

DEWITT COUNTY
SUBDIVISION
DEVELOPMENT
AND
RECREATIONAL
VEHICLE PARK
REGULATIONS

*Approved by DeWitt County Commissioners Court
March 25, 2008
Special Session*

SUBDIVISION APPLICATION
DeWitt County, Texas

To be submitted with Preliminary Plat
This form must be filled out in its entirety

Proposed Name of Subdivision: _____
Name of Property Owner: _____
Address: _____
Telephone No. _____
Name of Applicant: _____
Address: _____
Telephone No. _____

Person to Appear at Commissioners Court: _____

Total Acreage of Development: _____ Total Acreage of Lots: _____
Intended Use of Lots:
Residential: _____ Commercial/Industrial: _____
Total number of lots: _____ Average Size of Lots: _____
Number of Lots:
Greater than 10 acres _____ Larger than 5, less than 10 _____
Between 2 & 5 acres: _____ Between 1 & 2 acres: _____
Less than an acre: _____

Frontage on Existing Road:
County Road: _____
State Road: _____
Private Road: _____

New Roads in Development:
Public Roads: _____
Private Roads: _____
(A list of proposed road names must be submitted with Preliminary Plat)

Date Plat Filed: _____

Property Address/Location: _____
Current Legal Description: _____
City Extraterritorial Jurisdiction NO YES
If so, city name: _____

School District(s): _____
Source of Water: _____

Surface Water:
Water Supply Corp: _____
Public Water Supply: _____
Rainwater Catchment: _____

Ground Water:

Private Well: _____
Shared Well: _____
Water Supply Corp.: _____

Anticipated Wastewater System:

Conventional Septic System: _____
Class I Permitted System: _____
Public Sewer: _____

UTILITY CHECKLIST

Applicant must take copy of plat to each utility for review and comment. Original signatures required.

ELECTRIC UTILITY: Company Name: _____
Approve As-Is: _____ Easement Required: _____
Define Required Easement: _____
Signature: _____ Title: _____

TELEPHONE UTILITY: Company Name: _____
Verizon, Tex One Call or Dig Toss 1-800-344-8377
Approved As-Is: _____ Easement Required: _____
Define Required Easement: _____
Signature: _____ Title: _____

WATER UTILITY (If Applicable): Company Name: _____
Approve As-Is: _____ Easement Required: _____
Define Required Easement: _____
Signature: _____ Title: _____

SEWER UTILITY (If Applicable): Company Name: _____
Approve As-Is: _____ Easement Required: _____
Define Required Easement: _____
Signature: _____ Title: _____

TEXAS DEPARTMENT OF TRANSPORTATION (If frontage on state-maintained roadway):
361-293-4300
Signature: _____ Title: _____

FOR STAFF USE ONLY:

Date Submitted: _____

This proposed subdivision lies within DeWitt County Commissioner Precinct #: _____

I hereby acknowledge that I am aware of and approve the submission of the preceding subdivision for placement on the Commissioners Court Agenda.

County Commissioner

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PROCESS OF DEVELOPMENT FOR SUBDIVING PROPERTY

1. Obtain copy of DeWitt County Subdivision Development and Recreational Vehicle Park Regulations.
2. Submit signed Affidavit/Acknowledgement stating the Subdivider/Developer has read and understands all parts of the regulations and agrees to abide by and fully implement the regulations.
3. Contact the County Commissioner in whose precinct the proposed subdivision is to be located.
4. Hire a Registered Professional Surveyor to prepare a subdivision plat to go through DeWitt County Commissioners Court for approval.
5. A Registered Professional Engineer or Registered Professional Sanitarian will be needed to prepare a facilities planning report that details the soil conditions on the premises for the septic systems that will be suitable for installation.
6. Develop and submit a Concept Plan and Application to DeWitt County Commissioners Court for approval.
7. Please submit four copies of the Preliminary Plat to Commissioners Court.
8. A notice of deficiencies and additional requirements regarding the preliminary plat may be issued by the Commissioners Court.
9. Developer/Subdivider will fulfill any additional requirements and cure all deficiencies noted by the Commissioners Court.
10. Preliminary Plat approved or disapproved by Commissioners Court.
11. Submission of Final Plat to Commissioners Court for approval.
12. Final plat considered/approved by Commissioners Court.
13. Once all signatures have been obtained for the record plat. file the record plat with the County Clerk's office.
14. Fees for the process involve preliminary review fees, final review fees and recordation fees.

**AFFIDAVIT/ACKNOWLEDGEMENT OF
AGREEMENT AND UNDERSTANDING
OF
DEWITT COUNTY SUBDIVISION DEVELOPMENT AND
RECREATIONAL VEHICLE PARK REGULATIONS**

I acknowledge my receipt of DEWITT COUNTY SUBDIVISION DEVELOPMENT AND RECREATIONAL VEHICLE PARK REGULATIONS, which outline DeWitt County's requirements and my obligations as an Owner/Subdivider of a proposed subdivision and/or RV Park.

I acknowledge the regulations are the terms and conditions of DeWitt County for development of proposed Subdivisions and/or RV Parks.

I accept responsibility for reading and familiarizing myself with the regulations. I agree to abide by and fully implement the regulations.

Signed this _____ day of _____, 20_____.

Subdivider/Owner

PART 1: GENERAL PROVISIONS

101: TITLE

This law in accordance with the authority pursuant to Texas Local Government Code, Chapter 232, County Regulations on Subdivisions; as well as Texas Property Code, Section 12.002, Subdivision Plat; shall be known and may be cited as the DeWitt County Subdivision Development and Recreational Vehicle Park Regulations.

These Subdivision and Development Regulations have been adopted by Order of DeWitt County Commissioners Court to provide a framework for the orderly and efficient development of rural DeWitt County.

102: PURPOSE

The regulations contained herein are intended to protect the health, safety and welfare of the citizens of DeWitt County. These regulations have been adopted to provide minimum standards by which land may be subdivided and developed for the benefit of the citizens of DeWitt County.

103: JURISDICTION

These regulations apply to the owner or owners of any tract of land situated outside of the jurisdiction of any incorporated town or city in DeWitt County, Texas, and who may hereafter divide the same into two (2) or more parts, any part of which is ten (10) acres or less in size, for the purpose of sale, rental, lease or building development.

These regulations are not intended to prohibit or to be applied to testamentary land divisions, dividing of land among family members or the division of land as a result of the dissolution of a corporation or partnership. These regulations apply to the subdivision of land into lots for sale and/or rental purposes, including mobile home parks and other similar land uses.

104: DEFINITIONS

Amended Plat: The revisions to a subdivision of any lands within the subdivision that was designated in a previous plat as Reserved for Future Development.

Block: A parcel of land entirely surrounded by public highways, streets, streams, railway rights-of-way, parks, etc., or a combination thereof. The County Commissioner serves as the county's authority as to the determination of questions regarding the limits or extent of a block.

Building or Setback line: A line established, in general, parallel to the front street line.

No building or structure may be permitted in the area between the building line and the street right-of-way.

Commissioners Court: the Commissioners Court of DeWitt County, Texas.

Commissioner: the Commissioner in whose precinct proposed subdivision is located.

County: DeWitt County, Texas.

County Judge: The County Judge of DeWitt County, Texas.

County Road: Any designated public thoroughfare, right-of-way, which affords the principal means of access between various land use activities.

Drainways:

Minor: Road ditches or ditches draining sections of the subdivision.

Major: Collector ditches receiving drainage from one or more minor ditches or drainage from offsite ditches.

Easement: A right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

Engineer: Where mentioned in this document "Engineer" shall mean Registered Professional Engineer.

Flood Plain: That area subject to inundation by floodwaters, having a given percentage of probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Federal Insurance Rate Map (FIRM) as designated by Federal Emergency Management Agency (FEMA) located in the office of the DeWitt County Emergency Management Coordinator/Flood Plain Administrator or the Office of the County Judge.

Lot: Any plot of land occupied or intended to be occupied by one building or a group of buildings and accessory buildings and uses and having its principal frontage on a street.

Planned Unit Development: An area with a specified minimum contiguous acreage to be developed as a single entity according to a unified site design plan, containing one or more residential areas, office uses, commercial uses, industrial uses, public and quasi-public uses or any combination thereof.

Plat: A map of a tract of land, which represents the plan for the development of a subdivision.

Preliminary Plat: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development.

Final Plat: A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances and with complete bearings and dimensions of all lines defining lots (and elevation of each lot) and blocks, streets, alleys, public areas, drainage and other important information.

Resubdivision: The redesign of an existing subdivision, together with any changes of lot size therein, or the relocation of any street lines or lot lines.

Roadway: That portion of any street or road, between curbs or shoulders, designated for vehicular traffic.

Street: Any public thoroughfare, right-of-way, which affords the principal means of access between various land use activities.

Primary Arterial: Any expressway, freeway or thoroughfare whose function is the movement of traffic.

Secondary Arterial: A primary thoroughfare whose predominate function is the movement of traffic but which provides more access than normally associated with a primary arterial.

Collector Street: A street designed to serve equally the functions of access and movement. Collector streets serve as links between local streets and arterials.

Local Street: A neighborhood or minor street whose primary purpose is to provide access to abutting properties.

Cul-de-Sac: A local street having one end open to vehicular traffic and having one end terminated by a turnaround.

Frontage or Service Road: A collector or local street generally parallel to and adjacent to arterials, which provides access to abutting properties and protection from through traffic.

Subdivider/Developer: Any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent employee, servant or trustee thereof, who

performs or participated in the performing of any act toward subdivision of land, within the intent, scope and purview of these regulations.

Subdivision: The division of a tract or parcel of land into two (2) or more parts for the purpose of laying out lots, streets, and other land uses, for purchase, rent, lease, or use by members of the public.

Surveyor: Where mentioned in this document "Surveyor" shall mean Registered Professional Surveyor.

Vacate: To annul or cancel a subdivision plat, street or easement.

Variance: A form of relief granted to a subdivider by the Commissioners Court and granted on the basis of the following criteria:

- a. the existence of circumstances or conditions affecting the subdivider's property in such a way that the strict application of these regulations would deprive the subdivider of the reasonable use of his/her land; and
- b. the subdivider's offer of evidence that the grant of a variance is absolutely necessary for the preservation and enjoyment of his/her property rights; and
- c. the subdivider's offer of evidence that the variance will not be detrimental to the health, safety and general welfare or real property in DeWitt County, Texas; and
- d. that the grant of a variance will not be simply a matter of convenience or expedience but is founded on the principals of reasonableness and substantial justice.

PART 2: GENERAL PROCEDURE

201: GENERAL REQUIREMENTS:

Any owner who subdivides a tract of land shall:

- a) Comply in all respects with these regulations; and
- b) Prepare and submit to the Commissioners Court an application for approval of the proposed subdivision in accordance with the terms and procedures set forth in these regulations.

202: SUBDIVISION APPROVAL PROCESS:

No subdivision shall be permitted until the owner has satisfied each of the following steps in the order indicated:

- a) Approval of Concept Plan and Subdivision Application by the Commissioners Court.
- b) Approval of Preliminary Plat by the Commissioners Court.
- c) Approval of Final Plat by the Commissioners Court.
- d) Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

203: TRANSMITTAL MATERIALS:

All submissions to the Commissioners Court pursuant to these Regulations, including amendments or supplemental materials, shall be delivered to the County Judge's Office and shall be accompanied by a letter of transmittal indicating:

- a) the name, address and phone number of the Owner and, if different, the developer or applicant;
- b) the name, address and phone number of any person submitting the materials on behalf of the Owner;
- c) the name of the proposed Subdivision;
- d) the size and location of the Original Tract or, if a reference number has previously been assigned, the reference number of the Subdivision application; and
- e) a detailed description of the requested actions.

204: COMMUNICATION WITH PRECINCT COMMISSIONER:

The owner or its agent shall contact the Commissioner in whose precinct the proposed Subdivision is located prior to the submission of the Application and Concept Plan.

205: APPLICATION MATERIALS

The application for Preliminary Plat or Final Plat shall include the following:

- a) Four 18" x 24" blue line copies of the Preliminary Plat or four 18" x 24" original copies of the Final Plat provided that the County may require up to four additional copies of the Preliminary Plat; and
- b) The Subdivision fee; and
- c) A tax certificate showing that all taxes currently due, with respect to the Original Tract have been paid; and
- d) A completed application form in the current form promulgated by the County; and
- e) Concept Plan as required by these regulations; and
- f) All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit; and
- g) Any subdivision proposal with more than 5 lots shall be required to set at least 2 ground control GPS points with coordinate values listed in the Texas State plane coordinate system central zone. Said points to be brass caps set in concrete a minimum of 1 foot in diameter at least 3 feet deep.

206: PLAT APPLICATION:

The Commissioners Court, pursuant to Local Government Code, § 232.0025, by issuance of these regulations hereby issues a written list of the documentation and other information that must be submitted with a plat application. Any owner/subdivider shall prepare and submit to the Commissioners Court an application for approval or

registration of a proposed Subdivision in accordance with the terms and procedures set forth in these regulations.

207: CONCEPT PLAN

Prior to the submission of a preliminary plat of the subdivision of land within the jurisdiction of DeWitt County, Texas, a Subdivider shall submit a Concept Plan to the Commissioner.

The Concept Plan shall contain the following information:

1. The location of the tract in relation to the surrounding area.
2. The location of the tract in relation to any utility district.
3. The approximate location of all existing structures within the tract.
4. The names of the owners of all property adjoining the tract as disclosed by the most recent assessor's records.
5. All existing streets, roads, wet and dry weather water courses and other significant physical features both within the tract and within two hundred (200) feet of it.
6. The approximate location of proposed streets and property lines.
7. A north arrow and a graphic scale.
8. The direction of and the approximate distance(s) to the nearest major street intersection(s).

The Concept Plan must be accompanied by the Subdivision Application and both must be approved by DeWitt County Commissioners Court prior to Preliminary Plat submission.

208: REVIEW PERIODS FOR SUBDIVISION APPLICATION AND CONCEPT PLAN

The County review period for the Subdivision Application of Concept Plan for a Preliminary Plat or Final Plat shall begin on the first business day after a completed application and concept plan are submitted and shall expire after (30) business days.

209: TECHNICAL REVIEW

Upon receipt of a completed application, the Commissioner shall conduct a technical review of the Application and make a recommendation to the Commissioners Court as to whether the application is in compliance with these Regulations.

- a) In the event the Commissioner determines that the Application/Concept Plan is not complete, then the Commissioner shall provide the applicant with written comments detailing the outstanding or deficient items.

- b) Upon receipt of the County's written comments, the Applicant shall submit to the Commissioner additional information or a revision to the Application, together with written response to each comment of the County. The Applicant may request that the application be forwarded to the Commissioners Court without addressing the County's comments, in which event the County will make its recommendation and itemize the deficient or outstanding items for the Commissioners Court.
- c) The County may review any supplemental materials submitted by an Applicant until the expiration of twenty (20) working days after such supplemental materials were submitted to the County.
- d) All applications whose technical review period expired on or before Wednesday of any week, shall be posted by the County for consideration by the Commissioners Court at the next scheduled meeting of the Commissioners Court. The County may post an Application for consideration at any time prior to the expiration of the review period if the review process has been completed.
- e) The County shall forward the results of its technical review and its recommendations with respect to the Application to the Commissioners Court.

210: APPLICATION FEES & FEE SCHEDULE

The Applicant shall pay a non-refundable fee in the amount set forth below. The fee shall be paid at time of submission of application and concept plan. The fee may be amended at any time by the Commissioners Court without amending or affecting the remainder of these Regulations.

Subdivision Plat Fee	\$500, plus \$10 per lot
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211: PRELIMINARY PLAT

The Subdivider must prepare a preliminary plat and submit four (4) copies of it to the DeWitt County Commissioners Court or a qualified engineering firm selected by the county. **The plat must be submitted at least fourteen (14) days before the meeting at which the approval of the DeWitt County Commissioners Court is requested.** The preliminary plat will remain valid for eighteen (18) months from the date of approval, after which, it will be automatically be null and void. **The Subdivider and any representatives the Subdivider deems necessary MUST accompany the Preliminary Plat to the meeting of the Commissioners Court.** Please contact the County Judge's office for the next scheduled meeting.

The preliminary plat must show the following information:

Any variances from these regulations shall be addressed with the submission of the preliminary plat.

Metes and Bounds: The subdivision must be described by metes and bounds.

Subdivision Name: The proposed name of the subdivision. The name must not duplicate or be easily confused with other subdivisions located in DeWitt County.

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

Subdivision Ownership: The names, addresses and telephone numbers of the Owner(s) of the proposed subdivision and the name, address and telephone number of the Engineer, Landscape Architect, Site Planner and/or Surveyor responsible for the preparation of the preliminary plat.

Location and Boundary Lines: The subdivision must be located with respect to an original corner of the original survey of which it is a part. The location of the proposed subdivision, together with the boundary lines and their relation to adjoining properties, existing street right-of-ways, their relationship to existing subdivision on the same tract.

Lot, Block and Street Layout: Lot and block monumentation shall be set by a registered professional surveyor before recordation of the plat. The location and width of existing and proposed streets, roads, lots, blocks, alleys, building lines, easements, parks, school sites and any other features relating to the proposed subdivision. The plat must show the outline of adjacent properties for a distance of not less than one-hundred (100) feet and how the streets, in the proposed subdivision will connect with adjacent land or with adjacent subdivisions. The acreage of the proposed subdivision must be shown on the plat.

Street Names: Street Names shall be submitted in writing and reviewed by the county's 9-1-1 Coordinator Golden Crescent Regional Planning Commission, Victoria, Texas. The 9-1-1 Coordinator shall within seven (7) days indicate whether the names conflict with other street names within the county and meet with the developers engineers to resolve any conflicts.

Drainage and Topography: The preliminary plat must show the drainage plan, the physical features of the property, including water courses, the one-hundred (100) year flood plain boundaries and source of information, ravines, bridges, culverts, present structures, lot and street layout and other features of importance prepared by a professional engineer who is registered in the State of Texas. Storm water drainage facilities must be designed so as to minimize any increase in the quantity or velocity of storm water runoff from the subdivision. This information must demonstrate compliance with Chapter 26 and Article 16, respectively, of the Texas Water Code. All engineering calculations must be submitted with the preliminary plat.

The topography of the tract must be shown on the preliminary plat by means of contours of ten (10) foot intervals tied to United States Geological Survey (USGS) maps. Contours of lesser intervals may be required to determine topography and drainage.

Land Use: Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial or public use. This information must contain the location and characteristics of any existing building or structures which are to remain on the proposed subdivision site.

Drawing Requirements: The Preliminary Plat must show the North point, scale and date. It must be drawn to a scale not exceeding one (1) inch equal to two-hundred (200) feet and must be presented on a maximum of 24 x 36 sheets.

Water and Sewer: The Subdivider must submit a plan for providing water and sewage within the proposed subdivision and must clearly present it on the Preliminary Plat.

The proposed water supply must be shown, i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., including the location of fire hydrants, if any. All public water supplies and sewer systems must meet regulations of the County and the State and must be approved by the Texas Commission on Environmental Quality.

The plan for sewage disposal must be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc. If the Subdivider intends that each lot purchaser will provide private sewage facilities to his/her own lot, then copies of percolation tests performed by a professional engineer – registered in Texas, registered sanitarian, or a reputable testing laboratory must be provided, together with a letter stating the recommendations as to type of sewage system to be installed. If private sewage facilities are to be used, the location of each percolation test must be noted on the Preliminary Plat, and the area covered by the test must be clearly outlined on the plat. All proposed private sewage facilities must be in accordance with the policies and laws of DeWitt County and the State of Texas. The Crossroads Public Health District is hereby designated as the final authority regarding the use of private sewage systems.

The information provided by the subdivider must demonstrate compliance with Chapter 26, and Article 16, respectively, of the Texas Water Code.

Subdivisions Within Extraterritorial Jurisdictions: If the location of the proposed subdivision is within the extraterritorial jurisdiction of any city, with the exception of the City of Cuero, within DeWitt County, Texas, the preliminary plat must be approved by the governing body of that jurisdiction prior to the submission of the Preliminary Plat to the Commissioners Court. Where the subdivision lies within the jurisdiction of both DeWitt County the more stringent of the regulations will apply. DeWitt County Commissioners Court, on May 12, 2003, entered into an Interlocal Agreement with the

City of Cuero that grants the County of DeWitt the exclusive authority to regulate subdivisions within the City of Cuero's extraterritorial jurisdiction.

Approval Procedure: Approval of the Preliminary Plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with the preparation of the final plat. **No construction is authorized in the proposed subdivision before the Final Plat is approved by the Commissioners Court.**

212: FINAL PLAT

After the preliminary plat has been approved by the Commissioners Court, a Final Plat for recording must be prepared and submitted to DeWitt County Commissioners Court. **The Final Plat must be submitted at least fourteen (14) days before the meeting at which the approval of DeWitt County Commissioners Court is requested. The Subdivider and any representatives the Subdivider deems necessary MUST accompany the Final Plat to the meeting of the Commissioners Court.** Please contact the County Judge's office for the next scheduled meeting. The final plat must show all of the information required on the Preliminary Plat. Additionally the Final Plat must show the following:

Location and Accuracy: Location of lots, streets, roads, bridges and/or low water crossings, public highways, utility easements, parks, one-hundred (100) year flood plain boundaries and source of flood plain information and other pertinent features, must be shown with accurate dimensions in feet and decimals of feet and bearing, with length, radii and angle of all curves and with all other information necessary to duplicate the Final Plat on the ground. Plan and geometric design standards of streets, bridges, and/or low water crossings and drawings and drainage calculations prepared by an Engineer registered in the State of Texas must be submitted separately. The location of building lines on all streets and drainage easements, other public right-of-way or future rights-of-way must be shown on the Final Plat.

A space must be provided on the Final Plat for the signatures of the County Judge and the County Commissioner of the respective precinct.

Certification and Dedication of the Owners: Certification must be provided by the owner or owners of all land within the subdivision of his/their dedication of all streets, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledge before a Notary Public by the Owner.

Certification by a Registered Public Surveyor: Certification must be provided by a Surveyor that the plat correctly represents a survey made by him/her, and that all of the lot corners and boundary markers are correctly placed as shown thereon: including dimensions, elevations, bearings and other technical information needed for platting each lot in the subdivision.

Certification of Water System: Certification must be provided by the Crossroads Public Health District which certified that the proposed water supply will meet the minimum standards of DeWitt County and the State of Texas.

Certification of Groundwater: Certification must be provided by Pecan Valley Groundwater Conservation District which certified that any water well will meet the minimum standards set out by Pecan Valley Groundwater Conservation District, DeWitt County and the State of Texas. The Texas Natural Resource Conservation Commission by rule shall establish the appropriate form and content of a certification to be attached to a plat application.

Certification of Sanitary Sewer/Septic System: Certification must be provided by the Crossroads Public Health District which certifies that the proposed sanitary sewer system meets the minimum standards of DeWitt County and the State of Texas.

Certification and Approval by City: Certification must be provided by appropriate representatives of any city having extraterritorial jurisdiction over the area in which the subdivision is located.

Certification and Approval by Utility and/or Drainage Districts: Certification must be provided by appropriate representatives of any utility and/or drainage district having extraterritorial jurisdiction over the area in which the subdivision is located.

Tax Certificate: Certificate must be provided by DeWitt County Tax Assessor Collector that all taxes on the property are current and paid. The certificate must be attached to the Final Plat at time of recording with DeWitt County Clerk.

Deed Restrictions/Covenants: A copy of the deed restrictions/restrictive covenants imposed within the subdivision must accompany the Final Plat.

Street Names: Certification must be provided by the Emergency 9-1-1 Coordinator Golden Crescent Regional Planning Commission that street/road names do not conflict with other street names within the County and has met with developer's engineers to resolve any conflicts.

Garbage Pickup: The County **does not** provide garbage pickup.

213: APPROVAL BY COMMISSIONERS COURT; FILING OF FINAL PLAT AND BOND REQUIREMENT FOR GUARANTEE OF CONSTRUCTION

After examining the Final Plat, the Commissioners Court must approve or disapprove the Final Plat. If the plat is disapproved, it must be returned to the owner and the reasons for the disapproval must be given to the Subdivider. If the Final Plat is approved by the Commissioners Court, the Subdivider has the following options concerning the filing of the Final Plat:

Option 1: If the Subdivider desires to file the final plat prior to completion of the construction of the streets and/or utilities or other facilities in a subdivision, the Subdivider must provide

appropriate financial security in accordance with these regulations. Financial security may be arranged in one of the following methods:

- a) A construction bond may be filed by the Subdivider payable to DeWitt County in the amount of 110% of the estimated cost of construction. The bond must be a surety provided by a surety company licensed to operate in the State of Texas.
- b) The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit or other financial instrument satisfactory to the Commissioners Court in the amount of 110% of the estimated cost of construction.
- c) The owner may draw down on a monthly basis funds in escrow or certificate of deposit in an amount equal to 90% of the value of the completed construction as verified by an engineer approved by the Commissioners Court.

AND;

- d) The furnishing to the County with a one (1) year road maintenance bond in the amount of 100% of the cost of road construction following acceptance of the completed roads by the County.

After acceptable financial security is filed with the County, the County Judge and Commissioner in whose precinct the subdivision is located, will sign the Final Plat and the owner can then file the Final Plat with the office of the DeWitt County Clerk.

Option 2: If the owner desires not to guarantee the construction, the final plat will be withheld from filing until the completion of the construction of the streets, public water supply and distribution, public sewage collection and treatment facilities, drainage and other facilities provided by the developer. At such time that the DeWitt County Commissioner, a qualified engineering firm, certifies to the Commissioners court that the construction is completed according to the DeWitt County specifications and regulations, the furnishing to the County with a one (1) year road maintenance bond in the amount of 100% of the cost of road construction, the County Commissioner in whose precinct the project is located, the County judge will sign the final plat and the Subdivider can then file the Final Plat with the office of the DeWitt County Clerk.

214: RECORD PLAT

Two duplicate 18" x 24" photographic process mylar of archival quality shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings on the Record Plat must be large enough to be easily legible following recording. Submittal of the final plat shall also include a copy of the drawing in digital format suitable for copying to county clerk software for duplication to comply with any Open Records Requests. (DWG or DGN.files)

215: CANCELLATION OF A SUBDIVISION

As pursuant to Local Government Code Section 232.008 a person owning real property in this state that has been subdivided into lots and blocks or into small subdivisions may apply to the commissioners court of the county in which the property is located for permission to cancel all or part of the subdivision, including a dedication easement or roadway, to re-establish the property as acreage tracts as it existed before the subdivision.

216: RE-PLATTING

In order for a subdivision to be re-platted, it must first be vacated. Re-platting of a subdivision must follow the same procedures as described in Sections 201 to 214 of these regulations.

217: AMENDED PLANS

A subdivision plat may be amended to revise a portion of a plat designated "RESERVED FOR FUTURE DEVELOPMENT". The procedure shall be the same as if a new plat was being filed. Amended plats must follow the same procedures as described in Sections 201 to 214 of these regulations.

PART 3: DESIGN STANDARDS FOR COUNTY ROADS INFRASTRUCTURE AND DRAINAGE

The Commissioners Court of DeWitt County has the authority and obligation to exercise general control over the roads, bridges, low water crossings and related drainage structures and development within DeWitt County. DeWitt County shall not impose under Section 232.003 a higher standard for streets or roads and bridges and/or low water crossings in a subdivision than the county imposes on itself for the construction of streets or roads and bridges and/or low water crossings with a similar type and amount of traffic. The following are standards required by DeWitt County:

301: MINIMUM LOT SIZES AND SET BACKS

- 1) All lots in a subdivision platted for single family residences with both potable water and sewage disposal facilities provided by on site units shall contain a minimum surface area of one (1) acre of land.
- 2) All lots in a subdivision platted for single family residences served with public

water system and on lot disposal of sewage shall contain a minimum surface area of 21,700 square feet (1/2 acre).

- 3) All single family residences in a platted subdivision served by both public water and public sewage disposal system shall not be mandated with a minimum lot size provided however that structures must be set back from roads or property lines to ensure proper operation of water supply and sewer services and reduce risk of fire hazards.
- 4) All single family residential lots shall have a Twenty (20) feet set back line on front of the lot adjoining the street and a Five (5) feet side set back line except corner lots shall have a Twenty (20) feet set back on the side adjoining the side street.
- 5) All lots for condominium, townhouse or other multi-family developments shall be reviewed by the Commissioners Court and approved by approval at the preliminary plat stage to insure adequate property size for parking, fire protection, emergency vehicles or other required services. All mobile home lots shall conform to the same requirements as single family residents contained herein.
- 6) In addition to the minimum required in Item 1-5 above, all lots shall have the minimum requirements as outlined by the "DeWitt County On-Site Sewage Facilities Order" and State "On-Site Sewage Facilities" (OSSF) maintenance requirements as published by the Texas Commission on Environmental Quality, latest edition.

302: UTILITIES:

- 1) All public utilities serving part or all of any proposed subdivision shall be approved by the appropriate local or State agency and shall be constructed as shown on the plans.
- 2) Utility easement shall be provided for proposed or future utilities as indicated below:
 - a) All lots adjoining other lots on their back property lines will have a minimum of ten (10) foot utility easement on the back line (twenty foot easement for both lots)
 - b) Lots not adjoining other lots at their back property line shall have a minimum fifteen (15) foot easement along the back line.

303: DRAINAGE DESIGN

Prior to the submission of any plat of a proposed subdivision to the DeWitt County Commissioners Court, a drainage study shall be made by a Registered Professional Engineer on each road to insure proper drainage and, if necessary, additional right-of-way shall be obtained from adjoining property owners for drainage easement(s) as determined to be necessary by the Court and recommend in the drainage report. The Owner/Subdivider will be responsible to see that a complete Engineering Study, Drainage Design and Construction Drawings be prepared by an Engineer, registered in the State of Texas. All costs concerning completion of the Engineering Study, Drainage Design and Construction Drawings are the responsibility of the Owner/Subdivider.

The study, calculations and construction drawings shall be submitted to the Commissioner in whose Precinct the proposed subdivision is located, for his review and approval a minimum of fourteen (14) days prior to the requested date of action by the DeWitt County Commissioners Court. The design shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the subdivision. The exact dimensions and type of said permanent drainage, including culverts, pipes, drainage boxes and bridges, and low water crossings shall be established for each subdivision based on the drainage study and approved by the Court in its order granting or denying preliminary authorization of a subdivision plat or acceptance or refusal of a road dedication.

2. A proper and adequate system of drainage shall be constructed to effectively dispose of surface water. This system shall include the drainage of lots or other property offered for sale to the public as well as the roads and streets. Drainage from this subdivision shall be extended to the natural drains in the area having the capacity to efficiently manage the flow of storm water runoff in the Subdivision. Drainage material shall be constructed of permanent type either concrete or steel and concrete. All ditches, channels, bridges, concrete or metal pipe and water routes shall be designed in accordance with recognized and customary engineering practices. All driveway entrances shall be designed not to obstruct the normal flow of water. Pipe or shallow concrete dips of sufficient size are considered satisfactory.

3. All Drainage Design shall be based on the following criteria:

a. General: All storm drainage calculations shall be based on Mannings Equation for Flow.

Mannings Equation for Flow:

- Q = $A \times 1.486 \times R^{2/3} \times S^{5/3} \times n$
- Q = Discharge in cubic feet per second
- A = Cross sectional area of the drainage way in square feet
- n = Roughness coefficient R = Hydraulic radius in feet
- p ** Wetted perimeter of the drainage way in feet
- S = Slope of hydraulic gradient in foot per foot

b. Roughness Coefficients:

- 1. Reinforced concrete pipe* - n = .012
- 2. Corrugated metal pipe* -
 - a. Asphalt Coated - n = .024
 - b. Asphalt paved inert - n = .020
 - c. Fully asphalt lined - n = .012
- 3. Smooth interior plastic pipe - n = .009
- 4. Reinforced concrete boxes - n = .012
- 5. Concrete lined open channel - n = .013

- 6. Unlined open channels -
 - a. Bottom width < 25 ft. - n - .040
 - b. Bottom width > 25 ft. - n - .035

* The type of pipe to be used shall be approved by the County Commissioner, in whose precinct the project is located.

c. Design Criteria for Unlined Open Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	4 feet per second
Minimum Free Board	1 foot
Minimum Side Slope	3 foot horizontal to 1 foot vertical or as approved by Commissioners Court
Bottom Width	As required
Minimum Easement Width	30 feet or as approved by County Commissioner
Minimum Slope	0.10 percent

d. Design Criteria for lined Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	10 feet per second
Minimum Free Board	1 foot
Minimum Side Slopes	2 foot horizontal to 21 foot vertical
Bottom Width	As required
Minimum Easement Width	30 feet or as approved by County Commissioner

e. Driveway Culverts

All culverts placed for access to a lot shall be sized to carry a minimum of 125% of the Design Requirement including entrance and exit losses. Minimum size shall be 18".

4. Determination of Run-Off:

Run-Off from subdivisions will be determined by the "Rational Method", from the equation below and a C factor based on total development of the proposed subdivision. Intensity for Runoff calculations for minor drainways within the subdivision will be based on a Five (5) year storm and a Twenty Five (25) year storm for all major drainways within the subdivision.

- Q = C I A
- Q = Cubic feet, per second
- I = Intensity in inches per hour
- A = Area in acreage
- C = Run-off coefficient

5. Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other type outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.

304: STREETS AND ROADS

All public roads or streets to be constructed as access to or within a platted subdivision shall be constructed in accordance with the following design requirements prior to the roads, streets, drainage or other improvements being accepted by the Commissioners Court for county maintenance. In addition, all roads and streets shall be constructed in accordance with the Texas Accessibility Standards and Americans with Disabilities Act.

1. General:

a. The DeWitt County Commissioner, in whose precinct the subdivision is being constructed, will have final approval of the elevation of all roads constructed within the subdivision.

b. All roads and streets to be built upon a minimum right-of-way width of sixty (60) feet.

c. All drainage ditches, bridges, drainage pipes and water courses shall be designed in accordance with Section 303 entitled Drainage Design and shall be subject to inspection and approval of DeWitt County prior to any acceptance of any dedication.

d. When Texas Highway Department Standard Specifications are mentioned it shall mean latest edition.

e. Street signs clearly indicating the name of streets shall be installed at every intersection and signs shall conform to standard municipal street signs utilized by the municipalities of Cuero, Yoakum, Yorktown and Nordheim.

2. Materials:

a. Subbase

All subbase for asphaltic pavement with a plasticity index greater than fifteen (15) shall be stripped of all existing vegetation and lime stabilized to a depth of six (6) inches with six (6) percent by weight lime unless laboratory tests indicate that less than six (6) percent lime will reduce the plasticity index to less than fifteen (15).

In no case will less than 3% lime be utilized.

b. Base

Flexible base material shall be durable particles of processed gravel mixed with approved binder. Flexible base material shall be grade 2 in conformance with Texas Department of

transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 247 – Flexible Base. Material shall be deposited, mixed and shaped to provide a uniform mixture without segregation of fine and course material.

c. Primer Coat

Primer coat material shall be type MC30 Cut-Back Asphalt as defined in Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and bridges, Item 300-Asphalts, Oil and Emulsions.

d. Aggregate

Aggregate for surface treatment for other than Hot Mix-Cold Laid applications shall be precoated natural limestone Type PE conforming to the Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 302 – Aggregate for Surface Treatments. If a Hot Mix-Cold Laid application is utilized, the aggregate for surface treatment shall conform to the applicable requirements for a Type D paving system as defined in Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 334 – Hot Mix-Cold Laid Asphaltic Concrete Pavement.

e. Asphalt

Asphalt material for surface treatment shall be AC-5 in accordance with Texas Department of Transportation Standard Specifications for Construction of Highways, Streets, and Bridges, Item 300 – Asphalts, Oils, and Emulsions and if a Hot Mix-Cold Laid application is utilized, asphaltic material shall conform to the applicable requirements of Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 334 – Hot Mix-Cold Laid Asphaltic Concrete Pavement.

Asphalt material for surface treatment shall be AC-5 in accordance with Texas Department of transportation Standard Specifications for Construction of Highways,

Streets and bridges, Item 300-Asphalts, Oils, and Emulsions, and if a Hot Mix-Cold Laid application is utilized, asphaltic material shall conform to the applicable requirements of Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 334-Hot Mix-Cold Laid Asphaltic Concrete Pavement.

3. Installation:

a. Subbase

Lime stabilization of subbase shall conform to Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 260-Lime Treatment for Materials Used as Subgrade (Road Mixed) with all lime being added

dry unless otherwise approved. Compaction of subbase material shall be provided by sheep-foot rollers or other approved methods to provide a uniform compaction of 95% modified density in accordance with ASTM Standard 1557 at a moisture content between optimum moisture and five (5) percent above optimum moisture.

b. Base

Flexible base materials deposited upon the subgrade shall be spread and shaped the same day. Flexible base material shall be deposited, mixed and shaped in such a manner to prevent "nests" of segregated coarse or fine material. Thickness of the base material shall be not less than six (6) inches compacted in place. Material shall be compacted by approved methods to obtain a uniform compaction of 95% modified density and a smooth, graded surface satisfactory to DeWitt County. Base Material shall be watered or dried to provide a moisture content between optimum moisture and five (5) percent above optimum moisture during the compaction process.

c. Primer Coat

Before the application of primer coat, the surface of flexible base shall be cleaned by sweeping or other approved methods. Primer coat shall be applied when, in the opinion of DeWitt County, the base is thoroughly dry and satisfactory to receive prime coat. Asphaltic material for primer coat shall be applied at a rate of 0.20 to 0.30 gallons per square yard conforming to Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges. Item 310-Prime Coat (Asphaltic Cutback Materials).

d. Two Course Surface Treatment

Asphaltic pavement, for other than Hot Mix-Cold Laid applications, shall consist of a two course surface treatment conforming to the applicable requirement of Texas Department of transportation Standard Specification for Construction of Highways, Streets and bridges. Item 316 – Surface Application rates shall be as indicated below:

	<u>First Course</u>	<u>Second Course</u>
Gallons of Asphalt Per Square Yard	0.30	0.24
Gallons of Emulised Asphalt per Square Yard	0.36*	0.32*
*AC rate divided by the residual Asphalt content of emulsion (usually .65) x .80		
Aggregate Grade	No. 3PE	No.4PE
Cubic Yards Aggregate to Square Yard Ratio	1:75	1:95

e. Hot Mix – Cold Laid Surface Treatment

For Hot Mix – Cold Laid applications, the asphaltic pavement shall consist of a Type d

Hot Mix-Cold Laid asphaltic concrete with a mat thickness of not less than 1 ½ inches conforming to the applicable requirements of Texas Department of Transportation Standard Specifications for construction of Highways, streets and Bridges, Item 334 – Hot Mix-Cold Laid Asphaltic Concrete Pavement.

4. Testing

Subdivider/Owner shall provide for the services of an independent soil testing laboratory to perform those compaction tests indicated above. Tests shall be performed every five hundred (500) feet at the centerline of the road and two (2) feet from the outer edge of the subbase and base and at all intersections.

Test results shall be submitted to DeWitt County Commissioners Court by the testing laboratory.

No compaction testing failing by more than 5% will be acceptable and 95% of all tests shall pass the compaction requirements.

5. Following completion of all roads and streets, bridges and/or low water crossings prior to the consideration of acceptance by the Commissioners Court, the subdivider/owner shall furnish the County Commissioners the following:

- a. Test results from a certified engineer indicating that all streets and roads meet the specifications as set forth in the County Subdivision Regulations.
- b. A maintenance bond payable to DeWitt County, provided by the Subdivider's road contractor, good for a period of one year from the date of acceptance by the Commissioners' Court, in the amount of 100% of the cost of constructing the streets and roads to be accepted by DeWitt County.

305: NOTICE BY SUBDIVIDER/DEVELOPER TO BUYERS:
Subdivider/Owner, his agent or assigns shall issue notice to each buyer of:

- a. The terms and conditions of these Regulations; and
- b. The applicability of these Regulations to the Subdivision and to the buyer's lot or tract.

DeWitt County shall not be obligated nor shall it assume any responsibility or obligation whatsoever for the maintenance, repair or upkeep of any road or streets or drainage facilities which are not designed, built and approved in compliance with the provisions hereof.

PART 4: STREET MARKING/SIGNAGE

401: INSTALLATION

Acceptance of maintenance of roads or streets in real estate subdivisions does not obligate DeWitt County to install street marking signs as this is considered to be a part of the subdividers' construction.

402: TRAFFIC CONTROL SIGNS

Installation of signs for traffic control, such as for speed limits and STOP and YIELD signs shall be the responsibility of the County.

PART 5: FLOOD PLAIN

The Commissioners Court of DeWitt County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations pursuant to DeWitt County Flood Damage Prevention Order within the County and to regulate associated development.

PART 6: SUBDIVISION REGULATIONS PURSUANT TO DEWITT COUNTY'S FLOOD DAMAGE PREVENTION ORDER

Reference Flood Damage Prevention Order, Article 5, Provisions for Flood Hazard Reduction, Section C – Standards for Subdivision Proposals. A copy of the DeWitt County Flood Damage Prevention Order can be obtained from the Flood Plain Administrator or county judge's office.

PART 7: RECREATIONAL VEHICLE (RV) PARK

The following information must be submitted to DeWitt County Commissioners Court for approval:

- 1) A written emergency evacuation plan with alternate vehicular access and egress routes. The approved plan shall be DeWitt County posted at various locations throughout the recreational vehicle park and/or distributed to the RV operator upon entering the RV park.
- 2) An emergency warning system with required maintenance and periodic testing.
- 3) Recreational vehicles shall not be allowed to remain in the RV park with unaired tires (time should be allowed to make immediate repairs) or on permanent blocks.
- 4) Egress of recreational vehicles shall not be prevented by stored or fixed items, such as stairs, porches, etc.
- 5) Each recreational vehicle shall, if self powered (motor home), be capable of evacuation under its own power and always kept in running order and if dependent on external power for evacuation, be accompanied by a tow vehicle in running order.
- 6) DeWitt County will inspect RV Parks on a regular basis and violations shall be corrected or the RV Park will be suspended and all RVs removed until the violations are corrected.

- 7) All RV Parks located within the flood plain having permanent structures (restrooms, office facilities, laundry facilities, etc) must meet the local requirements – elevations, utilities and sewerage as defined in DeWitt County Flood Damage Prevention Order.
- 8) Roads and streets in RV Parks shall be built pursuant to Part 3: Design Standards for County Roads, Infrastructure and Drainage Requirements included in this order.

PART 8: ADMINISTRATION

801: RESPONSIBILITY FOR ADMINISTRATION

It will be the responsibility of the DeWitt County Commissioner, in whose Precinct subdivision is located, to serve as administrative officer for purposes of this law.

802: REVIEW OF PLANS

DeWitt County Commissioners Court may at its option utilize a selected qualified engineering firm to review the engineering design and calculations required by this Order. All costs of such review will be paid for by the Subdivider/Owner.

803: APPEALS

A person aggrieved by an action or decision of the County Commissioner pertaining to DeWitt County Subdivision Development and Recreational Vehicle Park Regulations may, within thirty (30) days of the date of the notice of the action or decision, appeal same to the DeWitt County Commissioners Court. These appeals are not exclusive, but are cumulative of any other remedies at law or in equity.

804: AMENDMENTS

The DeWitt County Commissioners Court may, from time to time, adopt and amend these regulations, and the rules, procedures and policies associated with the Regulations. The Regulations may be amended by the Commissioners Court after a public hearing in which due notice has been given to the citizens of DeWitt County.

805: VALIDITY AND REPEAL

If any part, section, paragraph, clause, provision or portion of the Regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, such a holding will not affect any other part, section, paragraph, clause, provision or portion of the Regulations. All Regulations or parts of Regulations adopted by DeWitt County are hereby superseded by these Regulations.

806: ENFORCEMENT AND PENALTIES

Civil Penalties: Whenever it appears that a violation or the threat of a violation of any of

the terms and conditions of these regulations exists, the County Attorney may institute a suit in a court of competent jurisdiction in DeWitt County through his/her office's attorney seeking injunctive relief or other appropriate civil penalties or both against the person(s) committing or threatening to commit the violation.

Criminal Penalties: A person who violates any provision of these regulations is subject to a Class B Misdemeanor which shall be punishable by a fine set by a court of competent jurisdiction. Each day that a violation exists constitutes a separate offense.

ADOPTED AND APPROVED on this 25th day of March 2008.

COMMISSIONERS COURT OF DEWITT COUNTY, TEXAS

Ben E. Prause
Ben E. Prause, County Judge

Curtis G. Afflerbach
Curtis G. Afflerbach, Commissioner Pct. 1

Joe L. Machalec
Joe L. Machalec, Commissioner Pct. 2

Gilbert Pargmann
Gilbert Pargmann, Commissioner Pct. 3

Alfred Rangnow
Alfred Rangnow, Commissioner Pct. 4

ATTEST:

Elva Petersen
Elva Petersen, County Clerk