC Section 232.0026.
- b. If the Applicant submits revisions and responds in writing to each reason for disapproval, the Commissioners Court will vote to approve, approve with conditions, or disapprove the revisions no later than fifteen (15) days after the Applicants submits the response in accordance with TLGC Section 232.0028.

Type of Notice

Notice shall be given by electronic mail (email) or by postal service.

Plat Recordation

Upon approval of the plat, the Washington County EDS Department shall deliver the signed mylar and two paper copies of the plat with the original tax certificates to the Washington County Clerk located at the Washington County Courthouse and proceed with recordation.

3.05. Amendments to and Expiration of Approved Applications**Amendment to an Approved Subdivision Application**

The EDS Department will process a request to amend or revise an approved but unfiled and unexpired Application, under the procedures and standards in place at the time the Applicant files the new Application, unless otherwise provided in these Subdivision Regulations.

Expiration of an Approved Subdivision Application**1. Subdivision Application Expiration – Two (2) Years**

An approved Plat Application automatically expires two (2) years from the Application Approval date, unless the Applicant or Subdivider demonstrates Progress toward Completion under TLGC Section 245.005.

2. Applications with No Time Limit

An Application approved administratively or by Court Order without a specified expiration date will expire two (2) years from the Application Approval date.

3. Applications with Vested Right

An Application approved prior to the effective date of these Subdivision Regulations will expire according to the expiration date in effect at the Official Submittal Date.

4. Effect of Expiration

If an approved Application expires without extension, the Applicant or Subdivider must submit a new Application to the EDS Department under this Section 3.

3.06. Procedure Summary

Any owner or developer of any lot, tract or parcel of land located outside the corporate limits of a city and within the County jurisdiction who creates a subdivision of land shall conform to the general procedure described as follows unless indicated otherwise herein:

3.07. Washington County Contacts

All Fees for Washington County Engineering and Development Services, Environmental, and Addressing can be paid to Washington County and be collected at the office of the Washington County Engineering and Development Services Building.

For additional information, please contact our offices listed below.

Washington County Engineering and Development Services	
<p><i>Administrative and Development Supervisor</i> 3650 SH 36 N Brenham, Texas 77833 Phone: 979-277-6275</p>	<ul style="list-style-type: none"> • Receives Subdivision submittal and coordination
<p><i>Washington County Engineer</i> 3650 SH 36 N Brenham, Texas 77833 Phone: 979-277-6275</p>	<ul style="list-style-type: none"> • Plat and plan review and inspections
<p><i>Environmental Health Director</i> 3650 SH 36 N Brenham, Texas 77833 Phone: 979-277-6290</p>	<ul style="list-style-type: none"> • Floodplain review and inspections • On-site sewage facilities (OSSF) review and inspections
<p><i>Addressing and Mapping Coordinator</i> 3650 SH 36 N Brenham, Texas 77833 Phone: 979-277-6279</p>	<ul style="list-style-type: none"> • Road naming review • 9-1-1 addressing

Section 4 – Plat/Plan Types

There are several types of plats that may be used to subdivide or alter boundaries of a property. A description and the proper use of each of these plats is described below.

4.01 Minor Plat

A minor plat may be used solely for the purpose of subdividing land that is undeveloped or used for single family residential development purposes into one (1) to four (4) lots.

A minor plat may be used to record such subdivision of property or to record the remainder of a tract created by the platting of a tract created by the minor platting of a portion of the property provided that the daughter lots are undeveloped or used for single family residential development or agricultural purposes and neither the parent tract nor daughter tract(s) of land or any portion thereof have been cumulatively subdivided into more than four separate daughter tracts after December, 31st 2009 (including any proposed subdivision).

Minor Plat Process:

The provisions of this section shall not apply to any subdivision in which a portion of the original tract is to be dedicated to public roads and the development involves the construction of private or public improvements, including roads and/or drainage improvements.

The following additional standards for approval apply to all minor plats:

- All tracts, parcels, lots, reserves or sites created by a minor plat shall have direct access to a public road.
- All regulations and requirements apply to minor plats as well as any other subdivision of land.
- No new roads shall be created on the minor plat.

A minor plat meeting all requirements of the County shall be approved by the County Engineer as the designated approval appointee per Texas Local Government Code 232.0022.

Minor plat approval and acceptance by the County does not relieve the owner from obligations, including fees, required by other section of this or other orders of the County pertaining to the improvement of the property or extension of services as required to make the property suitable for development.

Easement for access, utilities and drainage may be recorded on minor plats; however, this does not negate minimum right-of-way frontage requirements found herein.

A minor plat may be vacated, revised (replatted), or superseded in total or in part by compliance with the procedures and requirements of these regulations.

Per Section 12.002 of the Texas Property Code, the owner or applicant must provide an original tax certificate for the subdivision as furnished through the Washington County Tax Appraisal District office demonstrating that all taxes to the State, County, school district, and/or any other political subdivision have been paid in full to date.

Minor plats shall include information as stated on the application administered by the County Engineer.

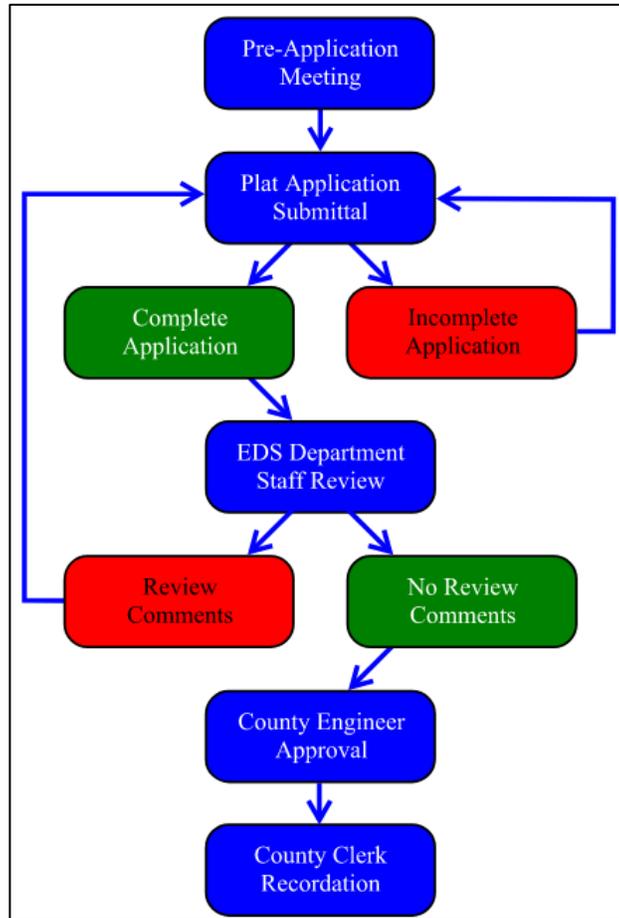


Figure 1 - Minor Plat Work Flow

4.02 Final Plat

The final plat is a legal document defining the physical configuration and rules governing development and operation of a subdivision. The final plat shall be approved and recorded prior to the sale of any lots in a subdivision, or commencement of any construction activities on the proposed lots created by the plat.

The final plat shall be submitted concurrently with applicable construction plans. The final plat shall not be recorded prior to posting with the County of fiscal surety for the construction of public improvements as specified in these regulations.

Per **Section 12.002 of the Texas Property Code**, the owner or applicant must provide an original tax certificate for the subdivision as furnished through the Washington County Tax Appraisal District office demonstrating that all taxes to the State, County, school district, and/or any other political subdivision have been paid in full to date.

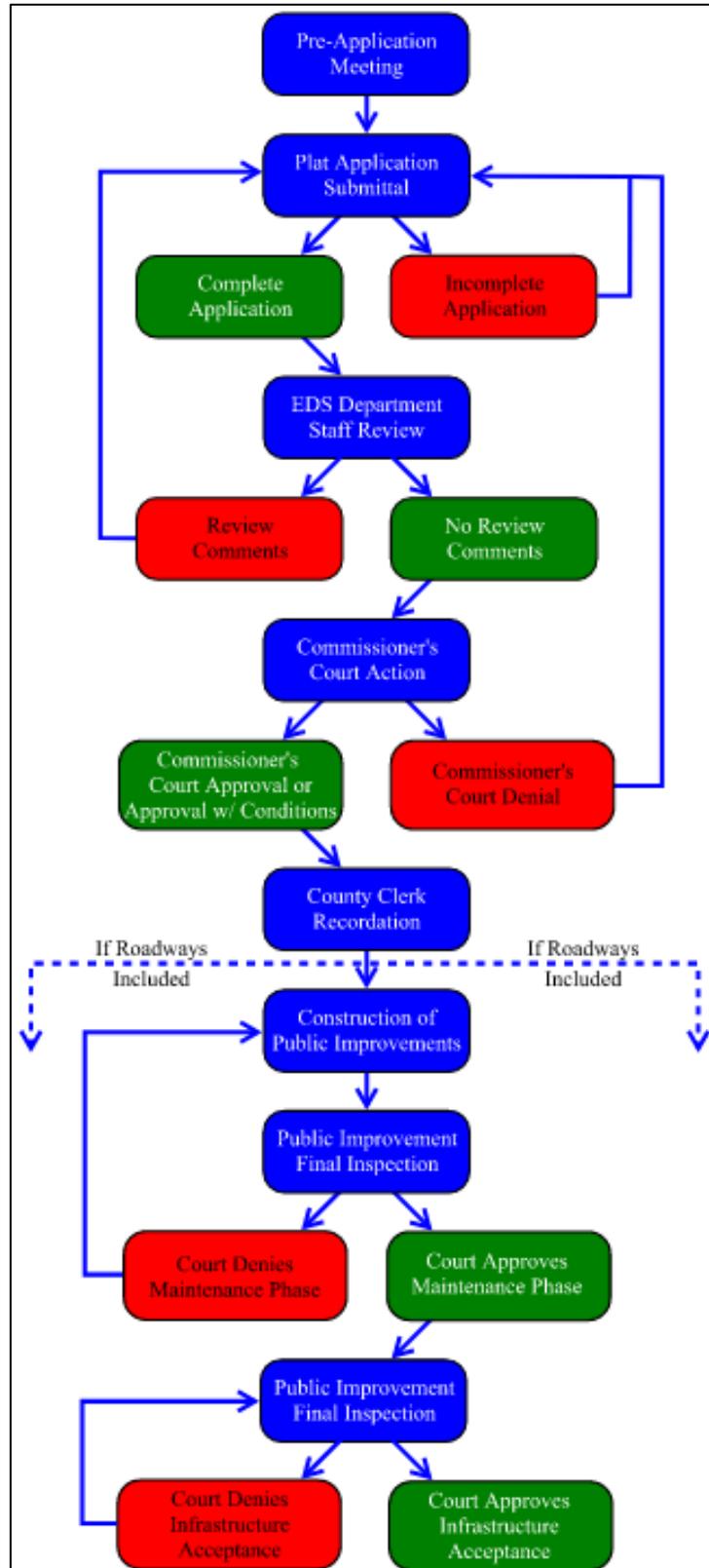


Figure 2 – Final Plat Work Flow

4.03 Replat

A replat is the process of creating a new land subdivision, thereby changing the number of lots or modifying the lot configuration, from a previously platted parcel. All restrictions which were applicable on the original subdivision shall apply to the replat.

1. Notice Requirements

- a. After the application is submitted, the County shall publish a notice of the application in a newspaper of general circulation in the county in accordance with **Texas Local Government Code 232.041**. The notice shall be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. If all or part of the subdivided tract has been sold to nondeveloper owners, the court shall also give notice to each of those owners by mail, at the owner's address in the subdivided tract as indicated in the most recent records of the central appraisal district of the county.
- b. If the County determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under subsection (i) above do not apply to the application and the County shall:
 - i. provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the county in which the lots are located; and
 - ii. post notice of the application continuously on the Washington County website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

2. Replat of a Minor Plat

In the event that a replat corresponds to a recorded minor plat, the approval procedure of the replat shall correspond to the requirements of a minor plat. The notice requirements in **Section 4.03. a.** above shall be required. In the event that the replat creates more than four (4) lots in relation to the original parent tract, a final plat shall be required for the additional lots affected.

Per **Section 12.002 of the Texas Property Code**, the owner or applicant must provide an original tax certificate for the subdivision as furnished through the Washington County Tax Appraisal District office demonstrating that all taxes to the State, County, school district, and/or any other political subdivision have been paid in full to date.

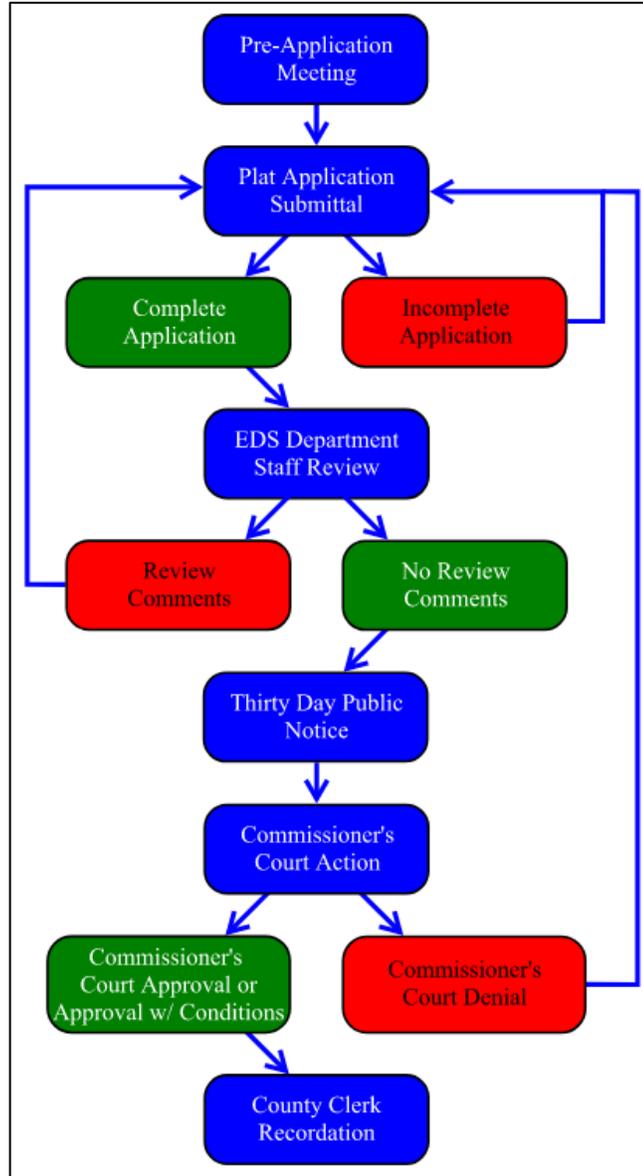


Figure 3 – Replat Work Flow

4.04 Amending Plat

An amending plat is a replat addressing minor changes, correction of clerical errors, or limited modifications affecting a limited number of property Owners or Lots.

It is commonly used to:

1. Correct errors and omissions in course or distance, real property descriptions, monuments, Lot numbers, acreage, road names, adjacent recorded plats, and other clerical error or omission.
2. Move a lot line between adjacent lots (with various limitations depending on the circumstances).

The Owner of a previously recorded lot may create an amending plat so long as;

3. the changes do not affect these regulations or any other applicable County regulations; and

- the changes do not attempt to amend or remove any existing covenants or restrictions; and
- all applicable requirements of **Section 232.011 of the Texas Local Government Code**, as amended, are met.

An amending plat meeting all requirements of the County shall be approved by the County Engineer as the designated approval appointee per Texas Local Government Code 232.0022,

Every amending plat shall include all required information as stated on the Application administered by the County.

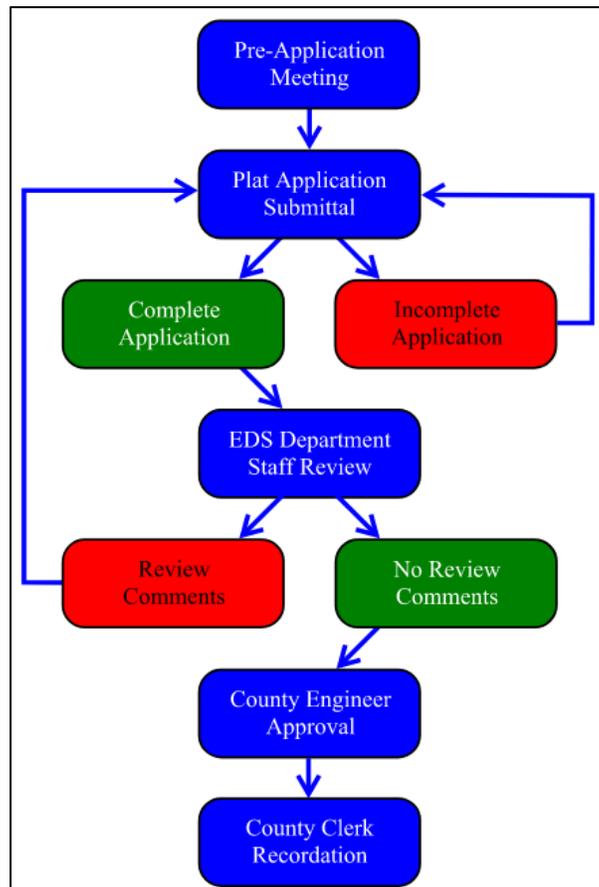


Figure 4 - Amending Plat Work Flow

4.05 Vacating / Cancellation Plats

A vacating or cancellation plat is a Replat to eliminate the subdivision of property reflected by a prior plat. Vacating plats shall not be used without the consent of all property owners in the plat, even if only a portion of the plat is to be vacated.

- The vacation or cancellation of an existing plat shall be accomplished in accordance with the applicable provisions outlined in **Section 212.013, 232.008, 232.0083 and/or 232.0085 of the Texas Local Government Code**.

All plat certifications that must be provided on the plat can be found in **Appendix A, Certifications and Dedications**.

Section 5 – Subdivision Categories and Requirements

5.01. Subdivision Categories

All subdivisions in Washington County are classified into two categories. In coordination with other jurisdictions, refer to **Section 1.04, Coordination with Other Jurisdictions**.

1. Urban Subdivisions

Urban Subdivisions contain lots less than one (1) acre in size and infrastructure appropriate to an urban setting (community/public wastewater). Urban subdivisions shall incorporate a public or community water and wastewater system.

a. Lots

- i. The building setback line on any TxDOT maintained road shall be fifty (50) feet from the edge of the right-of-way.
- ii. The front building setback line on all other roads shall be twenty-five (25) feet from the edge of the right-of-way.
- iii. The rear building setback line on all properties shall be twenty (20) feet.
- iv. The side setback line on all properties shall be seven and a half (7.5) feet.
- v. The side road building setback line on all properties shall be fifteen (15) feet.
- vi. The more stringent setback in a given lot layout shall govern.
- vii. Minimum lot depth shall be no less than 115 feet. Minimum lot depth shall be no less than 125 feet for lots facing or backing up to major thoroughfares or TxDOT maintained roads.
- viii. Lots must have a minimum road frontage of sixty (60) feet except in the turnaround of a cul-de-sac where they must meet a minimum of forty (40) feet of frontage (arc length) at the right-of-way and sixty (60) feet of frontage (arc length) at the front setback line. Flag lot minimum frontage and flag pole width shall be no less than forty (60) feet with the full width flag width shall be no less than sixty (60) feet.
- ix. Minimum lot area shall be no less than 7,000 square feet.

b. Utilities

- i. A minimum of a fifteen (15) foot wide public utility easement must be provided for public utility use on each side of all road rights-of-way.
- ii. No utilities (except drainage) shall be placed under any right-of-way. All utilities shall be within the designated utility easements.
- iii. All existing utilities and pipelines which require relocation or adjustment in order to avoid conflict with proposed roads, utilities or other improvements shall be relocated, adjusted or modified at no expense to Washington County. Owner shall bear the responsibility for compliance with federal, state, and local regulations and requirements regarding such utilities and pipelines.
- iv. All water and wastewater infrastructure shall meet the requirements of the **City of Brenham Public Infrastructure Design Manual Sections 3 and 4** respectively.

c. Drainage

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- i. Storm sewer installation shall be utilized for all urban subdivisions. No urban subdivision shall be permitted to utilize open ditch sections.
 - ii. All drainage requirements outlined in the latest Washington County Design and Construction Standards Manual shall apply and be adhered to.

2. Rural Subdivisions

Rural Subdivisions contain all lots equal to or greater than one (1) acre in size and infrastructure appropriate to a rural setting (private/individual lot on site sewer facility). Rural Subdivisions shall comply with Washington County regulations, will be reviewed by the County, infrastructure may be accepted, and maintained by the County or privately (see Section 7, Private Subdivisions) in accordance with these regulations.

a. Lots

- i. Lots must have a minimum road frontage of sixty (60) feet.
- ii. Lots must front on a public road unless the lot is within a private subdivision and fronts on a privately maintained road as defined in Section 7, Private Subdivisions.
- iii. The building setback line on any TxDOT maintained road shall be fifty (50) feet from the edge of the right of way.
- iv. The front building setback line on all other roads shall be twenty-five (25) feet from the edge of the right-of-way.
- v. The rear building setback line on all properties shall be ten (10) feet.
- vi. The side building setback line on all properties shall be ten (10) feet.
- vii. The side road building setback line on all corner lot properties shall be twenty-five (25) feet.

b. Utilities

- i. A fifteen (15) feet wide public utility easement must be provided for public use on each side of all roads. There shall also be a ten (10) foot wide utility easement along the sides and backs of all lots.
- ii. All utility easements shall lie and be situated completely within the subdivision boundaries. The owner shall coordinate utility installations with all utility companies prior to submission of the final plat.
- iii. No utilities shall be placed within any right-of-way within a subdivision except via County approved crossings within the boundaries of a subdivision. All utilities shall be within the designated utility easements.
- iv. All existing utilities, and pipelines which require relocation or adjustment in order to avoid conflict with proposed roads, utilities, or other improvements shall be relocated, adjusted, or modified at no expense to Washington County. Owner shall bear the responsibility for compliance with federal, state, and local regulations and requirements regarding such utilities and pipelines.

c. Drainage

- i. Storm sewer or open ditch sections shall be allowed for a rural subdivision.
- ii. All drainage requirements outlined in the latest Washington County Design and Construction Standards Manual shall apply and be adhered to.

d. Fire Suppression

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- i. All rural subdivisions that include twenty (20) or more lots shall include a fire suppression system as detailed within the **Washington County Design and Construction Standards Manual**.

5.02. Easement and Dedications

Utility Easements

Utility easements contiguous with public rights of way must be at least twenty (20) feet wide for utility construction, service, and maintenance within private property or property the county does not maintain.

A Subdivider or utility provider may only place utilities within the Public right-of-way according to the approved Construction Plans (Washington County Design and Construction Standards).

The County may require wider easements along or across lots where engineering design or special conditions make it necessary.

5.03. Subdivision and Replats Within a City's ETJ

Subdivisions and replats within the ETJ of any city shall conform to the requirements as set forth in the latest inter-local agreement.

It shall be duty of the applicant filing the plat or replat to ascertain if the tract or subdivision falls within the ETJ of a city.

5.04. Phased Subdivisions

When a subdivision is to be platted as a phased and related development, a master plan shall be submitted with the first portion to be subdivided. The master plan is considered a non-binding planning tool and a source of planning information for the County. It shall include the following information:

1. The boundaries of the entire development with the locations of adjacent platted subdivisions and adjoining property including the names of the record owners of each tract.
2. The proposed phasing plan including the boundaries of each individual phase and the proposed sequential order for platting.
3. The location, width and names of all existing or platted roads or public rights-of-way and all existing easements within and adjacent to the development.
4. The layout and width of proposed arterials, thoroughfares and collector roads, and the general configuration of proposed roads and alleys.
5. The general arrangement and designations of land uses with specification of any sites designated for special use (e.g., for parks, open space, detention, or other public facilities).
6. The approximate location of the boundary of the existing and proposed 100-year floodplain and the location and width of drainage easements, channels, creeks and water courses within the development.
7. The location of proposed drainage courses and of any necessary off-site drainage improvements.
8. The location of all existing and proposed utilities and pipelines.
9. The overall detention plan that clearly indicates how each section shall operate independently and jointly.

When a subdivision is platted and developed in phases, each individual phase must stand alone and be capable of functioning independently with respect to utilities, drainage, flood detention and access.

Section 6 – Right-Of-Way Dedication

A subdivision located within the Washington County platting jurisdiction that dedicates new public roads or abuts/includes any portion of an existing road may be required to dedicate right-of-way via the plat under **Section 6.04**. The subdivision proportional dedication shall comply to the **Texas Local Government Code Section 232.110** and the following conditions:

6.01. New Roads; Proportional Dedication and Cost of Construction

1. Where there is no existing road, the subdivider must construct new roads within the subdivision so each platted lot has direct access to a roadway and maintains the required lot frontage (see **Section 5.01**)
2. When the proposed subdivision abuts a planned roadway as outlined in the approved Washington County Major Thoroughfare Plan:
 - a. The subdivider must dedicate a proportional share of right-of-way on the plat to construct the road according to the Washington County Engineering Design and Construction Standards Manual; and
 - b. The subdivider is responsible for a proportional share of the cost to construct the abutting road under **Section 6.04**. Subdivision Proportionality and Development Agreement and **TLGC Section 232.110**.

6.02. Existing Right-of-Way below Minimum Standards

1. If a proposed subdivision abuts an existing road and the right of way width is below the minimum required per the Washington County Design and Construction Standards Manual, the subdivider must dedicate right of way via the plat, or by separate instrument for future phases.
2. The following standards apply based on the relationship of the subdivision to the right of way.
 - a. Both Sides of an Existing Road Within a Subdivision:
 - i. The Subdivider must dedicate one hundred percent (100%) of the difference between the minimum right-of-way width required in the Washington County Design and Construction Standards Manual and the existing right-of-way width when the subdivision abuts both sides of the existing roadway.
 - b. One Side of an Existing Road Abuts a Subdivision:
 - i. The subdivider must dedicate fifty percent (50%) of the difference between the minimum right-of-way width required in the Washington County Design and Construction Standards Manual and the existing right-of-way width when the subdivision abuts only one side of the existing roadway.

6.03. Additional Right-of-Way Needed Above Minimum Standard

The County Engineer may issue a Determination of Proportionality requiring the subdivider to dedicate additional right-of-way if an existing roadway that abuts the proposed subdivision is inadequate.

1. The inadequacy may be due to unique physical or environmental factors related to topography or roadway geometry, or as the County Engineer determines for reasons of traffic or pedestrian safety.
2. Right of Way Adjacent to a platted subdivision:
 - a. The basis for right-of-way dedication is the distance from the centerline of the roadway on the Plat to the proposed Subdivision boundary.
 - b. The County Engineer may allow or request reasonable geometric adjustments to accommodate safe traffic movements, preserve existing topography, or provide for County maintenance of existing infrastructure.

3. Right of way by instrument, metes and bounds, or general written description:
 - a. The County may allow or request reasonable geometric adjustments to accommodate safe traffic movements, preserve existing topography, or provide for County maintenance of existing infrastructure.
 - b. Right-of-way dedication by plat supersedes right-of-way described by metes and bounds or description unless the Commissioners Court requires abandonment of the existing right-of-way before filing (see **Section 6.05. Abandonment Process for County Roads**).
 - c. If the Commissioners Court requires right-of-way abandonment, the final plat must note the abandonment instrument.
 - d. If the Commissioners Court does not require right-of-way abandonment, the County may require that the final plat note the recording instrument that dedicated the original right-of-way.
4. Prescriptive Right of Way:
 - a. The basis for Right-of-Way dedication is the apparent centerline of the existing pavement, or of the travelled way if unpaved, to the proposed subdivision boundary.
 - b. The County Engineer may allow or request reasonable geometric adjustments to accommodate safe traffic movements, preserve existing topography, or provide for County maintenance of existing infrastructure.
 - c. The subdivider must identify the prescriptive right-of-way on the Plat using features such as fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields, or other similar features.
 - d. The subdivider must convert existing prescriptive right-of-way dedications within the subdivision to a platted right-of-way on the final plat.
 - e. The County may require that the final plat note the boundaries of the former prescriptive right-of-way.

6.04. Subdivision Proportionality and Development Agreement

1. The County may, under **TLGC Section 232.105** and **TLGC Section 232.110**, require a Subdivider to enter into a Development Agreement to divide the costs of Infrastructure by dedicating public Right-of-Way or Easements, paying fees, or participating in construction costs.
2. The Subdivider must request in writing a Determination of Proportionality to determine the appropriate cost participation for the Public Improvements.
 - a. The County Engineer will make the determination of proportionality no more than thirty (30) days after the subdivider requests a determination in writing.
 - b. The cost participation amount may not exceed the amount required for public improvements that are roughly proportionate to the proposed subdivision.
3. Appeal of Determination of Proportionality
 - a. The Subdivider may appeal the decision of the Commissioners Court Engineering Representative.
 - i. In making the appeal, the Subdivider may present evidence and testimony to the Commissioner's Court.
 - ii. After hearing testimony and reviewing evidence, the Commissioner's Court will decide whether to uphold or modify the decision of the Commissioner's court Engineering Representative.

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- iii. The Court will decide no more than thirty (30) days after the Subdivider submits the appeal.
 - b. The subdivider may appeal the determination of the Commissioner’s Court to district court of the County within 30 days of the final determination by the Commissioner’s Court.

6.05. Abandonment Process for County Roads

1. Applicability
 - a. A property owner abutting a portion of Public Roadway (the “Petitioner”) may petition to the County to Abandon, vacate, or close a Public Roadway (collectively referred to in this section as “Petition to Abandon” and “Roadway Abandonment”) that the County owns or maintains (see **Texas Transportation Code Section 251.058**).
 - b. The Commissioners Court may not discontinue, close, or abandon any roadway that is utilized as the only roadway frontage to any existing tract of land.
2. Petition Submittal Requirements
 - a. The Petitioner shall provide the following items for the request:
 - i. A Washington County application associated with the abandonment request.
 - ii. A no objection letter from all utilities or common carrier’s actively utilizing the existing roadway to be abandoned as defined under **Texas Transportation Code, Section 251.058(f)**.
 - iii. A legal survey of the right of way to be abandoned.
 - a. In the event that multiple tracts of land abuts the right of way to be abandoned, there shall be a survey corresponding to each lot that indicates ownership of the portioned right of way.
3. Review by the EDS Department.
 - a. The County Engineer shall review the petition and shall present their findings and the information included in the petition to the Commissioners Court for consideration.
4. Action by the Commissioners Court
 - a. The Commissioners Court may approve the roadway and/or right-of-way abandonment only by unanimous vote per **Texas Transportation Code 251.051**.
5. Conveyance of a Public Road Abandoned, Closed and Vacated
 - a. Quit Claim to a Public Road or portion of a Public Road vests on the date the County Judge signs the order (see **Texas Transportation Code Section 251.058(b)**).
 - b. The County Clerk will file the court order in the deed records of the County as the official instrument of conveyance from the County to the property owner(s) abutting the public road.
 - c. The County will index the court order in the deed records of the County in a manner that describes the County as “grantor” and the property owner(s) receiving the conveyance as “grantee.”

Section 7 – Private Subdivisions

7.01. Private Subdivisions

All privately maintained roads in a rural subdivision shall be designed and constructed in accordance with the County's standards for publicly dedicated roads unless the subdivision in its entirety meets one of the exception requirements outlined in TLGC 232.0015 and Section 2.02.

If an owner wishes to utilize privately maintained roads or gate any portion of the subdivision, it shall be considered a private subdivision and must meet the following criteria:

1. Privately maintained roads shall be permitted only within a subdivision satisfying all of the following criteria:
 - a. If the subdivision is gated, the roads to be restricted to private maintenance shall not include arterial roads or collector roads.
2. The subdivision property deeds and homeowners' association/property owners' association documents shall note that certain County services may not be provided for privately maintained roads. Among the services which may not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, school bus services, mail delivery access and preparation of accident reports.
3. Homeowners' association/property owners' association documents or district by-laws, as applicable, shall reference Section 7.02 of the regulations herein and shall contain provisions that describe how the homeowner's association/property owner's association or district may make application to the County to accept privately maintained roads.
4. A sign shall be placed at the entrance of the subdivision clearly stating that the roads in this subdivision are privately maintained roads. The location of this sign shall be shown in the construction plans.
5. Any development that gates the entrances to the subdivision shall provide a Knox lock and a letter of approval from all of the affected emergency response agencies stating their approval of full-time access to and from the subdivision.
6. The County Commissioner's Court may deny, at its sole discretion, the creation of any privately maintained road if:
 - a. the County determines the privately maintained road would negatively affect traffic circulation on public roads;
 - b. would impair access to the subject or adjacent property;
 - c. would impair access to or from public facilities including schools or parks; or
 - d. would cause possible delays in the response time of emergency vehicles.
7. No privately maintained road shall be constructed as an extension of an existing private road. Proposed privately maintained roads must have access to a publicly maintained road.
 - a. An exception to this requirement shall be if a private road extension is proposed for a subsequent subdivision phase that follows the same private restrictions and covenants as the existing subdivision phase.
8. The County shall not pay for any portion of the cost of constructing or maintaining a privately maintained road.

7.02. Procedures to Convert Private Roads to Public Roads

9. Applications for subdivisions with privately maintained roads must include the same plans and engineering information required for public roads and utilities. County requirements pertaining to review and approval of improvements shall apply, and fees charged for these services shall also apply.
10. A site plan showing the design and location of all proposed access restricted entrances shall be submitted for review by the County Engineer, along with the engineering plans for the subdivision, and must be approved by the County Commissioner's Court.

7.02. Procedures to Convert Private Roads to Public Roads

An individual or entity with privately maintained road(s) may request that the County convert the privately maintained road to a County maintained road via the following procedure:

1. An application is made which includes evidence that a minimum of ninety percent (90%) of the owners of the lots along the private road(s) are favorable to the request.
2. An inspection of all existing infrastructure that is included within the request has been completed to the satisfaction to the County Engineer which assesses the conditions of the privately maintained road(s) relative to the **Washington County Design and Construction Standards Manual** for road(s) at the time the application is made.
3. Upon receipt of the application, the County Commissioner's Court shall host a public hearing and will determine if the conversion is in the best interest of local residents and the citizens of the County and enter into a design/construction agreement to rectify any deficiencies found in the inspection.
4. After the County has determined that it is willing to accept the privately maintained road, the applicant will have a surveyor prepare the dedication documents as required by current codes.
5. The applicant shall commence construction that shall meet all requirements as set forth in the Washington County Design and Construction Standards Manual and the corresponding design/construction agreement approved through the Washington County Commissioner's Court.
6. An inspection of the public infrastructure shall be performed by the County Engineer or their designee to ensure all requirements have been completed to satisfactory standards.
7. Upon a successful inspection, the Washington County Commissioner's Court shall accept the private infrastructure into the County maintenance inventory and shall be classified as public right of way.

In no event shall the County be obligated to accept the privately maintained roads as public and any acceptance by the Commissioner's Court is at its sole discretion.

Section 8 – Financial Responsibilities and Guarantees

8.01. Fiscal Surety for Subdivision Improvements

1. Fiscal surety is a financial commitment provided to the County to ensure that the infrastructure required to support the associated subdivision will be constructed as outlined in **TLGC 232.004**. In approving the creation of new lots, the County will require that appropriate fiscal surety be posted prior to recordation of the plat unless the applicant elects to have the plat held in abeyance and to construct the improvement prior to recordation.
2. Construction bond – If the applicant elects to file the plat prior to construction, then in order to assure that the roads, drainageways and other public improvements are constructed in a timely manner and in accordance with these regulations, the owner of the subdivision shall file a construction/performance bond per the requirements listed in **Section 8.02**.
3. Maintenance Period Surety – In order to guarantee that roads, drainageways and other public improvements have been maintained in good condition for two (2) years following initial approval of the public infrastructure, the owner/developer shall deposit cash, file a maintenance bond.
4. If the construction surety option is used, then it must be filed with the County prior to approval of a subdivision plat for recording and must be maintained throughout the time of the construction of the improvements. Fiscal surety for the maintenance period must be filed with the County prior to commencement of the maintenance period and shall be maintained throughout the maintenance period (2 years). If any form of fiscal surety is scheduled to expire prior to the end of the activity it secures, the County will take any action required to get the fiscal term extended by the owner or the County will collect the funds from the surety per **Section 8.05** and hold them in trust until the activity being secured is completed. If the surety for a recorded subdivision should expire before construction of the improvements has been completed, it shall be re-posted by the party responsible for the construction of such improvements prior to construction continuance.
5. Construction and maintenance bonds shall provide that, should these bonds be unenforceable as a statutory bond, the obligees shall be bound by their contract as a common law obligation.
6. In approving a final plat, the Commissioner’s Court may order that the plat be held in abeyance and not filed or recorded until the owner has:
 - a. Submitted construction/performance bond or completed construction of the required improvements and provided a maintenance surety for the maintenance period; and
 - b. Met any other prerequisites set by the Commissioner’s Court.
7. The following forms of surety are considered acceptable for insuring a developer’s promise to properly construct and maintain roads, drainage facilities and other public improvements in a subdivision in Washington County:
 - a. Surety Bond
 - i. Construction/Performance and maintenance bonds are considered to be the standard form of fiscal surety for subdivision improvements in Washington County and they shall meet the requirements of this section when used.
 - b. Cash Deposit
 - i. The offer of cash in lieu of bond shall be accompanied by a cash surety agreement signed by the Developer or their agent. On the date that the Commissioner’s Court approves cash surety in lieu of bond, the County Judge shall sign the agreement and copies shall go to the Developer, to official records, and to the County Treasurer.

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- ii. The conditions of the cash surety agreement are as stated on the forms provided by the County. The general conditions of the cash surety agreement are the same as those stated for the construction and maintenance bonds.
 - iii. The cash surety agreement shall be provided in a form approved by the County.
 - c. Letter of Credit
 - i. The County, at its sole discretion, may accept a letter of credit as fiscal surety for the construction of improvements and/or the subsequent maintenance period.
 - ii. The offer of letter of credit in lieu of bond shall be accompanied by a letter of credit surety agreement signed by the developer or their agent. On the date that the Commissioner’s Court approves a letter of credit surety in lieu of bond, the County Judge shall sign the agreement and copies shall go to the developer, to official records, and to the County Treasurer.
 - iii. The conditions of the letter of credit surety agreement are as stated on the forms provided by the County. The general conditions of the letter of credit surety agreement are the same as those stated for the construction/performance and maintenance bonds.
 - iv. The letter of credit surety agreement shall be provided in a form approved by the County.

8.02. Construction Surety

1. The owner shall provide a construction bond or letter of credit as guarantee of development improvements. The amount of the construction surety shall be in the amount of one hundred twenty percent (120%) of the estimated cost of construction of the roads, drainageways and other public improvements. The estimate will be based on construction plans which are acceptable to the County and current costs for such work which has been based on an estimate for the construction of all roads and drainage facilities prepared by a Texas Registered Professional Engineer and approved by the County Engineer.
2. Construction surety shall be submitted to the EDS Department, which will then be filed with the County Auditor. The construction surety shall be provided in a form approved by the County prior to the approval of a subdivision plat for recording.
3. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States and if it is licensed to write such bonds in the State of Texas.
4. The construction surety shall require that the owner of the subdivision begin construction of roads, drainage ways and other public improvements shown on the subdivision plat, or otherwise located, as soon as possible after the date of approval of the plat by the Commissioner’s Court, or as directed, and shall diligently complete such construction in accordance with County standards and specifications within a period agreed to between the owner and the County Engineer, not to exceed two (2) years.
5. The construction bond shall remain in full force and in effect until all roads, drainage ways, and other public improvements in the subdivision have been completed to the satisfaction of the County Engineer or their designee, and the obligation has been released by official action of the Commissioner’s Court.
6. In the event any or all of the roads, drainage facilities or other public improvements are not completed, and if the contractor or owner refuses to correct defects called to their attention in writing by the County Engineer, the unfinished improvements shall be completed at the cost and expense of obliges.
7. The construction period may be extended by mutual agreement of the Commissioner’s Court and Developer provided this extended agreement includes an increase in the bond amount to cover cost increases accrued since the date of the original agreement.

8.03. Maintenance Surety

1. The owner shall provide cash, a maintenance bond, or a letter of credit as surety against damages or defective work, which may occur or be identified during the two (2) year maintenance period which begins after approval by the Washington County Commissioner’s Court of the public improvements. The maintenance surety will bind the owner or contractor to maintain the newly constructed facilities and to correct any defects in materials, workmanship (including utility backfills and driveway locations), or design inadequacies, or damages, which may be discovered within the two (2) year maintenance period. The maintenance surety shall be in an amount no less than fifty percent (50%) of the construction cost of the improvements.
2. If cash surety is elected by the owner, it shall remain as security for a period of twenty-four (24) months unless it is required longer as stated below. If a bond or letter of credit is elected by the owner, it shall remain as security for a period of twenty-four (24) months unless it is required longer as stated below.
3. The subdivision will not begin the required two (2) year maintenance period until such cash, bond or letter of credit are furnished and approved by the County. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States and if it is licensed to write such bonds in the State of Texas.
4. The Developer must correct or cause the contractor to correct at their own expense, damages or defects due to improper construction or maintenance within forty-five (45) days after receiving written notice of such defects from the County. If the Developer fails or refuses to correct such defects within the forty-five (45) day period, or to provide acceptable assurance that such work will be completed within a reasonable time thereafter, Washington County may elect to correct or cause to be corrected any such damages or defects, charging any and all incurred expenses against the maintenance surety.
5. Surety shall be released by official action of the Commissioner’s Court if the project exists in a good state of operation and repair which meets County standards for the period of two (2) years from the date of official release of construction surety. If repairs are expected to extend past the two (2) year term of the Surety, then the Developer shall extend the surety for an additional six (6) month period at their expense.
6. The Developer may request periodic inspections at six (6) month intervals of all infrastructure for which maintenance surety is held. The inspection shall be made by the County Engineer or their designee in concert with the developer during the period of liability covered by the maintenance surety; and, in the event any or all of the roads, drainage ways and other public improvements are not properly maintained, the Developer will be so advised in writing and if, after a forty five (45) day period, the Developer fails or refuses to perform proper maintenance of roads, drainage ways and other public improvements, they may then be maintained at the cost and expense of the obligee as provided below (**Section 8.04 Collection of Surety**).
7. Developers choosing to hold the plat filing in abeyance until construction is complete must still meet the maintenance surety requirements at the completion of construction of the infrastructure.

8.04. Collection of Surety

1. In the event any or all of the improvements fail to meet County standards and the Developer fails or refuses to correct defects or damage called to their attention in writing by the County, the County may collect the surety to complete the Improvements. The County Engineer is authorized to execute notices of intent to collect on posted surety without the necessity of Commissioner’s Court action, but the Commissioner’s Court must authorize the collection of the surety.
2. Recovery on construction and maintenance surety may be called via multiple collections so long as the sum of the collection is less than the total sum of the surety amount.

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3. The County may draw upon any surety posted under this agreement upon the occurrence of one or more of the following events:
 - a. The failure of the Developer to construct or complete the improvements to applicable County standards;
 - b. The Developer’s failure to renew or replace the surety at least forty-five (45) days prior to its expiration;
 - c. The acquisition of the property or a portion of the property by the issuer of the surety or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;
 4. In the event of collection of surety, the Improvements shall not by default be deemed accepted for County maintenance. A separate vote by the Washington County Commissioner’s Court shall be necessary to accept and maintain Improvements after successful construction completion.

8.05. Release of Construction Surety

1. Substantial completion shall be defined as the date ten (10) days prior to the date that, in the opinion of the Developer or their consulting Engineer, all work will be finished. On this date, the Developer will:
 - a. notify the EDS department in writing that the work has been substantially completed;
 - b. request a punch list of any unfinished work from the EDS Department to be completed in the (10) working days;
 - c. provide a complete compilation of all testing reports associated with the project construction; and
 - d. Submit a letter of substantial completion by the owner’s consulting engineer, indicating their concurrence that all construction has been completed in compliance with the approved construction plan and specifications.
2. Within ten (10) working days after the Developer has given the EDS Department written notice that the work has been substantially completed, the County Engineer or their designee will review the work and provide a written punch list to the Developer and the Contractor. The punch list will include:
 - a. Any remaining items discovered which do not comply with the construction documents;
 - b. County requirements not completed; and
 - c. Any other items required for the issuance of the approval of construction letter.
3. If needed, a construction approval meeting will be held at the site of the work and at a time agreed to by the EDS Department and the Developer. The Developer will invite contractors to the meeting as appropriate and will invite attendance by the Developer’s consulting engineer. The Washington County Commissioner’s Court shall approve the infrastructure acceptance if all items listed below are in order. Infrastructure acceptance will be issued contingent upon the following documents being supplied to the County Engineer:
 - a. A construction and materials test report;
 - b. Owner’s consulting Engineer’s letter of substantial completion;
 - c. Construction Plans, certified as “As-Built Drawings” that adhere to the requirements listed in the **Washington County Design and Construction Standards Manual Section 2.06.**
 - d. The cash, bond, or letter of credit for the two (2) year maintenance period for public improvements; and
 - e. If applicable, a copy of the Conditional Letter of Map Amendment (“CLOMA”) or Revision (“CLOMR”) from FEMA and the completed application for a CLOMA or CLOMR.

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4. After the Commissioner’s Court infrastructure acceptance has been issued, the improvements will be monitored by the EDS Department during the two (2) year maintenance period. If failures or damages appear, the Developer will be notified to make corrections. Upon expiration of the two (2) year maintenance period, and if no damages or defects have been identified and reported to the Developer by the County Engineer, the County Commissioner’s Court will release the maintenance surety.
 5. The County Engineer shall notify the Commissioner’s Court of the satisfactory construction and maintenance (during the maintenance period) of public improvements. The Commissioner’s Court may then authorize accepting public improvements for permanent County maintenance. The County is under no obligation to accept the public improvements for permanent County maintenance. Upon final maintenance acceptance of the public improvements, the County will fully release all posted surety for public improvements.
 6. Sections or phases of both private and publicly maintained subdivisions must be completed in their entirety. There will be no partial releases of surety with the exception of surety coverage from 120% to 50% in the construction to maintenance surety transition.

Developers of private roads that will not be maintained by the County shall provide evidence of mechanisms for collecting dues from associated property owners; or property tax assessments established and sufficient to support annual maintenance costs and to support a sinking fund for road rehabilitation. It is recommended that a Developer of private roads that will not be maintained by the County obtain a contractor’s two (2) year maintenance bond on construction and provide escrowed funds totaling, or insurance covering, ten percent (10%) of the construction cost for repairs and/or maintenance.

Surety Templates can be found in [Appendix C, Surety Templates](#)

Section 9 – Road Acceptance Procedure

9.01. Road Acceptance Procedure

All conditions of final plat approval must be met prior to roads being placed into the two (2) year maintenance period. All construction must be in accordance with approved plans and construction standards set forth herein, or as amended and adopted by Commissioners Court.

Acceptance Into Two (2) Year Maintenance Period –The Developer shall notify the County EDS Department in writing, prior to the completion of the road construction improvements. The Developer shall provide copies of the quality control test results performed by a certified testing laboratory (all at the developer’s expense). The County Engineer or their designee shall then inspect the roads and improvements and give written notice of any observed deficiencies. Upon rectification of any deficiencies, the request to place the improved roads into the two (2) year maintenance period shall be forwarded to Commissioners Court for approval or denial. Upon acceptance into the two (2) year maintenance period, the security, bond or Letter of Credit shall then be reduced to an amount equal to 50% of total construction cost of improved roads.

Final Road Acceptance - Into County Road System – After the newly created roads have been maintained by the developer for a period of a minimum of 22 months, it is the duty of the developer or his/her representative to notify the EDS Department in writing that it is their request to have the county accept the road(s) into the County Maintenance Inventory.

The County will then perform an inspection and reply to the Developer such findings. If deficiencies are observed, they shall be forwarded to the developer for correction. Once the deficiencies have been corrected, the request will be placed on the Washington County Commissioner’s Court Meeting agenda as required for the acceptance into the county maintenance inventory. Upon acceptance into the county maintenance inventory, the required security shall then be released.

Section 10 – Subdivision Variances

10.01. Variances

1. The Commissioner’s Court of Washington County shall have the authority to grant variances from these regulations when unique situations of a development dictate a deviation from these regulations.
2. Any person who wishes to request a variance shall apply in writing to the EDS Department. The request must state the provisions to which a variance is being sought while illustrating the necessity for the variance. It must be further shown that the variance will not create adverse impacts to the public interest.
3. The decision of the Commissioner’s Court whether to grant or deny a variance is at its complete discretion, and shall be final.
4. No variance shall be granted regarding surety requirements.
5. Financial hardship to the applicant shall not be deemed the primary reason to constitute the recommendation of a variance.

Section 11 – Penalties

11.01. Penalties

1. **Section 232.005 of the Texas Local Government Code** provides for the enforcement of the state subdivision laws and of these regulations.
2. A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations and other appendices incorporated herein. Such offense is a Class B misdemeanor, as defined in the Texas Local Government Code as amended.
3. Under Texas Law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating these regulations may also face criminal penalties.
4. Besides prosecuting a criminal complaint, the County Attorney or other prosecuting attorney for the County may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these regulations, and to recover damages.
5. A tract that has been subdivided without compliance with these regulations may be deemed ineligible to obtain any permit through Washington County.

Section 12 – Definition of Terms

12.01. Definitions

For the purposes of these regulations, the following terms, phrases, words and their derivations shall have the meaning given in this article. When inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural number, and words used in the plural number include the singular number. Definitions not expressly prescribed herein are to be determined according to customary usage in municipal planning and engineering practices.

100-Year Floodplain – An area subject to inundation by a flood having a one percent (1%) probability of occurrence, in any given year, as determined by the Federal Emergency Management Agency and approved by the Flood Plain Administrator of Washington County. A flood having a one-percent probability of occurrence on the average would occur once every one hundred years.

500-Year Floodplain – An area subject to inundation by a flood having a two-tenths percent (0.2%) probability of occurrence, in any given year, as determined by the Federal Emergency Management Agency and approved by the Flood Plain Administrator of Washington County. A flood having a two-tenths percent probability of occurrence on the average would occur once every five hundred years.

AASHTO – American Association of State Highway and Transportation Officials.

Abandonment – The legal process by which land dedicated to public use may revert to private use.

Access Point – A location for vehicular traffic to enter and exit the proposed subdivision utilizing a connection to a public road.

Accredited Laboratory – An “Accredited Laboratory” is a laboratory that is accredited by the American Association for Laboratory Accreditation (A2LA) or American Association of State Highway and Transportation Officials (AASHTO) in the field of construction materials testing.

Amending Plat – A plat solely for the purpose of correcting an error, omission, descriptions, scrivener or clerical errors. The Amending Plat must be approved by the County Engineer, after which it shall be recorded and is controlling over the preceding plat without vacation of the plat.

Applicant – An individual seeking an action, a permit, or other approval under the provisions of these Regulations.

Application (Plat/Plan) – A submittal that includes a completed plat/plan application form along with all required attachments which shall be required as part of the submittal. These attachments may include, but are not limited to, drawings, drainage or geotechnical reports or electronic data files.

Base Flood Elevation (BFE) – A submittal that includes a completed plat/plan application form along with all required attachments which shall be required as part of the submittal. These attachments may include, but are not limited to, drawings, drainage or geotechnical reports or electronic data files.

Block – A tract of land bounded by actual or platted roads, waterways or other definite boundaries, or a combination thereof.

Building – Any structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, animals or moveable property of any kind and which is affixed to the land.

Building Setback Line – A line which marks the minimum distance a structure must be located from the property line, and established the minimum required front, side, or rear yard space of a building plot.

Business Day – A day other than Saturday, Sunday or an official holiday as recognized by Washington County.

Cancellation Plat – A cancellation plat is a plat as defined in Section 232.008 of the Texas Local Government Code and is utilized outside a municipality or its extraterritorial jurisdiction (ETJ).

Civil Plans – See Engineering Plans

Commissioner’s Court – The duly elected governing body of Washington County consisting of the County Judge and four (4) County Commissioners.

Common Area – A parcel or parcels of land or an area of water, or a combination of land and water within a development site provided and made legally available for the use and enjoyment of residents of a proposed project.

Construction Bond – A surety bond that guarantees the construction of subdivision improvements in a timely manner and according to the civil plans and all applicable local, state and federal regulations.

Construction Surety – A construction bond or letter of credit as surety of the timely construction obligation of subdivision improvements.

County – All references in these regulations to the “County” shall mean Washington County.

County Attorney – All references made in this document to “County Attorney” shall mean the Washington County Attorney’s Office.

County Commissioner – A duly elected and serving County Commissioner of Washington County representing one of the four (4) County precincts.

County Engineer – All references in these regulations to the “County Engineer” shall be construed to refer to the Washington County Engineer or their designated representatives.

County Judge – The duly elected and serving County Judge of Washington County.

County Road – A public road which has been either: Dedicated to public use and accepted for maintenance by the County. Acquired by the County through prescription. Constructed by and maintained by the County.

Cul-De-Sac – A road having but one (1) outlet to another road and terminating on the other end in a vehicular turnaround.

Dead-End Road – A road, other than a Cul-De-Sac, with only one outlet.

Detention Pond – A reservoir which functions to reduce the peak flow of the stream or streams downstream from the reservoir by temporarily storing the runoff within the reservoir by means of a limited outflow structure.

Determination of Proportionality – A determination of the equitable cost to provide Public Improvements based on the calculated impact of a proposed subdivision. Payment of cost may come in the form of dedications, the payment of fees, or the payment of construction costs, or as agreed to by the Commissioners Court and the subdivider under the terms of a development agreement.

Developer – Any person or persons, firm or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

Development – Any manmade change to improved or unimproved real estate that requires a permit or approval from any agency of a city or the County, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, clearing, drilling operations, storage of materials or the subdivision of property. Routine repair and maintenance activities are exempted.

Development Agreement – An agreement between the County and a subdivider under TLGC Chapter 232.105 that includes a determination of proportionality and creates terms for the equitable share and participation in the cost of constructing public improvements.

Drainage Plan – A plan for collecting, controlling, transporting, and disposing of storm water falling upon, entering, flowing within, and exiting the subject property, to be developed based on drainage study prepared by a Licensed Engineer in the State of Texas.

Easement – A grant of reservation by the owner of land for the use of such land by others for specific purpose or purposes, and which must be included in the conveyance of land affected by such Easement.

Effective Date – An effective date is the date upon which these regulations were adopted with an order by Commissioner’s Court.

Emergency Access – An access for emergency vehicles to enter and exit the proposed subdivision utilizing an all-weather surface.

Engineer – A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for a subdivision development.

Engineering Plans – A set of drawings and/or specifications, which may include paving, water, wastewater, drainage or other required plans, submitted to the County for review in conjunction with a subdivision or a development that bear the seal and signature of a licensed engineer in the State of Texas. This person shall be designed as the engineer of record.

Extraterritorial Jurisdiction (ETJ) – The unincorporated area that is contiguous to the corporate boundaries of a City, as defined by that City, and within various distances of the municipality depending on the number of inhabitants of a municipality. Within an extraterritorial jurisdiction (ETJ), cities have statutory authority to adopt rules governing plats and subdivisions as described in Section 42.021 of the Texas Local Government Code.

FEMA – The Federal Emergency Management Agency.

Final Acceptance – Maintenance acceptance by the Washington County Commissioner’s Court of public infrastructure improvements constructed by the developer in conjunction with the development of land which may occur upon successful completion of the required maintenance period.

Final Plat – A map of a subdivision intended to be filed for record in the Washington County Clerk’s Office Records showing the location and boundaries of individual parcels of land subdivided into lots that may contain, roads, alleys, easements, etc., drawn to scale; includes a final plat, replat, amending plat, minor plat, and vacating plat meeting the requirements of these regulations and Section 232 of the Texas Local Government Code.

Flood Insurance Rate Map (FIRM) – An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard – An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 1 foot above the Base Flood) in determining the level at which a structure’s lowest floor must be elevated or flood-proofed to be in accordance with state or community floodplain management regulations.

Homeowner’s Association (HOA) / Property Owner’s Association (POA) – A legally formed nonprofit organization operating under recorded land agreements through which:

Each lot and/or homeowner in a specific residential area is automatically a member

Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization’s activities, such as the maintenance of common areas

ITE – The Institute of Transportation Engineers.

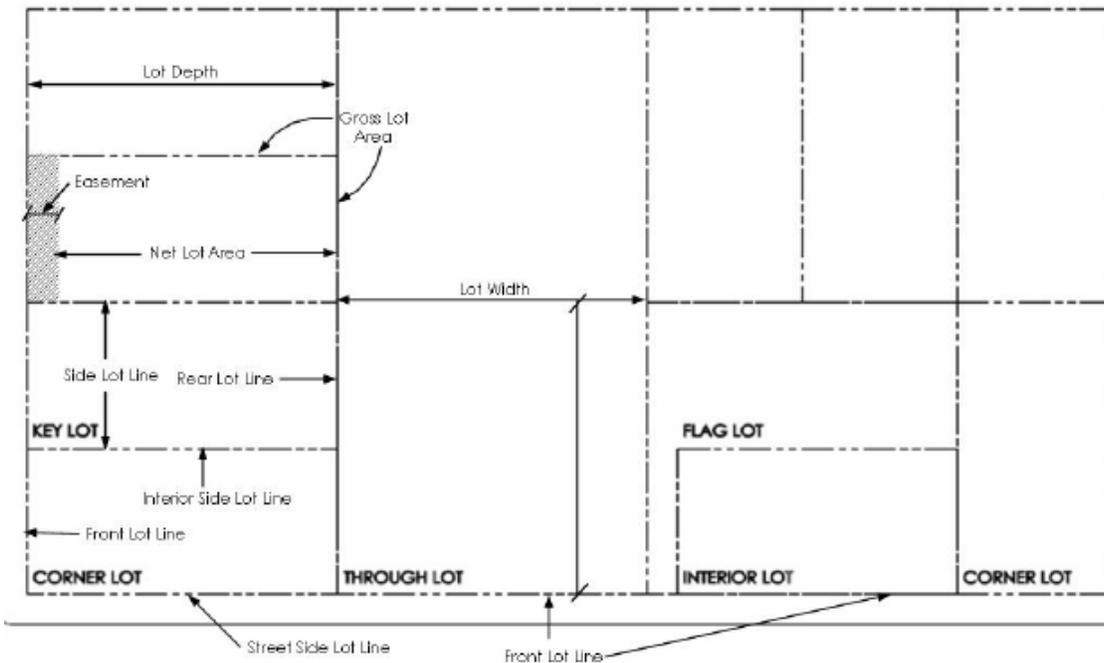
Improvements – Any and all road pavements, curbs and gutters, sidewalks, utilities, drainage facilities, topsoil, trees, grading, signs and crosswalk, and may also include walkways, road lights or any other items normally considered public improvements.

Joint Review – The review and approval of a subdivision plat and/or plans by both Washington County and the municipality that also has jurisdiction over the proposed subdivision.

Large Construction Activities – Construction activities including clearing, grading and excavating that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activities also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-way, and similar maintenance activities.

Letter of Credit – A letter of credit is an agreement issued by a bank guaranteeing payment to the County in the event construction obligations of the developer or contractor are not met.

Lot – The physical and undivided tract or parcel of land as shown on a duly recorded plat. The following represents the various platted lot types:



Corner Lot – A lot located at the intersection of and abutting upon two (2) roads.

Through Lot – A lot, other than a corner lot, which has frontage on more than one (1) road on opposing ends of the lot.

Flag Lot – A key or flag shaped lot shall mean a lot having gross disparities in width between side lot lines, sometimes resembling a flag or flag pole, a key, or some other lot shape of comparable irregularity. Flag lots

shall not be prohibited if otherwise in compliance with the minimum lot size requirements of this and other applicable regulations of the County and, provided that no portion of any such lot is less than sixty (60) feet in width. Lot area minimums shall exclude area included within the pole section of the flag lot.

Interior Lot – A lot other than a corner Lot.

Maintenance Bond – A Maintenance Bond is a surety bond that guarantees completed work will be free of defects in workmanship and materials. The bond runs for a two-year period of time after the project has been completed. The bond guarantees that the construction work has been completed according to the civil plans and all applicable local, state and federal regulations.

Maintenance Surety – A cash, maintenance bond or letter of credit as surety against defects relating to materials, workmanship and/or design inadequacies.

Manufactured Home Rental Community – A plot or tract of land that is separated into two or more spaces or lots that are rented, leased or offered for rent or lease for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for the use and occupancy as residences.

Master Plan – A plan for the overall utilization of a particular area, including its allocation for residential, commercial or manufacturing uses and corresponding impacts.

Minimum Requirements – Requirements when defined as minimum shall be the minimum acceptable requirements. Such requirements may be increased by the County due to unique issues pertaining to each project.

Minor Plat – A land subdivision prepared in a form suitable for recording or filing with complete metes and bounds descriptions of all lines defining the lot(s) and other dimensions of land and subdivision requirements of Washington County, Texas.

Multi-Unit Dwelling – A residential structure providing complete, independent living facilities for two (2) or more families or households living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and/or sanitation in each unit. Condominiums are included in this definition.

Multi-Unit Residential Development – Any area developed for a structure or combination of structures intended for residential use and designated to purchase, lease or rent space in two or more units.

Non-Residential Development – Any area developed for a use other than Single-Family Residential Development or Multi-Unit Residential Development.

Notice of Intent (NOI) – A written application to TCEQ requesting coverage under a general permit to discharge storm water from a disturbed site.

Off-site – Located outside the boundary of a development.

On-site – Located within the boundary of a development.

On-site Sewage Facility (OSSF) – One or more systems of treatment devices and disposal facilities that are used only for disposal of sewage produced on the site where the system is located as permitted by the Washington County Environmental Department.

Owner – The person(s), developer, proprietor, subdivider, or their successors, possessing title and/or lien to the property to be subdivided. This can also refer to Owner’s surveyor, engineer, lawyer, or planner who has been given authority to represent the Owner.

Parent Tract/Parent Parcel – The original tract/parcel owned by the owner prior to any division.

Peak Hour – Peak hours relate to times of day experiencing the greatest hourly traffic flow rates. Two (2) “peaks” are to be addressed by a TIA: The morning and afternoon peak hours (or projected peak hours) of

existing (or planned) roadways serving the proposed land development. Typically, roadway peak hours are between 7:00 and 9:00am and between 4:00 and 6:00 pm.

Phased subdivision / phased development – Any land subdivision that is developed with more than a single phase of construction.

Plans – Construction drawings, specifications, bidding forms and other documents required for construction.

Precinct Commissioner – The Washington County Commissioner in whose precinct the subdivision or development is located.

Private subdivision – A subdivision as defined by these regulations which by request of the developer is to be gated thereby limiting access by the public and will contain privately maintained roads. These subdivisions may be an urban subdivision or rural subdivision as defined herein.

Private Water Supply – A drinking water supply that is not a public source of drinking water.

Private Right-of-Way – The real property in which a private individual and/or organization has a dedicated or acquired interest for means of travel, utilities, drainage, etc. It shall include the area on, below or above the present and future alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way.

Public Road – Any road that is under the jurisdiction of and maintained by a public authority and open to public travel.

Public Sanitary Sewer System – Any public or private wastewater system for the collection of sewage that flows into a treatment and disposal system that is regulated pursuant to the rules of the Texas Commission on Environmental Quality and Chapter 26 of the Texas Water Code.

Public Right-of-Way (ROW) – The real property in which the County has a dedicated or acquired public interest for means of travel, utilities, drainage, etc. It shall include the area on, below or above the present and future alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way.

Public Water System – A public water system which provides the public piped water for human consumption, which includes all uses described under the definition of drinking water. Such a system must have a potential for at least fifteen (15) service connections or serve at least twenty-five (25) individuals at least sixty (60) days out of the year, or in accordance with the most recent TCEQ guidelines.

Registered Professional Land Surveyor (RPLS) – A person licensed, as of the date of the plan being presented, to practice land surveying by the Texas Board of Professional Engineers and Land Surveyors.

Regulations – The Washington County subdivision regulations (this document), as amended.

Replat – Any change to approved plat to reflect any change in road layout or other public improvement, lot line, amount of land reserved for public use or the common use of owners, or easements shown.

Residential Subdivision – A subdivision of property that is intended for single family dwelling use.

Road – The terms “road” or “street” are interchangeable and mean a vehicular way (including roadway cross culverts and bridges) and are used to describe all vehicular ways regardless of any other designation they may carry. All roads shall be categorized into one of the following functional classifications:

Arterial Roads – Arterial roads are those that are principally regional in nature and are used for through or high-volume traffic and shall be divided into the following classifications:

Roads which may serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.

Roads included as an arterial on a county thoroughfare plan.

Collector Roads – Collector roads are those which connect arterial roads with local roads.

Local Roads – Local roads are those which principally provide direct access to lots within a subdivision.

In addition to these functional classifications, all roads shall also be categorized as follows:

Urban Road – For the purpose of these regulations, an urban road is any road with concrete curb and gutter and an underground storm sewer system.

Rural Road – For the purpose of these regulations, a rural road is any road with any pavement surface and roadside ditch for drainage and all utilities constructed outside paved areas. Concrete curb and gutter may be used if utilized with a roadside ditch for drainage.

Setback – A line which establishes a point beyond which the foundation of a building shall not extend.

Shall and May – As used herein, the word shall is mandatory and the word may is permissive.

Should and Will – As used herein, the word should is a recommendation and is not mandatory. The word will is mandatory.

Single Family Dwelling – A residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating and sanitation.

Single-Family Residential Development – An area developed or used for single-family dwellings intended for residential use contained on individually platted lots.

Site Generated Traffic – Vehicular trips attracted to or produced by the proposed development site.

Small Construction Activities – Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activities also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activities do not include routine maintenance that is performed to main the original line and grade, hydraulic capacity, and original purpose of a ditch, channel or other similar storm water conveyance system. Small construction activities do not include the routine grading of existing flexbase roads, asphalt overlays of existing roads, the routine clearing of existing right-of-way, and similar maintenance activities.

Street – See road.

Study Area Boundary – The limits of the area for which the analysis is to be conducted. This area shall be determined by the limits as outlined herein or as decided upon with consultation with the County Engineer.

Subdivider – See Developer.

Subdivision – The division of a tract of land into two or more parts to lay out: (1) a subdivision of the tract including an addition; (2) lots; or (3) roads, alleys, squares, parks, or (4) other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on, or adjacent to, the roads, alleys, squares, parks, or other parts (Sec. 232.001, Texas Local Government Code). The Washington County Commissioner’s Court has adopted guidelines and published them as the Washington County Subdivision Regulations, stating when owners are required to file a plat for a subdivision. A subdivision has the same meaning as an addition.

For the purpose of these regulations, subdivisions shall be classified as either urban or rural, as follows:

Rural Subdivision – Rural subdivisions are any subdivision with minimum lot sizes equal to or greater than one acre in size.

Urban Subdivision – Urban subdivisions are any subdivision with a minimum lot sizes less than one acre in size.

TCEQ – The Texas Commission on Environmental Quality and its successors.

Third Consanguinity – Relationships defined and determined under Texas Government Code Chapter 573.023 (c) An individual’s relatives within the third degree by consanguinity are the individual’s:

- Parent or child (relative of 1st degree)
- Brother, sister, grandparent, or grandchild (relative of 2nd degree)
- Great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relative of 3rd degree)

Thoroughfare Plan – Official long range planning document adopted by Washington County Commissioner’s Court that establishes a future roadway network system that will accommodate projected growth and development.

Traffic Impact Analysis (TIA) – A traffic impact analysis (TIA) provides information on the projected traffic expected from a proposed development. A TIA also evaluates the impact of proposed development on the roadways in the immediate proximity of the proposed development. The TIA should identify any potential traffic operation problems or concerns and recommend appropriate mitigating actions to address such problems or concerns.

TMUTCD – The latest edition of the Texas Manual on Uniform Traffic Control Devices.

TxDOT – The Texas Department of Transportation

Utility Provider – All persons, firms, corporations, partnerships, municipalities or other private authorities providing gas, electric, water, sewer drainage facilities, telecommunications, cable television or other services of a similar nature for public consumption.

Vacating Plat – A vacating plat is a plat as defined in Section 212.013 of the Texas Government Code and is utilized within a municipality or its extraterritorial jurisdiction (ETJ).

Variance – A permit or approval that allows for a departure from the required standards of these regulations. Variances are intended to resolve practical difficulties and unnecessary physical hardships that may result from the size, shape or dimensions of a site, location of existing structures on the site, or geographic, topographic or other physical conditions on the site or in the immediate vicinity. Financial and/or economic hardships are not sufficient grounds for the granting of a variance.

APPENDIX A

CERTIFICATES AND DEDICATIONS

DEDICATIONS, CERTIFICATIONS, ACKNOWLEDGMENTS

**THE FOLLOWING IS THE FORM OF DEDICATION
TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS**

CHOOSE THE APPROPRIATE FORM FOR THE DEVELOPMENT PLATTED WHERE APPLICABLE.

I - OWNER DEDICATION

A. DEDICATION FOR INDIVIDUAL(S)

THE STATE OF TEXAS §
COUNTY OF _____ §

I (or We), (name of owner or names of owners), owner (or owners) of the property subdivided in the above and foregoing map of the (name of subdivision), do hereby make subdivision of said property, according to lines roads, lots, alleys, parks, building lines, and easements therein shown, and designate said subdivision as (name of subdivision) in the (name of survey), Washington County, Texas; and dedicate to public use, as such, the roads, alleys, parks and easements shown thereon forever and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the roads and alleys dedicated, or occasioned by the alteration of the surface of any portion of roads or alleys to conform to such grades; and do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land so dedicated.

(The following paragraph is to be used when the subdivision is outside the corporate limits of any city and within Washington County:)

This is to certify that I (or we), (name(s) of owner(s)), have complied with or will comply with all regulations heretofore on file with the County and adopted by the Commissioners Court of Washington County.”

(The following paragraph is required for overhead lines in easements:)

“There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide for a plant twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.”

(The following paragraph is required for plats that include utility easements:)

Any public utility, including the County, shall have the right to move and keep moved all or part of any building, fence, tree, shrub, other growth or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or right-of-way shown on the plat (or filed by separate instrument that is associated with said property); and any public utility, including the County, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

(The following paragraphs are to be used when the subdivision is outside the corporate limits of any city and in Washington County:)

“FURTHER, I (or we), do hereby dedicate forever to the public a strip of land a minimum of fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Washington County and/or any other public agency the right to enter upon said easement at any and all times for the purpose of construction and/or maintaining drainage work and/or structure”.

”FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, at the option of Washington County, by Washington County or any citizen thereof, by injunction as follows:

- 1.) The drainage of septic tanks into road, alley or other public ditches, either directly or indirectly, is strictly prohibited.
- 2.) Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater.

(The following paragraph is to be used when applicable for all residential subdivisions;)

“FURTHER, I (or we) do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of manufactured housing subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

WITNESS my hand (or our hands) in _____, Washington County, Texas, this ____ day
of ____ . 2 ____.

(Signature of owner)

(Printed name of owner)

(Signature of owner(s))

(Printed name of owner(s))

* * * * * Note: All owner(s) signature(s) shall be acknowledged by a Notary Public. * * * * *

B. DEDICATION FOR CORPORATIONS

THE STATE OF TEXAS §
COUNTY OF _____ §

We, (name of President) and (name of Secretary), President and Secretary, respectively of (name of company), owner of the property subdivided in the above and foregoing map of (*name of subdivision*), do hereby make subdivision of said property for and on behalf of said (name of company) according to the lines, roads, lots, alleys, parks, building lines and easements thereon shown and designate said subdivision as (name of subdivision), located in the (name of survey), Washington County, Texas, and on behalf of said (name of company) and dedicate to public use, as such, the roads, alleys, parks and easements shown

thereon forever, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the roads and alleys dedicated, or occasioned by the alteration of the surface of any portion of roads or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

(The following paragraph is to be used when the subdivision is outside the corporate limits of any city and within Washington County :)

“This is to certify that we, (name of President) and (name of Secretary), president and secretary, respectively of (name of company) owner of the property subdivided in the above and foregoing map of (name of subdivision) have complied or will comply with all regulations heretofore on file with the County and adopted by the Commissioners Court of Washington County, Texas.”

(The following paragraph is required for overhead lines in easements:)

“There is also dedicated for utilities an obstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon.”

(The following paragraphs are to be used when the subdivision is outside the city limits of any city and within Washington County:)

“FURTHER we, (name of company), do hereby dedicate forever to the public a strip, a minimum of land fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Washington County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.”

“FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its uses, which restrictions shall run with the title to the property, and shall be enforceable, at the option of Washington County, by Washington County or any citizen thereof, by injunction, as follows:

1. That drainage of septic tanks into road, alley or other public ditches, either directly or indirectly, is strictly prohibited.
2. Drainage structures under Private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater.

(The following paragraph is to be used when applicable for all residential subdivisions;)

“FURTHER, I (or we) do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of manufactured housing subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.”

IN TESTIMONY WHEREOF, the (name of company) has caused these presents to be signed by (name of President) its President, thereunto authorized, attested by its Secretary, (name of Secretary), and its common seal hereunto affixed this _____ day of _____ 20__.

(Name of Company)

By: _____
(Signature of Company President)

(Printed name of Company President)

ATTEST: _____
(Signature of Company Secretary)

(Printed name of Company Secretary)

*** * * * * Note: All owner(s) signature(s) shall be acknowledged by a Notary Public * * * * ***

C. ALTERNATIVE PARAGRAPHS TO BE USED AS APPROPRIATE AND AS FOLLOWS:

1. When private roads are established within the plat.

FURTHER, ((or we) do hereby covenant and agree that those roads located within the boundaries of this plat specifically noted as private roads, shall be hereby established and maintained as private roads by the owners, heirs and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for fireman, firefighting equipment, police and other emergency vehicles of whatever nature at all times and do hereby bind myself (or ourselves), (or our) heirs and assigns to warrant and forever defend the title to the land so designed and established as private roads.

2. When plat indicates building setback lines and public utility easements are to be established in adjacent acreage owned by the developer.

FURTHER, I (or we) do hereby certify that I am (or we are) the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of (name of subdivision) where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

II - LIEN HOLDER ACKNOWLEDGMENT AND SUBORDINATION STATEMENT

Holders of all liens against the property being platted must be made a part of the final plat or prepared as separate instruments which shall be filed for record with the plat.

I (or we), (name(s) of mortgager(s)) owner(s) and holder(s) of a lien(s) against the property described in the plat known as (name of plat) said lien(s) being evidenced by instrument of record in Volume ____ Page _____, of the Official Records of Washington County, Texas, do hereby in all things subordinate to said plat said lien(s), and I (or we) hereby confirm that I am (or we are) the present owner(s) of said lien(s), and have not assigned the same nor any part thereof. .

B. ACKNOWLEDGMENT FOR CORPORATIONS

The STATE OF TEXAS §
COUNTY OF _____ §
This instrument was acknowledged before me on the _____ day
of _____, 20____ by _____.

NOTARY PUBLIC, STATE OF TEXAS

Notary Signature

Notary Printed Name

Notary Commission Expiration

(Seal)

IV - SURVEYOR'S ACKNOWLEDGMENT

This is to certify that I, (name of surveyor) a Registered Professional Land Surveyor of the State of Texas, Registration No. _____ have platted the above subdivision from an actual survey on the ground meeting all minimum standards as set forth by the TBPLS; and that all easements as appear of record in the office of the County Clerk of Washington County, Texas, are depicted thereon and that all lot corners, angle points and points of curve are properly marked with iron rods of minimum 5/8 inch diameter and thirty (30) inches long, and that this plat correctly represents that survey made by me.

(Surveyor Signature)

(Texas Registration No).

(Seal)

V - INCORPORATED CITY ACKNOWLEDGMENT

(The following paragraph is to be used when the subdivision is inside the corporate limits of any city or within any city’s extraterritorial jurisdiction. Any specific city’s declaration may vary somewhat:)

“This is to certify that the City Commission (or Council) of the City of _____ Texas, has approved this plat and subdivision of _____ (name of subdivision) as shown hereon.”

”IN TESTIMONY WHEREOF, witness the official signature of the Mayor and Secretary of the City Commission (of Council of the City of _____ Texas, this _____ day of _____ 20 ____”.

City Secretary

Printed name

City Mayor

Printed name

VI - COMMISSIONERS COURT ACKNOWLEDGMENT

The following paragraph is to be used when the subdivision is outside any city limits and within Washington County:

“APPROVED by the Commissioners Court of Washington County, Texas, this _____ day of _____, 20 ____.”

County Judge

Commissioner, Precinct 1

Commissioner, Precinct 3

Commissioner, Precinct 2

Commissioner, Precinct 4

VII - COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT

THE STATE OF TEXAS §
COUNTY OF WASHINGTON §

I, _____, Clerk of the County Court of Washington County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on the _____ day of _____, 2_____, at _____ o'clock. __.M, and duly recorded on the _____ day of _____, 2_____, at _____ o'clock. __.M, in plat cabinet _____ sheet _____ of record in the Plat Records of Washington County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE, at Brenham, Washington County, Texas, the day and date last above written.

Clerk of the County Court
Washington County, Texas

VIII - DIRECTIONS FOR PROPER DEDICATION EXECUTION

All plats submitted for approval, and recording, shall have original signatures in black ink. Each signature shall have, immediately under it in legible lettering or typing in black ink, the name corresponding to the original signature. All corporate, legal, license and registration seals shall be affixed and darkened in such as manner as to be legible.

APPENDIX B

PLAT NOTES

Minimum Plat Note Requirements

The following notes will be required on all plats:

Public Easements:

PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF IT'S RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NO PUBLIC UTILITY PROVIDER SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

Roadway Acceptance:

NO ROAD OR PASSAGEWAY SET ASIDE IN THIS PLAT SHALL BE MAINTAINED BY WASHINGTON COUNTY, TEXAS IN THE ABSENCE OF AN EXPRESS ORDER OF THE COMMISSIONERS COURT ENTERED OF RECORD IN THE MINUTES OF THE COMMISSIONERS COURT OF WASHINGTON COUNTY, TEXAS SPECIFICALLY ACCEPTING SUCH ROAD OR PASSAGEWAY FOR COUNTY MAINTENANCE.

Private Roadways (as applicable):

IT IS UNDERSTOOD THAT ON APPROVAL OF THIS PLAT BY THE COMMISSIONER'S COURT OF WASHINGTON COUNTY, TEXAS, THE BUILDING OF ALL ROADS AND OTHER PUBLIC THOROUGHFARES DELINEATED AND SHOWN ON THIS PLAT AS PRIVATELY MAINTAINED, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH ROADS OTHER THAN PUBLIC THOROUGHFARES, OR IN CONNECTION THEREWITH, SHALL REMAIN THE RESPONSIBILITY OF THE OWNER, HOMEOWNERS ASSOCIATION/PROPERTY OWNERS ASSOCIATION, OR OTHER MAINTENANCE ENTITY AND/OR APPLICANT OF THE TRACT OF LAND COVERED BY THIS PLAT, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONER'S COURT OF WASHINGTON COUNTY, TEXAS. THE COMMISSIONER'S COURT ASSUMES NO OBLIGATION TO BUILD THE ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT, OR OF CONSTRUCTING ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE PRIVATE ROADS AND OTHER PUBLIC THOROUGHFARES WITHIN THIS SUBDIVISION, AS SHOWN ON THIS PLAT, SHALL BE MAINTAINED TO A STANDARD THAT ENSURES SAFE AND UNRESTRICTED ACCESS FOR ALL EMERGENCY VEHICLES, INCLUDING POLICE, FIRE, AND AMBULANCE SERVICES, AT THE DESIGN SPEED FOR THE ROADWAYS.

COUNTY SERVICES MAY NOT BE PROVIDED FOR PRIVATELY MAINTAINED ROADS. AMONG THE SERVICES WHICH MAY NOT BE PROVIDED ARE: ROUTINE LAW ENFORCEMENT

PATROLS, ENFORCEMENT OF TRAFFIC AND PARKING REGULATIONS, SCHOOL BUS SERVICES, MAIL DELIVERY ACCESS AND PREPARATION OF ACCIDENT REPORTS.

THE OWNER OF THE PRIVATELY MAINTAINED ROADS, AGREES TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE COUNTY, ANY OTHER GOVERNMENTAL ENTITY, AND ANY PUBLIC UTILITY ENTITY FOR DAMAGES TO PRIVATELY MAINTAINED ROADS THAT MAY BE OCCASIONED BY THE REASONABLE USE OF THE PRIVATELY MAINTAINED ROADS BY SAME, OR FOR DAMAGES AND INJURY (INCLUDING DEATH) ARISING FROM THE CONDITION OF THE PRIVATELY MAINTAINED ROADS, USE OF ACCESS GATES OR CROSS-ARMS, OR USE OF THE SUBDIVISION BY THE COUNTY OR ANY OTHER GOVERNMENTAL OR UTILITY ENTITY.

Floodplain:

ACCORDING TO FEMA FIRM PANEL NO. _____ (EFFECTIVE DATE _____), THIS PROPERTY IS IN ZONE “X”

Or

ACCORDING TO FEMA FIRM PANEL NO. (EFFECTIVE DATE), THIS PROPERTY IS IN ZONE “ ” AND WITHIN THE 1% ANNUAL CHANCE FLOOD PLAIN.

Note 1:

THIS PLAT WAS PREPARED IN CONJUNCTION WITH TITLE COMMITMENT NO. _____, EFFECTIVE DATE _____.

Note 2:

THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

APPENDIX C

SURETY TEMPLATES

CONSTRUCTION AND MAINTENANCE BOND
(CORPORATE)

NO. _____

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF WASHINGTON §

That _____, a Texas _____
_____ with offices and principal place of business in _____ County, Texas,
hereinafter called the PRINCIPAL, and _____, a
Corporation existing under and by virtue of the laws of the State of _____ and authorized to
do business as a surety in the State of Texas, and whose principal office is located in the City of
_____, State of _____, whose officer residing in the State of
Texas authorized to accept service in all suits and actions brought within said State, is _____
_____, residing in the City of _____, hereinafter called the
SURETY, are held and firmly bound unto County Judge of Washington County, Texas, and their
successors in office in the full sum of _____ DOLLARS (\$ _____
_____) current, lawful money of the United States of America, to
be paid to the County Judge of Washington County, Texas, or their successors in office, to which
payment well and truly to be made and done, we, the undersigned, bind ourselves and each of us,
our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and
severally, by these presents.

WHEREAS the said PRINCIPAL is the owner of the following Subdivision:

_____, located in Washington County, Texas.

WHEREAS, the Commissioners' Court of Washington County, Texas, has promulgated
certain rules, regulations and requirements relating to Subdivisions in Washington County, Texas.
The owner of the Subdivision will construct the roads and the drainage requirements for the
Subdivision as depicted on the Plat and associated plans, in accordance with the specifications and
within the time set out therein, and maintain such roads and the drainage requirements for a period
of not less than one (1) year following the completion thereof.

It is further stipulated and understood that the approval of the Plat of the above-named
Subdivision is conditioned upon and subject to the strict compliance by the PRINCIPAL herein with

the aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the County of Washington and PRINCIPAL; and it is understood by the PRINCIPAL that the approval of said Plat of the above Subdivision(s) was obtained only by the undertaking of the PRINCIPAL to so comply with the said regulations and specifications, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bonded PRINCIPAL, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with, all and singular, the rules, regulations, requirements, and specifications above referred to, including any deletions, additions, changes, or modifications of any kind or character, in the construction and maintenance of all roads in and the drainage requirements for the above-named Subdivision, and that upon approval of the construction of said roads and the drainage requirements by the County Engineer or Inspector, the amount held under this bond shall automatically be reduced to _____ DOLLARS (\$____) and upon the expiration of one (1) year thereafter, the time required for proper maintenance by the above bonded PRINCIPAL thereof, and the approval of such maintenance by the County, then this obligation is to be void and of no force and effect.

The PRINCIPAL and the SURETY hereon each agrees, binds, and obligates itself and themselves to pay to the County Judge of Washington County, State of Texas, for the use and benefit of Washington County, an amount, not to exceed the then principal sum of this bond, adequate for Washington County to undertake any construction or other activity necessary to bring about compliance with each and every provision contained in the rules, regulations, requirements, and specifications above referred to relating to the construction of the roads in and the drainage requirements for the above named Subdivision, and further agree, bind and obligate themselves to save and keep harmless the County of Washington from any and all damages, expenses, and claims of every kind and character which the County of Washington may suffer, directly or indirectly, as a result of the PRINCIPAL'S failure to comply with the rules, regulations, and specifications relating to the construction and maintenance of the roads, and drainage requirements in the above named Subdivision. Washington County reserves the right to require PRINCIPAL to provide a bond from a different surety should Washington County deem itself insecure in the current SURETY'S ability to perform the obligations under the bond.

The word *PRINCIPAL* when used herein means PRINCIPAL or PRINCIPALS, whether an

individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words *ROADS* as used herein mean each and every road in said subdivision according to the plat. The words *DRAINAGE REQUIREMENTS* as used herein mean each and every improvement necessary for the proper drainage of the Subdivision, including but not limited to ditches, detention ponds, drainage channels, swales, and drainage easements, as depicted on the drainage plans approved and signed by the Washington County Engineer. The word *MAINTENANCE* as used herein means all needful, necessary, and proper care and repair by the PRINCIPAL for a period of one (1) year from the completion of the roads in and the drainage requirements for the Subdivision and the approval thereof by the County Engineer or Inspector. The word *SURETY* when used herein means surety or sureties and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the PRINCIPAL by the terms hereof extends in full force and vigor to each and every SURETY jointly and severally.

In the event of suit hereunder, such suit shall be brought in Washington County, Texas.

EXECUTED this _____ day of _____, _____.

PRINCIPAL

SURETY

SIGNATURE

SIGNATURE

PRINTED NAME & TITLE

PRINTED NAME & TITLE

ADDRESS:

ADDRESS:

PHONE: _____

PHONE: _____

CONSTRUCTION AND MAINTENANCE BOND
(INDIVIDUAL)

NO. _____

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF WASHINGTON §

That _____, hereinafter called the PRINCIPAL, and _____, a Corporation existing under and by virtue of the laws of the State of _____ and authorized to do business as a surety in the State of Texas, and whose principal office is located in the City of _____, State of _____, whose officer residing in the State of Texas authorized to accept service in all suits and actions brought within said State, is _____, residing in the City of _____, hereinafter called the SURETY, are held and firmly bound unto the County Judge of Washington County, Texas, and their successors in office in the full sum of _____ DOLLARS (\$ _____) current, lawful money of the United States of America, to be paid to the County Judge of Washington County, Texas, or their successors in office, to which payment well and truly to be made and done, we, the undersigned, bind ourselves and each of us, our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and severally, by these presents.

WHEREAS the said PRINCIPAL is the owner of the following Subdivision:
_____, located in Washington County, Texas.

WHEREAS, the Commissioners’ Court of Washington County, Texas, has promulgated certain rules, regulations and requirements relating to Subdivisions in Washington County, Texas. The owner of a Subdivision will construct the roads and the drainage requirements for the Subdivision as depicted on the Plat and associated plans, in accordance with the specifications and within the time set out therein, and maintain such roads and the drainage requirements for a period of not less than one (1) year following the completion thereof.

It is further stipulated and understood that the approval of the Plat of the above-named Subdivision is conditioned upon and subject to the strict compliance by the PRINCIPAL herein with the aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes, or modifications of any kind or character, constitute a contract between the

County of Washington and PRINCIPAL; and it is understood by the PRINCIPAL that the approval of said Plat of the above Subdivision(s) was obtained only by the undertaking of the PRINCIPAL to so comply with the said regulations and specifications, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bonded PRINCIPAL, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with, all and singular, the rules, regulations, requirements, and specifications above referred to, including any deletions, additions, changes, or modifications of any kind or character, in the construction and maintenance of all roads in and the drainage requirements for the above-named Subdivision, and that upon approval of the construction of said roads and the drainage requirements by the County Engineer or Inspector, the amount held under this bond shall automatically be reduced to _____ DOLLARS (\$ _____) and upon the expiration of one (1) year thereafter, the time required for proper maintenance by the above bonded PRINCIPAL thereof, and the approval of such maintenance by the County Engineer or Inspector, then this obligation is to be void and of no force and effect.

The PRINCIPAL and the SURETY hereon each agrees, binds, and obligates itself and themselves to pay to the County Judge of Washington County, State of Texas, for the use and benefit of Washington County, an amount, not to exceed the then principal sum of this bond, adequate for Washington County to undertake any construction or other activity necessary to bring about compliance with each and every provision contained in the rules, regulations, requirements, and specifications above referred to relating to the construction of the roads in and the drainage requirements for the above named Subdivision, and further agree, bind and obligate themselves to save and keep harmless the County of Washington from any and all damages, expenses, and claims of every kind and character which the County of Washington may suffer, directly or indirectly, as a result of the PRINCIPAL'S failure to comply with the rules, regulations, and specifications relating to the construction and maintenance of the roads and drainage requirements in the above named subdivision. Washington County reserves the right to require PRINCIPAL to provide a bond from a different surety should Washington County deem itself insecure in the current SURETY'S ability to perform the obligations under the bond.

The word *PRINCIPAL* when used herein means PRINCIPAL or PRINCIPALS, whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract.

The words *ROADS* as used herein mean each and every road in said Subdivision according to the Plat. The words *DRAINAGE REQUIREMENTS* as used herein mean each and every improvement necessary for the proper drainage of the Subdivision, including but not limited to ditches, detention ponds, drainage channels, swales, and drainage easements, as depicted on the drainage plans approved and signed by the Washington County Engineer. The word *MAINTENANCE* as used herein means all needful, necessary, and proper care and repair by the PRINCIPAL for a period of one (1) year from the completion of the roads in and the drainage requirements for the Subdivision and the approval thereof by the County Engineer or Inspector. The word *SURETY* when used herein means surety or sureties and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the PRINCIPAL by the terms hereof extends in full force and vigor to each and every SURETY jointly and severally.

In the event of suit hereunder, such suit shall be brought in Washington County, Texas.

EXECUTED this _____ day of _____, _____.

PRINCIPAL

SURETY

SIGNATURE

SIGNATURE

PRINTED NAME

PRINTED NAME & TITLE

ADDRESS:

ADDRESS:

PHONE: _____

PHONE: _____