

ORDER NO. 2021-006

AN ORDER OF THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS, EFFECTIVE FEBRUARY 8, 2021; (2) APPROVING AND ADOPTING A FEE SCHEDULE AND CIVIL AND CRIMINAL ENFORCEMENT REMEDIES REGARDING SAID REGULATIONS; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.

WHEREAS, DeWitt County, Texas (“County”) is a county of the State of Texas, having been duly created and organized under the constitution and laws of Texas, and further, the DeWitt County Commissioners Court (“Commissioners Court”) is its governing body; and

WHEREAS, pursuant to Article V, Section 18 of the Texas Constitution, Chapters 232 and 233 of the Texas Local Government Code, and other authority, the County may approve, adopt, and enforce regulations governing plats and subdivisions of land and manufactured home rental communities in the unincorporated area of DeWitt County, Texas in order to promote the health, safety, morals, and general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, and further, to prevent colonias or other substandard development, said matters hereby being declared to be worthwhile public purposes and in the public interest; and

WHEREAS, the County desires to approve, adopt, and enforce the Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas (“Regulations”), dated and effective February 8, 2021, in the form and scope described in the attached **Exhibit 1**, said Regulations being related, among other things, to plats and subdivisions of land, plat procedure, design and construction standards, enforcement and other remedy issues, a fee schedule, and other related land development matters, including manufactured home rental community development and regulations, for application and implementation in the unincorporated area of DeWitt County, Texas as authorized by law for County regulation; and

WHEREAS, the approval, adoption, and enforcement of the Regulations and this order shall accomplish or substantially achieve all public purposes described in those instruments.

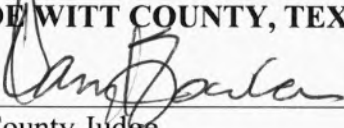
NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the DeWitt County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

- (1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other, where necessary for a correct meaning.

- (2) The caption and preliminary recitals of this order, and all attached documents, are incorporated by reference.
- (3) The Commissioners Court orders, approves, and adopts, and shall enforce, the Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas, dated and effective February 8, 2021, in the form and scope described in the attached **Exhibit 1**.
- (4) The Commissioners Court orders that: (a) the County Judge shall properly execute the Regulations for the County on behalf of the Commissioners Court, and shall timely initiate and complete on behalf of the County all tasks necessary or desired to accomplish the publication, distribution, and implementation of the Regulations in the public interest; (b) this order and the Regulations shall be filed of record in the official minutes of the Commissioners Court; (c) true and correct copies of this order and the Regulations shall be included and incorporated in the appropriate booklets, packets, or other documents published, distributed, or made available by the County to the public regarding land development matters; and (d) the County's staff and legal counsel shall assist the County Judge in the timely initiation and completion of all tasks herein described.
- (5) All notice and conditions precedent for the lawful approval and adoption of the Regulations have been timely accomplished by the County.
- (6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, attorneys, agents, and representatives are hereby ratified, confirmed, and approved regarding the Regulations and any related matter.
- (7) This order shall take effect immediately from and after its passage.
- (8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on the 8th day of February, 2021.

**THE COMMISSIONERS COURT OF
DE WITT COUNTY, TEXAS**



County Judge
DeWitt County, Texas

Absent

County Commissioner, Precinct 1
DeWitt County, Texas

[Signature]
County Commissioner, Precinct 2
DeWitt County, Texas

Absent

County Commissioner, Precinct 3
DeWitt County, Texas

Richard Rendle
County Commissioner, Precinct 4
DeWitt County, Texas

ATTEST:

Natalee Carson
County Clerk
DeWitt County, Texas



**SUBDIVISION AND
MANUFACTURED HOME RENTAL
COMMUNITY REGULATIONS**

FOR

DE WITT COUNTY, TEXAS

EFFECTIVE DATE:

FEBRUARY 8, 2021

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ARTICLE 1 -- ADMINISTRATIVE PROVISIONS

§ 1.1 Enactment

- (A) **County and Governing Body** – DeWitt County, Texas (“**County**”) is a duly organized and operating county of the State of Texas, and the DeWitt County Commissioners Court (“**Commissioners Court**”) is the governing body of the County.
- (B) **Declaration** – The County, acting by and through its Commissioners Court, hereby declares that these Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas (“**Regulations**”) are lawfully enacted, adopted, and approved, and further, these Regulations shall be enforced pursuant to and in compliance with the express and implied authority herein described.

§ 1.2 Public Purposes

- (A) **Identification** -- These Regulations are enacted, adopted, approved, and shall be enforced to accomplish the following worthwhile public purposes:
- (1) The Regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities (“**MHRC**”), within the unincorporated area of DeWitt County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.
 - (2) The Regulations shall ensure that adequate plats, plan, design and planning procedures, water, sewer, septic, and on-site sewer facilities (“**OSSF**”), and utility and transportation infrastructure are provided in the unincorporated area of the county.
 - (3) The Regulations are reasonably enacted, adopted, and approved, and shall be enforced, among other things, to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; and (i) prevent the imminent destruction of property or injury to persons from flooding within a floodplain established by a federal or state flood control program, and enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property.

- (B) **Accomplishment** -- The enactment, adoption, approval, and enforcement of the Regulations shall substantially accomplish or advance all public purposes herein described.

§ 1.3 **Conditions Precedent and Notice**

- (A) **Conditions Precedent** -- All notice and conditions precedent for the lawful enactment, adoption, approval, and enforcement of the Regulations have been accomplished.
- (B) **Notice** -- Any notice or document submission to the County required by the Regulations shall be in writing and delivered by the United States Postal Service (by certified mail), courier; or hand-delivery, with proof of delivery to the County established by a delivery receipt or other document. The County's contact official and address regarding notice or document submissions required by the Regulations are as follows:

County Judge
DeWitt County, Texas
DeWitt County Courthouse
307 North Gonzales Street, First Floor
Cuero, Texas 77954
Telephone: 361-275-0916
Facsimile: 361-275-0919

- § 1.4 **Effective Date** -- The effective date ("**Effective Date**") of the Regulations is February 8, 2021.
- § 1.5 **Partial Invalidity** -- Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Regulations shall remain fully effective and operable.
- § 1.6 **Headings** -- The separate headings contained in the Regulations are for reference and convenience only, and shall not limit or otherwise affect in any way the meaning of the Regulations.
- § 1.7 **ETJ Regulation** -- The authority of the County to regulate plats or subdivisions of land by the Regulations in the extraterritorial jurisdiction ("**ETJ**") of an incorporated municipality located in DeWitt County, Texas is subject to the provisions of an active interlocal governmental agreement made by and between the County and the municipality pursuant to Chapter 242 of the Texas Local Government Code and Chapter 791 of the Texas Government Code.
- § 1.8 **Adopted Authority** -- The following legal authority, as amended, and the express and implied regulatory powers therein granted to the County, are hereby adopted and approved by the County to support the interpretation, application, use, and enforcement of these

Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subch. B, Parts 59-60); TEX. HEALTH & SAFETY CODE Ch. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, E), 233, 235, 242; TEX. LOC. GOV'T CODE §§ 212.013-.016, 232.028-029, 232.032; TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE §§ 201.619, 251.003, 251.008; TEX. WATER CODE Chs. 16 (Subchs. I, J); the County's active flood damage prevention orders or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; and all other authority described in the Regulations.

ARTICLE 2 – DEFINITIONS, INTERPRETATION, AND APPENDIX

§ 2.1 Word Usage and Special Definitions

- (A) **Common Usage** -- Unless specially defined in the Regulations, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.
- (B) **Special Definitions** -- Unless otherwise designated, the following special definitions shall apply:
- (1) **“Business day”** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.
 - (2) **“Colonias”** shall mean substandard, generally impoverished, rural subdivisions or other developments that lack basic utilities and other infrastructure;
 - (3) **“Commissioners Court”** shall mean means the Commissioners Court of DeWitt County, Texas.
 - (4) **“County”** shall mean DeWitt County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
 - (5) **“County Clerk”** shall mean the County Clerk of DeWitt County, Texas.
 - (6) **“County Judge”** shall mean the County Judge of DeWitt County, Texas.
 - (7) **“Developer” and “Subdivider”** shall mean: (a) the fee simple owner (or authorized agent thereof) of land which is the subject of development; and (b) any owner of land (or authorized agent thereof) proposing to divide or dividing land so as to constitute a subdivision.
 - (8) **“Development”** shall mean any actual or proposed man-made change to improved or unimproved real property, including but not limited to

buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.

- (9) **“Drinking water”** shall mean all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.
- (10) **“Engineer”** shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (11) **“ETJ”** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (12) **“Floodplain”** shall mean: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency (**“FEMA”**) for the County under the National Flood Insurance Act and NFIP; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.
- (13) **“LOC”** shall mean an irrevocable letter of credit.
- (14) **“Manufactured Home” or “Manufactured Housing”** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003 of the Texas Occupations Code; and (b) any other type of mobile home, trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.
- (15) **“Manufactured Home Rental Community” or “MHRC”** means 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 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residences, as defined by § 232.007 of the Texas Local Government Code.
- (16) **“Minimum state standards”** shall mean the minimum standards of the State of Texas required for: (a) adequate drinking water pursuant to § 16.343(b)(1) of the Texas Water Code or other state authority; (b) adequate sewer and septic/OSSF facilities under § 16.343(c)(1) of the Texas Water Code, Chapter 366 of the Texas Health and Safety Code, or other state authority; or (c) the treatment, disposal, and management of solid waste and

litter under Chapters 361 through 365 of the Texas Health and Safety Code or other state authority.

- (17) **“NFIP”** shall mean the National Flood Insurance Program pursuant to federal law, including: (a) the National Flood Insurance Act pursuant to Sections 4001-4027, Title 42 of the United States Code; and (b) 44 CFR Ch. I, Subch. B, Parts 59, 60.
- (18) **“OSSF”** shall mean an on-site sewage facility (and includes a septic system), as defined in rules and/or regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.
- (19) **“Plat”** shall mean a: (a) plat required by the Regulations; and (b) map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.
- (20) **“Plat Application”** shall mean the County’s Plat Application Form described in § 3.2 and **Appendix/Exhibit C/Form 1** of the Regulations.
- (21) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (22) **“Purchaser”** shall include purchasers under executory contracts for conveyance of real property.
- (23) **“Regulations”** shall mean these Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas.
- (24) **“Sewer,” “sewer services,” “sewerage facilities,” and “sewer facilities”** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code, or individual, on-site (or OSSF), or cluster treatment systems such as septic tanks, and includes drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.
- (25) **“State”** shall mean the State of Texas and its administrative agencies.
- (26) **“Subdivision”** shall mean a division of land described in § 3.1 of these Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.

- (27) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (28) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (29) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (30) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.
- (31) **“TWDB”** shall mean the Texas Water Development Board.
- (32) **“Utility”** shall mean a person, entity, or political subdivision providing the services of an electric utility under § 31.002 or Chapter 181 of the Texas Utilities Code, a gas utility or corporation pursuant to § 101.003 or Chapter 181 of the Texas Utilities Code, a water and sewer utility pursuant to § 13.002 of the Texas Water Code, or any other utility defined by Texas law.

§ 2.2 Interpretation and Appendix

- (A) **Tense, Gender, and Number** -- Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.
- (B) **Incorporation by Reference** -- The following matters are adopted, approved, and incorporated by reference in the Regulations: (1) statements made in the preliminary recitals; (2) all documents attached as the Appendix; and (3) where applicable for the use, operation, and enforcement of these Regulations, all provisions of the County’s active floodplain management, sewer, septic/OSSF, or other development regulations.
- (C) **Minimum Requirements** -- These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) **Superseding Effect** -- These Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

ARTICLE 3 -- PLAT PROCEDURE

§ 3.1 Plat Required for Division of Land

- (A) **Division Defined** -- Pursuant to § 232.001 of the Texas Local Government Code, the owner

of a tract of land in DeWitt County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

- (B) **Scope of Division** -- A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (1) 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; or (2) for the purpose of residential, business, commercial, industrial, or other development.

§ 3.2 Plat Submission and Review

- (A) **Application** -- The County's Plat Application Form is described in **Appendix/Exhibit C/Form 1**. It shall be provided at no cost to the public at the office of the County Judge at the notice address described in § 1.3 of the Regulations. The Plat Application Form describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute: (1) the fully completed and executed application; and (2) the proposed plat and all supporting documents, as herein described.

(B) **Submission of Completed Application/Notice of Incomplete Application**

- (1) A completed Plat Application shall be submitted by the Developer to the County Judge at the notice address described in § 1.3.
- (2) County acceptance of a submitted Plat Application shall not constitute plat approval by the County.
- (3) Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and these Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

- (C) **Review** -- Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with the Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval

procedures and requirements of §§ 232.002 and 232.0025-.0028 of the Texas Local Government Code. Pursuant to said authority, the Commissioners Court:

- (1) must approve a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should the plat be: (a) the result a completed Plat Application; (b) supported by a good and sufficient bond or other financial security, if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of all required fees; and
- (2) may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should: (a) the plat not comply with all requirements prescribed by law and these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed subdivision; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.

ARTICLE 4 – PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE

- § 4.1 **Minimum Plat Standards** -- In order to obtain Commissioners Court approval, and for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in this section.
- (A) **Lawful Compliance** – The plat must comply with all applicable requirements prescribed by law and the Regulations, including the applicable statutes and regulations of the State of Texas and United States government, and their respective administrative agencies.
 - (B) **Acknowledgment and Recordation** -- The plat on approval must be: (1) acknowledged by the Developer in the manner required for the acknowledgment of deeds; and (2) filed and recorded in the Official Public Records (Real Property and/or Plat Records) of the County Clerk on or before 90 days from plat approval.
 - (C) **Surveyor and Engineer Certification** – The plat on approval must be signed, sealed, and certified by the Developer’s surveyor and engineer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.
 - (D) **Property Description, Identifying Data, and Signatures** –
 - (1) **General Description** -- The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal

parts of the subdivision -- including all lots, divisions of land, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by the Regulations.

- (2) **Additional Descriptions** -- The plat must describe all identifying data required by the Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) restrictive covenants, restrictions, or reservations whether of record or proposed.
- (E) **Survey Data** -- The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, calls for the lines of established surveys, land marks, school districts and other data furnished in a manner sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the required scale must be prominently shown.
- (F) **Lot/Block Dimension** -- The plat must state the dimensions of, and accurately but separately describe by metes and bounds, each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part. Lot and block numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.
- (G) **Water/Sewer/OSSF Disclosures** --
- (1) **Public Facilities/Constructed** -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain documents by the Developer and his

engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, (iv) Victoria County Public Health Department's water, drainage, sewer, and/or septic regulations, said entity being the representative for the County regarding these issues, and (v) Pecan Valley Groundwater Conservation District's regulations for water wells and related permits.

- (2) **Private Facilities** -- Should private water wells, septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, (iv) Victoria County Public Health Department's water, drainage, sewer, and/or septic regulations, said entity being the representative for the County regarding these issues, and (v) Pecan Valley Groundwater Conservation District's regulations for water wells and related permits.
- (H) **Drainage** -- The plat must describe the provision of a reasonable drainage plan for the subdivision (including each road or street therein contained) in accordance with standard engineering practice, in compliance with the reasonable drainage standards described in **Appendix/Exhibit A**, in order to efficiently manage the flow of storm water runoff in the subdivision, and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.
- (I) **Topographical Description** -- The plat must identify the topography of the area and the proposed subdivision by the use of contour lines. The contour lines must be based on: (1)

a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) data provided by the County, or in lieu thereof, data from any governmental agency or department, the identity of which must be specified on the plat. The plat must indicate by the use of contour lines any changes in the existing topography proposed by the Developer, and said contour lines must be based on the government data, vertical interval, and slope rates previously identified in this paragraph.

(J) **Road/Driveway, Lot Frontage, and Floodplain Description --**

(1) **Road/Driveway --** The plat must include a description of all roads and driveways in the subdivision. These descriptions and all constructed roads and driveways shall comply with the County's road and drainage standards adopted by the Regulations, as herein described and in **Appendix/Exhibits A and B**. Prior to any driveways being constructed to connect to existing county or state roads, all such driveways and related drainage structures shall be approved by the County.

(2) **Lot Frontage --** The plat must include a description of all lot frontages in the subdivision. These descriptions and all lot frontages on the ground shall comply with the following standards hereby adopted and approved pursuant to §§ 232.101, 232.103, 232.107 of the Texas Local Government Code and other authority:

(a) These Regulations are designed to provide reasonable standards for minimum lot frontages on existing county or other public roads (including lot frontages in relation to curves in a road) in compliance with accepted engineering practice and standards.

(b) The minimum lot frontage required for lots located on county or other public roads is 100 feet unless otherwise required by state or federal law.

(3) **Floodplain --** The plat must describe all land in the subdivision that is located in a floodplain, and contain a certification by the surveyor or engineer for the Developer that: (a) describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and subdivision comply with the County's active floodplain management, sewer, septic/OSSF, or other development regulations related to floodplain prevention, floodplain management, or flooding.

(K) **Fire Suppression System --** The following subdivision fire suppression system standards, pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code, are

adopted and approved regarding a subdivision that is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility service:

- (1) **Subdivision with Fewer Than 50 Houses** -- The Developer shall construct a limited fire suppression system for the subdivision with a minimum of 2,500 gallons of storage. The plat must describe and depict the location and components of this fire suppression system.
 - (2) **Subdivision of 50 or More Houses** -- The Developer shall construct a limited fire suppression system for the subdivision with: (a) a minimum of 2,500 gallons of storage with a centralized water system; or (b) 5,000 gallons of storage. The plat must describe and depict the location and components of this fire suppression system.
- (L) **Purchase Contract Disclosure** -- Pursuant to § 232.003 of the Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if water will be made available to the subdivision, how and when water will be made available.
- (M) **Groundwater Sufficiency Disclosure Statement** -- Pursuant to § 232.0032 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat shall have attached to it a statement that: (1) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (2) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards. The form and content of this certification shall be in compliance with all applicable rules of TCEQ as required by said § 232.0032. Should this plat certification be required, the Developer also shall transmit to the TWDB, and any groundwater conservation district that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all applicable rules of TCEQ and TWDB, information that would be useful in: (1) performing groundwater conservation district activities; (2) conducting regional water planning; (3) maintaining the state's groundwater base; or (4) conducting studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 and this paragraph has been transmitted to the TWDB and an applicable groundwater conservation district, if required by this paragraph.
- (N) **Plat Format** -- The Plat Application must include a digital map that is: (1) compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code; and (2) in a format widely used by common geographic information system software. An exemption from this requirement

shall exist if the Developer submits with the Plat Application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible. The plat must be prepared on mylar, or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat must be drawn to scale on plat sheets of at least the following dimension: 18 inches by 24 inches. The Developer shall provide to the County: (1) the original plat (including all required and attached documents) and one clearly marked, same-size copy of the original plat; and (2) six reduced size copies of the original plat, either 8.5 inches by 11 inches or 11 inches by 17 inches in dimension. The plat must be drawn according to the following scale: (1) one inch to 100 feet; or (2) one inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of one foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

(O) **Building or Set-Back Lines** – Pursuant to Sections 232.104 and 233.032 of the Texas Local Government Code, and for the promotion of the general welfare and safety of the public, the following standards are adopted, and approved for building and set-back lines in subdivisions: the plat shall describe and depict a twenty (20) foot building and set-back line on the front, sides, and rear of all lots or other divided parts in the subdivision.

(P) **Limitations Regarding County Construction/Maintenance Obligations** -- The plat must contain the following statements regarding the express limitations regarding County construction or maintenance obligations:

(1) Relating to any public dedication on the plat:

FOR ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DEDICATED FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE DE WITT COUNTY COMMISSIONERS COURT, DE WITT COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED PROPERTY. UPON PLAT APPROVAL, THE CONSTRUCTION OR MAINTENANCE OF SAID PROPERTY SHALL REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS, AND THE BOND OR FINANCIAL SECURITY REQUIRED UNDER SAID REGULATIONS, UNLESS AND UNTIL SAID PROPERTY IS FORMALLY ACCEPTED BY THE COMMISSIONERS COURT, IF EVER, BY A SEPARATE WRITTEN ORDER.

(2) Relating to any private land or improvements on the plat:

DE WITT COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DESCRIBED ON THIS PLAT FOR PRIVATE OWNERSHIP OR USE. UPON APPROVAL OF THIS PLAT, IF ANY, BY THE DE WITT COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE PROPERTY SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS.

- (Q) **Owner/Developer Signature and Disclosure** – Upon plat approval, the Developer shall: (1) sign and date the plat and all required or attached documents; (2) acknowledge the plat in the manner required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the matters described in the plat and all attached documents by stating the following on the plat:

I CERTIFY THAT: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS IF ANY, ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS; (2) THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS IF ANY, ARE TRUE AND CORRECT; AND (3) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.

- (R) **Lien Subordination Disclosure** -- The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which certify lienholder consent and lien subordination to all public dedications.
- (S) **Surveyor Signature/Disclosure** -- The plat shall contain a signature, seal, certification, date, and affidavit by the surveyor for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS, IF ANY, REPRESENT A TRUE AND ACCURATE SURVEY ON THE GROUND MADE BY ME OF THE SUBDIVISION IDENTIFIED; (2) ALL REQUIRED SURVEY MONUMENTS ARE CORRECTLY SHOWN ON THIS PLAT; (3) ALL EXISTING EASEMENTS AND RIGHTS OF WAY ARE SHOWN ON THIS PLAT ACCORDING TO DOCUMENTS OF RECORD OR APPARENT CIRCUMSTANCES OBSERVED ON

THE LAND; (4) THE PERIMETER FIELD NOTES ARE ACCURATELY TIED TO AN ORIGINAL CORNER OF THE ORIGINAL SURVEY; (5) THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, COMPLY WITH ALL SURVEYING AND PLAT DRAFTING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL LAND SURVEYING PRACTICE IN THE STATE OF TEXAS.

- (T) **Engineer Signature/Disclosure** -- When engineering services are required by these Regulations to be performed by the Developer's engineer, the plat upon approval must contain a signature, seal, certification, date, and affidavit by the registered professional engineer for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, AND THE SUBDIVISION HEREIN IDENTIFIED, SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

- (U) **Commissioners Court Approval** -- The plat upon approval must contain a signature, certification, and acknowledgment by the County Judge, as hereafter stated:

I CERTIFY THE FOLLOWING: (1) THIS PLAT WAS APPROVED ON _____ BY THE COMMISSIONERS COURT OF DE WITT COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT), AND OTHER AUTHORITY; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF DE WITT COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT

COUNTY, TEXAS.

- (V) **County Engineer Approval** – If reviewed by a Texas registered professional and licensed engineer engaged by the County for plat review and consultation, and if the proposed subdivision and plat are in compliance with these Regulations, upon County approval, said engineer must sign and seal the plat, and state on said plat the following:

I CERTIFY THE FOLLOWING AS THE ENGINEER FOR DE WITT COUNTY, TEXAS: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, AND THE SUBDIVISION HEREIN IDENTIFIED, SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR DE WITT COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN THE STATE OF TEXAS.

- (W) **County Clerk Certification** -- The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the Commissioners Court action which approved the plat and authorized its filing. When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon "approval" of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. Pursuant to these Regulations, it shall be expressly understood that "acceptance" of the plat (and/or the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a public meeting in compliance with the Regulations.
- (X) **Additional Plat Certifications** -- The following additional certifications, in language deemed sufficient by the certifying entity, shall appear on the plat: (1) the Pecan Valley Groundwater Conservation District, or other applicable water use regulating agency operating in DeWitt County, Texas with regulatory authority regarding the land of the subdivision, shall certify on the plat that all lot owners in the subdivision shall comply with the permitting, registration, use, spacing, and pumping requirements of said District; (2) the Victoria County Public Health Department (the representative for the County regarding water, drainage, sewer, and/or septic regulation issues), shall certify on the plat that no building in the subdivision shall be occupied until that building is connected to a permitted,

functional OSSF system or organized sewer system approved by TCEQ or its authorized agent; and (3) the Guadalupe Valley Electric Cooperative, AEP Texas, Inc., or other applicable electric utility operating in DeWitt County, Texas with utility service authority regarding the land of the subdivision, shall certify on the plat that electric utility service is (a) currently available to all lots of the subdivision, or can be made available in the future to all lots in the subdivision, subject to proper application, permitting, infrastructure, and/or utility easement acquisition, and (b) the easements shown on the plat are of sufficient nature, shape, and size to accommodate electric utility service to all lots in the subdivision.

§ 4.2 Plat Exceptions

- (A) **Statutory Exceptions** – The plat exceptions (or exemptions) described in § 232.0015 of the Texas Local Government Code are adopted and approved for use and application in the Regulations. The County shall not require the Developer of a tract of land located outside the limits of a municipality to have a plat prepared or approved if one or more of the plat exceptions described in § 232.0015 exist.
- (B) **Previously Platted Lots** – Pursuant to § 232.010 of the Texas Local Government Code, the conveyance of portions of one or more previously platted lots by metes and bounds description may be authorized by the Commissioners Court to occur without revising the approved and recorded plat if: (1) the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights; and (2) a variance is obtained pursuant to these Regulations.
- (C) **911 Emergency Service Addressing** – Should a plat not be required by these Regulations, the Developer is requested to submit to the County (at no charge to the Developer) the location of the development project to the following public office in order to confirm correct information for 911 and emergency service addressing purposes: the County Judge at the notice address described in § 3.1 of these Regulations.

§ 4.3 Variance Procedure

- (A) **Application of Variance Procedure** – These provisions apply to variance (also referred to as “waiver”) requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; or (2) MHRC and related infrastructure development plan approval. The variance, if granted, must be the result of the Commissioners Court acting through a recorded vote at a public meeting.
- (B) **Variance Application and Fees** –
 - (1) **Application** -- A Developer may request a variance from the County regarding these Regulations through the timely submission of a written Variance Application Form, as described in **Appendix/Exhibit C/Form 3**, to the County Judge at the notice address described in § 1.3 of these

Regulations.

- (2) **Request for Subdivision Variance** -- Regarding a variance sought from the County's subdivision regulations, the Variance Application must be filed with the Plat Application.
 - (3) **Request for MHRC Variance** -- Regarding a variance sought from the County's MHRC standards, the Variance Application must be filed with the MHRC application and related infrastructure development plan.
 - (4) **Fees** -- A variance request application fee, as described in the fee schedule in **Appendix/Exhibit D**, shall be paid in full to the County when the Variance Application is filed.
 - (5) **Application Form** -- The Variance Application Form attached in the **Appendix/Exhibit C/Form 3** shall be provided by the County at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. This form describes all required documentation for a completed Variance Application.
- (C) **Prohibition** -- The Commissioners Court may not grant a variance regarding: (1) the necessity of an approved plat or MHRC development plan if required by the Regulations; (2) a required bond or other financial security; (3) the payment of fees, unless the applicant is a unit of government; and (4) a variance which violates the variance standards hereafter described. Pecuniary hardship standing alone does not constitute an undue hardship or special circumstance to support the granting of a variance.
- (D) **Standards** -- A variance to these Regulations may be granted by the Commissioners Court, within its discretion, only when the submitted evidence and the attendant circumstances establish the following:
- (1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property owners or developers with similarly timed development of the same nature and scope;
 - (2) the variance will constitute only a minimum departure from the Regulations, and will not constitute a violation of state or federal law;
 - (3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or developers with similarly timed development of the same nature or scope;
 - (4) the variance must be based on the general intent of the Regulations and

deemed to be in the public interest;

- (5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the area in accordance with the Regulations; and
- (6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

§ 4.4 Plat Cancellation, Revision, and Amendment -- The County adopts the: (a) plat cancellation requirements of §§ 232.008 (general cancellation) and 232.0083 (obsolete plat cancellation), Texas Local Government Code; (b) plat revision requirements of § 232.009 of said code; (c) plat amendment requirements of § 232.011 of said code; and (d) dormant plat requirements of § 232.002 of said code.

ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY AND OTHER DEVELOPMENT STANDARDS AND REQUIREMENTS

§ 5.1 Manufactured Home Rental Community Regulations -- Pursuant to § 232.007, Texas Local Government Code, the Commissioners Court adopts the following regulations for Manufactured Home Rental Communities located in the unincorporated area of the county.

- (A) **Application** -- The County's Manufactured Home Rental Community Application Form is described in **Appendix/Exhibit C/Form 2**. It shall be provided at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. The MHRC Application form describes all required documents for submission by the Developer to the County of a completed MHRC application.
- (B) **Completed Application** -- A completed MHRC application shall constitute: (1) the fully completed and executed application; and (2) the required infrastructure development plan ("**plan**") and all supporting documents as herein described.
- (C) **Infrastructure Development Plan** -- Construction and occupancy of a proposed MHRC may not begin before the plan has been approved by the County, as follows:
 - (1) **Specifications** -- The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices as described in **Appendix/Exhibit A**; (b) specify necessary drainage culverts and other drainage facilities for the MHRC; and (c) identify all areas of the MHRC located in the floodplain, if any. The drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in the Regulations.
 - (2) **Descriptions/Water** -- The plan shall describe: (a) the provision of an

adequate public or community drinking water supply to the MHRC in accordance with minimum state standards and **Appendix/Exhibit A**; and (b) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341, Texas Health and Safety Code.

- (3) **Descriptions/Sewer, Septic, OSSF** -- The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines (including OSSF), in accordance with minimum state standards and **Appendix/Exhibit A**, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate sewer, septic, or OSSF facilities and lines in accordance with Chapter 366, Texas Health and Safety Code.
 - (4) **Land Survey** -- The plan shall contain a land survey of the MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
 - (5) **Roads** -- The plan shall identify and describe all roads in the MHRC. Those roads shall be designed and constructed to comply with following standards, and to provide ingress and egress for fire and emergency vehicles: as described in the Regulations for subdivisions.
 - (6) **Lawful Compliance** -- The plan shall state it complies with all applicable requirements of these Regulations, the statutes and regulations of the state and United States governments and their administrative agencies, and the County's, Victoria County Public Health Department's, and Pecan Valley Groundwater Conservation District's floodplain, water, drainage, sewer, and/or septic regulations.
- (D) **Signature and Completeness** -- The MHRC application and proposed plan shall be: (1) signed, dated, approved, and acknowledged by the Developer; and (2) signed, dated, approved, and stamped by the Developer's engineer and surveyor. The MHRC application and plan are considered complete when all applicable documents or other information required by the Regulations is received by the County.
- (E) **Submission and Fees** -- The original and 2 copies of the MHRC application and proposed plan, both being fully executed, complete, and in compliance with the Regulations, with all required fees, shall be submitted by the Developer to the County Judge at the notice address described in § 1.3 of the Regulations.
- (F) **County Review** -- The County (through its designee) shall review the plan and thereafter

shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny the MHRC and its proposed plan if: (1) the plan does not comply with these Regulations; (2) the required fees are not paid; or (3) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County designee shall so certify on the plan, and shall acknowledge the plan. The plan may be filed and recorded in the Office of the County Clerk, at the option of the County or Developer.

- (G) **Construction and Occupancy** -- Construction of the MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.
- (H) **Utility Service** -- A utility may not provide utility services (including water, sewer, gas, and electric services) to an MHRC subject to an approved infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County. As used in this paragraph, "utility" means: (1) a municipality that provides utility services; (2) a municipality owned or municipally operated utility that provides utility services; (3) a public utility that provides utility services; (4) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (5) a county that provides utility services; (6) a special district or authority created by state law that provides utility services; or (7) other utility described in § 2.1(B)(36) of the Regulations.
- (I) **MHRC Variance** -- The Commissioners Court may grant a variance (also called "waiver") from these MHRC standards and requirements pursuant to the variance procedures described in § 4.3 of the Regulations.

§ 5.2 **Fee Schedule** -- A reasonable fee schedule is adopted and approved for MHRC development, as described in Article 4 and the **Appendix/Exhibit D**. The fees must be paid to the County before the County conducts a review of the proposed development.

§ 5.3 **County Construction/Maintenance Disclaimer/Public Dedication** -- Regarding any land, road, easement, improvement, facility, or infrastructure dedicated for public use (i.e., "dedicated land or improvements") shown on a plat or plan, and upon plat or plan approval, the County expressly does not accept for construction or maintenance purposes said dedicated land or improvements, because the responsibility for their construction or maintenance shall remain the responsibility of the owner in accordance with these Regulations and the bond or financial security herein required, unless and until the

dedicated land or improvements are formally accepted, if ever, by a separate, later written order of the Commissioners Court resulting from a recorded vote at a public meeting conducted pursuant to the Texas Open Meetings Act. All plats or plans involving a public dedication shall contain a written statement correctly reciting this issue as herein described.

- § 5.4 **County Construction/Maintenance Disclaimer/Private Property** -- The County expressly does not accept for construction or maintenance purposes any land, road, easement, improvement, facility, or infrastructure (collectively "private land or improvement") described on a plat or plan for private ownership or use. Upon plat or plan approval, if any, any such private land or improvement shall be owned by and remain the responsibility of the owner in accordance with these Regulations. All plats or plans describing any private land or improvement shall contain a written statement correctly reciting this provision as herein described.

ARTICLE 6 – BOND OR OTHER FINANCIAL GUARANTEE

§ 6.1 General Requirements --

- (A) **Bond or Financial Guarantee Required** -- Before subdividing a tract, the Developer must execute a good and sufficient bond for the construction and maintenance of the roads, streets, and drainage structure requirements shown on the proposed plat for the subdivision, unless another financial guarantee ("Guarantee") is authorized by these Regulations. The bond or Guarantee must be approved by the Commissioners Court to predicate approval of the proposed subdivision plat.
- (B) **Approval** -- The bond or Guarantee must be submitted to and approved by the Commissioners Court in a form and amount required by these Regulations, and that amount must be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but must not exceed their estimated cost of construction. The bond or Guarantee shall apply to, and be in a form and amount sufficient to ensure, the proper construction of the roads and streets in, and drainage structure requirements for, the subdivision.

- § 6.2 **Construction/Maintenance Limitations for Public Dedication** -- Regarding dedicated public roads, streets, or drainage structure requirements described on the plat for the subdivision, and upon plat approval, the County expressly does not accept for County construction or maintenance purposes the dedicated roads, streets, or drainage structure requirements described on the plat, as further described in these Regulations.

§ 6.3 Bond Requirements

- (A) **Bond Payee or Beneficiary Description** -- The bond required by these Regulations shall be payable to the County Judge (in his official capacity) or his successor in office, fully

executed by the Developer and his surety, and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the plat.

- (B) **Bond Surety Requirements** -- The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
- (C) **Bond Amount** -- The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but must not to exceed the estimated cost of construction.
- (D) **Bond Condition** -- The bond shall be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named/described in the bond) shall be: (1) constructed and maintained by the Developer in accordance with all requirements of these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than 2 years from plat approval.

§ 6.4 Other Financial Guarantee Requirements

- (A) **Guarantee Types** -- In lieu of a bond, the Developer may deposit another good and sufficient financial Guarantee approved by the Commissioners Court in the form of: (i) cash; (ii) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (iii) another form of good and sufficient financial guarantee deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.
- (B) **Letter of Credit** -- If an LOC is used, it must conform to the following requirements:
 - (1) **Beneficiary** -- The LOC must list as the sole beneficiary the County Judge or his successor in office.
 - (2) **Developer and Financial Institution Execution** -- The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the plat.

(3) **Requirements** -- The LOC shall meet the following requirements.

(a) **Financial Institution Qualifications** -- Any LOC submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications:

(i) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least \$25 million.

(ii) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total assets; with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million; and with a Sheshunoff rating of 30 or better.

(iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

(b) **Additional Qualifications** -- Any LOC submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:

(i) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least \$75 million.

(ii) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than \$75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than \$75 million); and with a Sheshunoff rating of 30 or better.

- (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
- (4) **Sole Beneficiary and Approval** -- The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be as described in Appendix 2B of 31 TAC § 364.54.
- (5) **Amount** -- The LOC must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but in an amount not to exceed the estimated cost of construction.
- (6) **Condition** -- The LOC must be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named/described in the LOC) shall be: (1) constructed and maintained by the Developer in accordance with all requirements of these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than 2 years from plat approval.

ARTICLE 7 – ENFORCEMENT

§ 7.1 Civil Enforcement

- (A) **Remedies** -- All applicable civil enforcement remedies, penalties, and damage recovery rights described in the following authority are adopted and approved for a violation or threatened violation of these Regulations: (1) Chapters 232, 233, and 235 of the Texas Local Government Code; (2) Chapter 12 of the Texas Property Code; (3) Chapter 16, Subchapter I, of the Texas Water Code; (4) the County's active floodplain management regulations; (5) the County's active sewer, septic, or OSSF regulations; and (6) all other enforcement authority recited in or applicable by state law to these Regulations. Nothing contained in these Regulations shall prevent the County or its officials from taking other necessary or desired action to prevent or remedy a violation of these Regulations as allowed by law.
- (B) **Civil Action** -- Upon the request of the Commissioners Court, the County Attorney, other prosecuting attorney, or other civil attorney may file a civil action on behalf of the County in a court of competent jurisdiction as allowed by law to: (1) enjoin the violation or threatened violation of these Regulations or state law; or (2) recover damages and/or civil

penalties for a violation of these Regulations or state law.

§ 7.2 **Criminal Enforcement** -- A person commits an offense if he knowingly or intentionally violates a requirement established or adopted by the Commissioners Court pursuant to: (1) these Regulations; (2) the earlier County subdivision or manufactured home rental community regulations; (3) or state law. An offense under this paragraph is a Class B misdemeanor unless otherwise designated in these Regulations or state law.

§ 7.3 **Unlawful Conduct** -- In addition to the conduct described by state law, the following conduct is declared to be unlawful and a violation of these Regulations:

- (A) **Unlawful Transfer** -- It shall be unlawful and a violation of these Regulations for a person, business entity, owner, or Developer to attempt to complete or complete the transfer, conveyance, purchase, or sale of a lot or other part in a non-exempt subdivision under these Regulations prior to the: (1) approval by the County of a plat for the subdivision; and (2) filing of said approved plat in the Office of the County Clerk.
- (B) **Unlawful Filing/Recordation** -- It shall be unlawful and a violation of these Regulations for a person, business entity, owner, or Developer to attempt to file or record, or actually file or record, in the Office of the County Clerk any plat, plan, plat vacation, plat revision, or plat amendment instrument or document unless and until it is approved by the County, if required by these Regulations.
- (C) **Unlawful MHRC Development** -- It shall be unlawful and a violation of these Regulations for a person, business entity, owner, or Developer to attempt or complete the development, construction, occupancy, or operation of a manufactured home rental community unless and until: (1) an infrastructure development plan is approved for the MHRC by the County, if required by these Regulations; and (2) the Certificate of Compliance is issued by the County for the MHRC development, showing that the completed MHRC complies with said plan.

[END OF REGULATIONS]

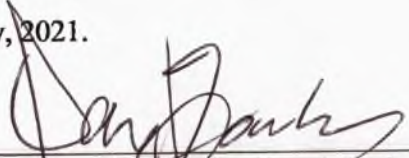
CERTIFICATION OF ADOPTION

APPROVED BY: **The Commissioners Court of DeWitt County, Texas**

ADOPTED: **February 8, 2021**

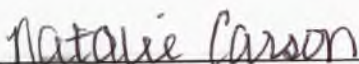
I, Daryl L. Fowler, the undersigned, being the County Judge of DeWitt County, Texas and the Presiding Officer of the Commissioners Court of DeWitt County, Texas ("Commissioners Court"), do hereby certify that the above and foregoing document (with attached Appendix) is the Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas ("Regulations"), which were duly considered, enacted, adopted, and approved by the Commissioners Court at a public meeting duly convened and conducted on this date. Copies of the Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of DeWitt County, Texas.

SIGNED on this the 8th day of February, 2021.



Hon. Daryl L. Fowler, County Judge
DeWitt County, Texas

ATTEST:



County Clerk
DeWitt County, Texas



APPENDIX

EXHIBIT A:
DRAINAGE STANDARDS

DRAINAGE STANDARDS

These drainage standards shall apply for subdivisions and manufactured home rental communities (“MHRC”) located in the unincorporated area of DeWitt County, Texas:

- (1) General Purpose – In the interests of public safety, these standards are designed to:
 - (a) provide adequate drainage for each lot, space, or other divided part (including streets or roads) of the proposed development area in compliance with standard engineering practice;
 - (b) provide adequate drainage to the proposed development area to efficiently manage the flow of storm water or other runoff or flooding (including flooding or runoff associated with a 100-year flood) in compliance with standard engineering practice;
 - (c) provide adequate plats, plans, design and planning procedures, water, sewer, septic, and OSSF facilities, and related drainage for the proposed development area in accordance with standard engineering practice; and
 - (d) coordinate adequate drainage in the proposed development area with the general storm drainage pattern for the area in accordance with standard engineering practice.

- (2) Drainage Study – The following requirements shall apply:
 - (a) All lots, spaces, or other divided parts shall comply with the minimum requirements of: (i) the County’s on-site sewage facilities order, or other applicable County sewer, septic, or OSSF regulations; and (ii) the minimum requirements of state law regarding sewer, septic, or OSSF systems.

 - (b) A drainage study shall be made of the proposed development area to insure proper drainage and, if necessary, additional right of way shall be obtained for drainage easement(s) as determined to be necessary or desired. The drainage study (including calculations and related drawings) shall be submitted in the application accompanying submission of the plat or plan for the proposed development. The study shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the proposed development.

- (c) The exact dimensions and type of the permanent drainage system for the development area, including culverts, bridges, pipes, drainage boxes, low water crossings, and other drainage facilities and infrastructure shall be established for each development project in accordance with these Regulations.
- (d) A proper and adequate system of drainage shall be constructed to effectively dispose of surface and storm water (including that associated with a 100-year flood) regarding the area of the proposed development. The drainage system shall include the drainage of all lots, spaces, or other parts of the development area offered to the public for sale, lease, use, or occupancy, the roads and streets of said area, and all other divided parts of said area.
- (e) Drainage from the proposed development area shall be extended to the natural drains in the area having the capacity to efficiently manage the flow of storm water runoff.
- (f) Drainage material, equipment, facilities, and infrastructure shall be constructed of a permanent type, either concrete or steel and concrete, or as otherwise described in these Regulations or approved by the County. All drainage facilities, equipment, and infrastructure shall be designed and constructed in accordance with recognized engineering standards and practices.
- (3) Drainage Design – All drainage design shall be based on the following criteria unless otherwise approved by the County:
- (a) General: All storm drainage calculations shall be based on the Manning's Equation for Flow, as follows:
- Q = A times (1.486 divided by n) times R to the 2/3 power times S to the 1/2 power
- 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
- S = Hydraulic slope
- (b) Roughness Coefficients:
- Reinforced concrete pipe (to be approved by County - n = .012)
- Corrugated metal pipe (to be approved by County)
- Asphalt Coated - n = .024
 - Asphalt paved inert - n = .020
 - Fully asphalt lined - n = .012

Smooth interior plastic pipe - n = .012

Reinforced concrete boxes - n = .012

Concrete lined open channel -- n = .012

Unlined open channels

- Bottom width < 25 ft. - n = .040
- Bottom width > 25 ft. - n = .035

(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 otherwise designated by County
Bottom Width	as required
Minimum Easement Width	30 feet or as otherwise approved by County
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 2 foot vertical
Bottom Width	As required
Minimum Easement Width	30 feet or as otherwise approved by County

(e) Driveways and Culverts: All driveway culverts placed for access to a lot or other divided part or space shall be sized to carry a minimum of 125% of the Design Requirement including entrance and exit losses. Minimum culvert size shall be 18". All driveways shall be designed to not obstruct the normal flow of water.

(f) Determination of Run-Off: Run-Off from the development area 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 development area will be based on a 5, 25, and 100-year storms for all major drainways within the development area.

Q = CIA

Q = Cubic feet, per second

I = Intensity in inches per hour

A = Area in acreage
C = Run-off coefficient

- (g) **Outfalls from Ditches:** Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other types outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.
- (h) **Water Conveyance:** Lots, spaces, and other divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to a defined drainage course as directly as possible.
- (i) **Grade Requirements:** The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the County. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the County.
- (j) **Drainage Ditches:** All streets and road without curbs and gutters shall have drainage ditches adjacent to and running parallel to the adjacent streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.
- (k) **Permanent Drainage Structures:** Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and/or bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets.
- (l) **Permanent Obstacles for Erosion Prevention:** Permanent obstacles (such as concrete, rip-rap, or rock retards) shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion.
- (m) **Open Drainage Ditch/Channel Design:** Open drainage channels and ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

- (n) Plat or Plan Description: The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses located in the proposed development area, must be shown on all plats and plans submitted to the County for review.
 - (o) Floodplain Requirements: Should the proposed development area contain land designated as a floodplain: (i) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (ii) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of 1 foot above the base flood elevation, and otherwise comply with the NFIP, state law, and the County's active flood damage prevention order or other floodplain management regulations.
- (4) Water/Sewer/OSSF Facilities –
- (a) Public Facilities/Service -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) that will be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, (iv) Victoria County Public Health Department's water, drainage, sewer, and/or septic regulations, said entity being representative for the County regarding these issues, and (v) Pecan Valley Groundwater Conservation District's regulations for water wells and related permits.
 - (b) Private Facilities -- Should private water wells, septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and

depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, (iv) Victoria County Public Health Department's water, drainage, sewer, and/or septic regulations, said entity being representative for the County regarding these issues, and (v) Pecan Valley Groundwater Conservation District's regulations for water wells and related permits.

EXHIBIT B:
ROAD STANDARDS

ROAD STANDARDS

These road standards shall apply for all subdivisions or manufactured home rental communities ("MHRC") located in the unincorporated area of DeWitt County, Texas:

- (1) General Purposes -- In the interest of public safety, these standards are:
 - (a) designed to provide adequate drainage for each street or road in the proposed development area in compliance with standard engineering practices;
 - (b) based on the amount and kind of travel over each street or road in the proposed development area; and
 - (c) designed to provide reasonable specifications relating to the construction of each street or road in the proposed development area in compliance with standard engineering practices.

- (2) Definitions -- As used in this exhibit unless otherwise designated: (a) street and road are synonymous; (b) a road includes its travel surface and all other road right of way components, including bar-ditches, bridges, culverts, abutments, driveways, fencing, gates; drainage areas, easement areas, and related road or traffic equipment (including traffic signals, devices, delineators, road signs, and barriers); and (c) when the *Texas Highway Department or Texas Department of Transportation Standard Specifications* are mentioned in these Regulations, it shall mean the latest published edition thereof.

- (3) Parking and Emergency Service Vehicle Access -- All lots or other divided spaces in the proposed development area for commercial or industrial development, single-family residential development, or multi-family residential development shall require adequate property size for general parking, as well as access for emergency service vehicles.

- (4) Design and Construction -- All public roads or streets to be within the proposed development area shall be constructed in accordance with the following design requirements, as well as all federal and state laws governing access by persons with disabilities:
 - (a) All roads and streets to be built upon a minimum right-of-way width of 60 feet.
 - (b) All drainage facilities, equipment, and infrastructure shall be designed and constructed in compliance with the drainage standards

described in the Regulations.

(c) Signage –

- (i) Street signs clearly indicating the name of the streets shall be installed and maintained by the Developer at every intersection, and those signs shall conform to the standard municipal street signs utilized by the municipalities of Cuero, Yoakum, Yorktown and Nordheim, Texas.
- (ii) Upon acceptance, if any, by the County of the roads and streets in the proposed development area, the installation of traffic control signs (such as speed limit, STOP, and YIELD signs) shall be the responsibility of the County.

(d) Materials --

- (i) Sub-base -- All sub-base for asphaltic pavement with a plasticity index greater than 15 shall be stripped of all existing vegetation and lime, and stabilized at a depth of 6 inches, with 6% by weight lime unless laboratory tests indicate that less than 6% lime will reduce the plasticity index to less than 15. In no case will less than 3% lime be utilized.
- (ii) 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 the *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.
- (iii) Primer Coat -- Primer coat material shall be type MC30 Cut-Back Asphalt, as defined in the *Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and bridges, Item 300-Asphalts, Oil and Emulsions*.
- (iv) Aggregate – Aggregate for surface treatment other than Hot Mix-Cold Laid applications shall be pre-coated 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 requirements for a Type D paving system as defined in the *Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 334-Hot Mix-Cold Laid Asphaltic Concrete Pavement.*

(v) Asphalt –

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

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

(e) Installation --

(1) Sub-base -- Lime stabilization of sub-base shall conform to the *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 sub-base 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.

- (2) 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 not be less than 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 the County. Base Material shall be watered or dried to provide a moisture content between optimum moisture and 5% above optimum moisture during the compaction process.
- (3) Primer Coat -- Before the application of the 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 the 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 the *Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges. Item 310-Prime Coat (Asphaltic Cutback Materials)*.
- (4) 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 the *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 Emulsified Asphalt per Square Yard	0.36*	0.30~*
*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

- (5) Hot Mix -Cold Laid Surface Treatment -- The asphaltic pavement shall consist of a Type-D Hot Mix-Cold Laid asphaltic concrete with a mat thickness of not less than 1.5 inches conforming to the requirements of the *Texas Department of Transportation Standard Specifications for construction of Highways, Streets and Bridges, Item 334- Hot Mix-Cold Laid Asphaltic Concrete Pavement.*
- (f) Testing –
- (i) The Developer shall provide for the services of an independent soil testing laboratory to perform the compaction tests indicated above. Tests shall be performed every 500 feet at the centerline of the road, and 2 feet from the outer edge of the sub-base and base and at all intersections.
- (ii) Test results shall be submitted to the County by the testing laboratory.
- (iii) No compaction test failing by more than 5% will be acceptable and 95% of all tests shall pass the compaction requirements.
- (iv) Following completion of all roads and streets, bridges and/or low water crossings prior to the consideration of acceptance by the County, the Developer shall furnish the County the following: (1) test results from a certified engineer indicating that all streets and roads meet the specifications as set forth in the Regulations; and (2) a maintenance bond payable to the County, provided by the Developer's road contractor, good for a period of 1-year from the date of the acceptance by the County, in the amount of 100% of the cost of constructing the streets and roads to be accepted by the County.
- (g) Dead-End Turnarounds -- All permanent dead end streets or roads shall have a turnaround with a right of way diameter of 120 feet.
- (h) Intersections -- Streets or roads should be designed, designated on the plat or plan, and constructed to intersect with each other at 90-degree angles. Where compliance is impossible due to terrain, the Developer

may request a variance. If a variance is granted under these Regulations, the portion of the intersection on the side of the acute angle must be reduced (cut back) to eliminate the point of the acute angle. The intersection must be reduced a minimum of 25 feet away from the point where the streets would have otherwise intersected. The County shall specify the exact size of the cut-back, up to a maximum of 50 feet in its review of the proposed development.

- (i) **No Abrupt Set-Off** -- No street or road shall be designed, designated, or constructed with an abrupt off-set or "jog" in it.
- (j) **Adjoining Streets with Other Development** -- Where roads end at the property line of another adjoining development, the roads in the proposed development shall be constructed so as to be a continuation and extension of the existing streets in said adjoining development. All roads shall be designed and constructed so as to permit their continuation or extension into other development in the future.
- (k) **Brush and Other Material Removal** -- Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by construction must be removed and delivered to an authorized refuse and/or fill site in accordance with state or other law or County regulation.
- (l) **Plat and Plan Designations** -- The standards and requirements described in this exhibit must be clearly depicted and described on a proposed: (a) subdivision plat and supporting documents required by these Regulations; and (b) MHRC infrastructure development plan and supporting documents required by these Regulations.
- (m) **Completion of Construction** -- The County may specify that construction of roads and drainage structures to be completed within a reasonable time after the subdivision plat or MHRC infrastructure development plan is approved. All drainage standards adopted by these Regulations relating to or affecting roads are incorporated by reference for use and application in this exhibit.

EXHIBIT C/FORM 1:
SUBDIVISION PLAT APPLICATION FORM

DE WITT COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION FORM

PROPOSED SUBDIVISION: _____

COMMISSIONER PRECINCT: _____

SCHOOL DISTRICT(S) IDENTIFIED: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR DIVISIONS: _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____

Address: _____

Telephone: _____

Facsimile: _____

ENGINEER: _____

Address: _____

Telephone: _____

Facsimile: _____

SURVEYOR: _____

Address: _____

Telephone: _____

Facsimile: _____

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to DeWitt County ("County") for review with this Plat Application ("Application"): all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas ("Regulations"), in the form, type, and number therein described, said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this Application and

add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations:

County Judge
DeWitt County, Texas
DeWitt County Courthouse
307 North Gonzales Street, First Floor
Cuero, Texas 77954
Telephone: 361-275-0916
Facsimile: 361-275-0919

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: YES NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: YES NO. If YES, identify all variance issues on the attached documents and include a written County Variance Application and all required documents.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: YES NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the subdivision be served by a public water or sewer system? ANSWER: YES NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the subdivision be served by a private water wells or septic/OSSF systems? ANSWER: YES NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the subdivision require a permit or other approval by another government or private entity? ANSWER: YES; NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: YES; NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____

(10) Have you paid all permit fees required by the County or other government or private

entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____.

_____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas. All documents required by the Regulations for the proposed subdivision plat have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

Developer Signature
Printed Name: _____; Title: _____
Date: _____, 20____

RECEIPT BY COUNTY:

RECEIVED BY: _____
Printed Name: _____; Title: _____
DeWitt County, Texas
Date: _____, 20____

DOCUMENT LIST FOR SUBMISSION WITH SUBDIVISION PLAT APPLICATION

All of the following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations. Please use and mark this list as the "checklist" for your submission of documents to the County regarding this Application:

- (1) ____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 3.1-.2, 4.1(A)-(X), 6.1-.4, Appendix/Exhibits A-B, C/Form 1, D);
- (2) ____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer,

and (ii) the filing or recordation of the plat (Regulations §§ 3.1-.2, 4.1(A)-(X), 6.1-.4), Appendix/Exhibits A-B, D);

- (3) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance § 4.1(A)-(V) of the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water, sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; limitations regarding the use of firearms, bows, and arrows in certain subdivisions; utility connection requirements; purchase contract disclosure; groundwater sufficiency disclosure; building and set-back lines; lien subordination; and plat execution and certification (Regulations §§ 4.1(A)-(X), 6.1-.4), Appendix/Exhibits A-B, D);
- (4) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(L) of the Regulations regarding the purchase contract disclosure obligation of the Developer regarding water availability and implementation (Regulations § 4.1(L));
- (5) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(M) of the Regulations regarding the required groundwater sufficiency disclosure statement (by an engineer or geoscientist licensed to practice in Texas), said statement authorized by § 232.0032 of the Texas Local Government Code, when the source of the water supply intended for the subdivision is groundwater under that land (Regulations § 4.1(M));
- (6) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations and related, mandatory plat certification requirements stated in § 4.1 (A)-(X) of the Regulations, including without limitation § 4.1(P), regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat (Regulations § 4.1(P));
- (7) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) § 4.1(A)(G) (compliance with federal, state, and local law requirements, including without limitation compliance with minimum state standards regarding water, sewer, septic, OSSF facilities and service); (ii) § 4.1(D) (compliance with specific property description, identifying data, and signature requirements); (iii) § 4.1(E) (compliance with specific survey data requirements); (iv) § 4.1(F) (compliance with specific lot and block dimension requirements); (v) § 4.1(G) (compliance with specific water, sewer, and OSSF disclosure requirements, including compliance with the County's, Victoria County Public Health Department's, and Pecan Valley Groundwater

Conservation District's applicable water, drainage, septic, OSSF, and floodplain management regulations); (vi) § 4.1(H) (compliance regarding a reasonable drainage plan for the subdivision, including the requirements described in Appendix/Exhibit A); (vii) § 4.1(I) (compliance with specific topographical description requirements); (viii) § 4.1(J) (compliance with specific road/driveway, lot frontage, and floodplain management requirements, including the requirements described in Appendix/Exhibits A-B); and (ix) § 4.1(K) (compliance with specific fire suppression system requirements) (Regulations §§ 4.1(A)-(X), 6.1-.4), Appendix/Exhibits A-B, D);

- (8) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with §§ 6.1-.4 of the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision (Regulations §§ 6.1-.4), Appendix/Exhibits A-B, D);
- (9) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development; and
- (10) _____ documents showing payment of all plat and/or or variance application fees to the County, as required by the Regulations.

EXHIBIT C/FORM 2:
MHRC APPLICATION FORM

**DE WITT COUNTY, TEXAS -- MANUFACTURED HOME
RENTAL COMMUNITY ("MHRC") APPLICATION FORM**

PROPOSED MHRC: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR SPACES: _____

SCHOOL DISTRICT(S): _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

ELECTRIC SERVICE PROVIDER:

GAS SERVICE PROVIDER:

DEVELOPER: _____

Address: _____

Telephone: _____

Facsimile: _____

ENGINEER: _____

Address: _____

Telephone: _____

Facsimile: _____

SURVEYOR: _____

Address: _____

Telephone: _____

Facsimile: _____

(1) Regarding a proposed MHRC, the following documents are required to be submitted to DeWitt County ("County") for review with this Application: all documents required for an MHRC by the active Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas ("Regulations"), in the form, type, and number therein described, and said documents being described in the attached **Document List for MHRC Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations:

County Judge
DeWitt County, Texas
DeWitt County Courthouse
307 North Gonzales Street, First Floor
Cuero, Texas 77954
Telephone: 361-275-0916
Facsimile: 361-275-0919

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: YES NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: YES NO. If YES, identify all variance issues on the attached documents and include a written County Variance Application and all required documents.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: YES NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the MHRC be served by a public water or sewer system? ANSWER: YES NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the MHRC be served by a private water wells or septic/OSSF systems? ANSWER: YES NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the MHRC require a permit or other approval by another government or private entity? ANSWER: YES; NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

_____.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: YES; NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____.

_____.

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: YES; NO. If NO, please explain why you have not done so: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____

_____. If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas. All documents required by the Regulations for the proposed MHRC have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

Developer Signature

Printed Name: _____; Title: _____

Date: _____, 20____

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____; Title: _____

DeWitt County, Texas

Date: _____, 20____

DOCUMENT LIST FOR MHRC APPLICATION

All of the following documents shall be submitted with the MHRC Application Form, as required by the Regulations. Please use and mark this list as the "checklist" for your submission of documents to the County regarding this Application:

- (1) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees (Regulations § 5.1, Appendix/Exhibits A-B, C/Form 2, D);
- (2) _____ a proposed infrastructure development plan ("Plan") as described by § 5.1 of the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor), as designated in the Regulations, but excluding from compliance at application submission: (a) the signatures, acknowledgements, and/or certifications of the County's representatives, and (b) the filing or recordation of the Plan (Regulations § 5.1, Appendix/Exhibits A-B, D);

- (3) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the drainage, water, and wastewater requirements of § 5.1 of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (a) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) necessary drainage culverts and other drainage facilities for the MHRC; (c) the areas of the MHRC located in the floodplain; (d) compliance with the applicable requirements of the County's, Victoria County Public Health Department's, and Pecan Valley Groundwater Conservation District's development regulations; (e) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state and local standards; (f) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code; and (vii) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state and local standards, and including (i) providing and identifying the location of all sanitary sewer facilities and lines, (ii) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366, Texas Health and Safety Code, and (iii) compliance with the state and local requirements (Regulations § 5.1, Appendix/Exhibits A-B, D);
- (4) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the land survey requirements § 5.1 of the Regulations, including without limitation providing accurate descriptions and specifications regarding a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), which survey at minimum describes: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any (Regulations § 5.1, Appendix/Exhibits A-B, D);
- (5) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the road requirements § 5.1 of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC, with said roads to be constructed in compliance with the road and street standards and requirements described in these Regulations for subdivisions (Regulations § 5.1, Appendix/Exhibits A-B, D);
- (6) _____ a proposed Plan and all supporting documents describing and demonstrating compliance, as required by § 5.1 of the Regulations, with all applicable requirements of: (a) the Regulations; (b) state, federal, and local law; and (c) the County's, Victoria County Public Health Department's, and Pecan Valley Groundwater Conservation District's active floodplain management, water, sewer, drainage, septic, and OSSF regulations (Regulations § 5.1, Appendix/Exhibits A-B, D);
- (7) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific restrictions

described in § 5.1 of the Regulations regarding the prohibited: (a) construction and/or occupancy of the MHRC prior to County approval of the plan and County issuance of the required Certificate of Compliance; and (b) provision of utility services (including water, sewer, gas, and electric services) to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County (Regulations § 5.1, Appendix/Exhibits A-B, D);

- (8) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development; and
- (9) _____ documents showing payment of all Plan and/or or variance application fees to the County, as required by the Regulations.

EXHIBIT C/FORM 3:
VARIANCE APPLICATION FORM

DE WITT COUNTY, TEXAS -- VARIANCE APPLICATION FORM

A. VARIANCE REQUEST: The undersigned Developer hereby requests a variance from the requirements of the active Subdivision and Manufactured Home Rental Community Regulations of DeWitt County, Texas ("Regulations") for the proposed development project located in DeWitt County, Texas ("County") hereafter described in this Application.

B. PLEASE PROVIDE THE FOLLOWING PROJECT DEVELOPMENT INFORMATION, USING ADDITIONAL INFORMATION SHEETS IF NECESSARY:

PROJECT/VARIANCE DESCRIPTION: _____

(Insert "Subdivision" or "MHRC" then briefly describe the name and type of your development project)

COMMERCIAL OR RESIDENTIAL: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, DIVISIONS, PARTS, OR SPACES: _____

PUBLIC ROAD ACCESS DESCRIPTION: _____

SCHOOL DISTRICT(S) _____

WATER AND SEWER SERVICE PROVIDERS: _____

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____

ENGINEER: _____
Address: _____

Telephone: _____ Telephone: _____
Facsimile: _____ Facsimile: _____

SURVEYOR: _____
Address: _____

Telephone: _____
Facsimile: _____

C. PLEASE ANSWER THE FOLLOWING QUESTIONS AND ATTACH ALL REQUESTED DOCUMENTS, USING ADDITIONAL INFORMATION SHEETS IF NECESSARY:

(1) Please attach copies of the following documents to support your variance request: (a) subdivision plat application or MHRC infrastructure development plan; (b) maps, drawings, reports, opinions, documents, or other data which support your position regarding this variance request; (c) all other documents required by this Application or the Regulations; and (d) a list of your witnesses, if any, expected to testify before the Commissioners Court (if needed) regarding your variance request, including their names, addresses, and telephone numbers, and a brief summary of their connection to and position regarding this matter.

(2) You must timely submit this Application and all required documents to the following public office as described in the Regulations:

County Judge
DeWitt County, Texas
DeWitt County Courthouse
307 North Gonzales Street, First Floor
Cuero, Texas 77954
Telephone: 361-275-0916
Facsimile: 361-275-0919

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ___ YES ___ NO. If YES, identify the municipality on the attached documents.

(4) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ___ YES ___ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(5) Will the proposed development be served by a public water or sewer system?

ANSWER: ___ YES ___ NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(6) Will the proposed development be served by a private water wells or septic/OSSF systems? ANSWER: ___ YES ___ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the proposed development require a permit or other approval by another government or private entity? ANSWER: ___ YES; ___ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development: _____.

(8) Is the proposed development located in an area of special flood hazard or floodway described by federal or state data sources, including a FEMA floodplain map? ANSWER: ___ YES; ___ NO. If YES, identify all areas of special flood hazard or floodways in which all or a part of the proposed development is located: _____.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ___ YES; ___ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____.

(10) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ___ YES; ___ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____.

If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

(11) Please state all reasons to support your variance request, as well as the specific relief you request from the County: _____

_____.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for DeWitt County, Texas. All documents required by the Regulations for the requested variance have been prepared by me or on my behalf and are attached to this Application, including full

payment to the County, by cashier's check or money order, for all required fees.

Developer Signature
Printed Name: _____
Title: _____
Date: _____, 20__

RECEIPT BY COUNTY:

RECEIVED BY: _____
Printed Name: _____
Title: _____
DeWitt County, Texas
Date: _____, 20__

EXHIBIT D:
FEE SCHEDULE

FEE SCHEDULE

The following fee schedule is adopted and approved by DeWitt County, Texas ("County"), regarding subdivision and manufactured home rental community ("MHRC") development located in the unincorporated areas of DeWitt County, Texas:

- (1) Subdivision Development Fee Payment -- Regarding proposed subdivision development, all fees shall be paid by the Developer to the County at the time of the submission of the Plat Application, before the County conducts a plat review, with the exception of the required filing and recording fees pertaining to an approved subdivision plat, which fees shall be paid to the County Clerk by the Developer upon the recording of said documents.
- (2) MHRC Development Fee Payment -- Regarding proposed MHRC development, all fees shall be paid by the Developer to the County at the time of the submission of the infrastructure development plan.
- (3) Variance Fee Payment -- Regarding a proposed variance from the application of the County subdivision or MHRC regulations, all fees shall be paid by the Developer to the County at the time of the submission of the variance application. If the variance fee is not timely paid to the County in full, the variance request shall be denied.
- (4) Requirements -- All fee amounts described by this schedule shall be paid by the Developer to the County by cashier's check or money order, payable to the order of DeWitt County, Texas, and shall be delivered by hand, courier, or mail to the Office of the County Judge, as described in § 1.3 of the attached Regulations, with the exception of required filing and recording fees, if any, which shall be paid to the County Clerk upon the filing or recording of required documents with said clerk.
- (5) No Partial Payments -- All fees shall be paid in full. No partial fee payments shall be accepted.
- (6) Amounts -- The following fee amounts are adopted and approved:
 - (a) Subdivision or MHRC with 1 to 10 lots, spaces, or divided parts: A base fee of \$500.00, plus \$100.00 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.
 - (b) Subdivision or MHRC with 11 to 50 lots, spaces, or divided parts: A base fee of \$1,000.00, plus \$100.00 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.

- (c) Subdivision or MHRC with more than 50 lots, spaces, or divided parts: A fee of \$1,500.00, plus \$100.00 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.
- (d) Variance Request/Subdivision or MHRC – A fee of \$100.00 is required.
- (e) Certificate of Approved Plat – A fee of \$30.00 is required for each requested certificate.
- (f) Certificate of MHRC Compliance -- A fee of \$30.00 is required for each requested certificate.