TITUS COUNTY SUBDIVISIONS
CHECK-OFF LIST

☐ Contact the County Clerk's Office for a copy of the Titus County Platting Procedures, Subdivisions Regulations and an Application: 903 577-6796 or 100 W. 1st Street, Suite 204, Mt. Pleasant, TX 75455.

☐ Contact Titus County Environmental Quality for requirements pertaining to on-site sewage facilities and floodplain. The contact number is 903 572-6641. Plat requirements pertaining to on-site sewage facilities and floodplain information must be approved by this department prior to submittal to Commissioners' Court.

☐ Contact Ark-Tex Council of Government for 9-1-1 rural addressing for approval of road names to be used in proposed subdivision. The contact number is 888 373-9028. Road names must be approved by 9-1-1 addressing prior to submittal to Commissioners' Court **(a copy of the plat (8 ½ X 14) must be submitted to Ark-Tex before they will issue an approval of road names).**

SUBMIT THE FOLLOWING DOCUMENTATION AT LEAST 14 DAYS PRIOR TO THE CONSIDERATION FOR APPROVAL BY THE COMMISSIONERS' COURT.

☐ On-Site Sewage Facility (OSSF) Program Form from Titus County Environmental Quality Control.

☐ Letter from the Titus County Fire Department.

☐ Letter from Water Supply District.

☐ Letter from Ark-Tex Council of Governments for 9-1-1 addressing.

☐ Plat size shall be 18" X 24"; three (3) Mylar original plats and six (6) reduced paper copies of plat on legal size 8 ½" X 14" are required.

☐ Original Tax Certificate from each taxing entity with jurisdiction of the real property must be attached at time of submittal.

☐ Deed Restrictions and/or Covenants, if applicable.

☐ Bond or Letter of Credit, if applicable.

☐ Application for Preliminary and/or Final Plat and Application Fee.

☐ Filing Fee must be paid at time of filing approved plat in the County Clerk's Office.

TITUS COUNTY PLATTING PROCEDURES AND SUBDIVISIONS REGULATIONS

The Titus County Commissioners' Court on the _____ day of _____ 2015 A.D. has adopted these regulations on the platting and subdivisions of land.

_____
Titus County Judge

The Platting Procedures and Subdivisions Regulations was lawfully moved and seconded and duly adopted by the Titus County Commissioners' Court on a unanimous vote.

PURPOSE

These regulations have been prepared in general to aid in the orderly development of the rural area of Titus County, Texas, and to provide standards, which will lead to a desirable environment. Specifically, they have been prepared for the following purpose:

1. To furnish developers with guidance and assistance in expedient preparation and approval of a plat.

2. To protect the citizens of Titus County, and potential buyers, by insuring minimum standards in subdivisions where citizens may want a home.

3. To provide for the welfare of the public by controlling the location and design of intersections and other features which promotes safety.

4. To prevent the Titus County Commissioners from being burdened with substandard streets or roads in the future, and to allow, if financially feasible, a method where by Titus County may finish construction of streets or roads in situations in rural subdivisions in which a developer has defaulted in his road construction obligation and in which the amount of his bond or letter of credit remaining is insufficient to allow the County to finish the road or street.

I
DEFINITION OF TERMS

A. SUBDIVISION –

The dividing of a tract of land located in Titus County, but outside the limits of a municipality, 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. Chapter 232 Sub-Chapter A, Section .001, Texas Local Government Code as amended.

B. STREET OR ROAD –

The term street or road may be used interchangeably and mean a vehicular way or way for vehicular traffic, and will be used to describe all vehicular ways regardless of other designations they may have.

C. COUNTY COMMISSIONERS –

All references in these regulations to a County Commissioner shall refer to the Commissioner in whose precinct the proposed subdivision is to be built. If the subdivision is located in two or more precincts, then any references to "permission requirements" shall apply to the County Commissioners from all affected precincts.

D. DEDICATION OF STREET AND /OR ROADS –

All streets and/or roads and easements in a subdivision must be described by plat.

E. COMMISSIONERS' COURT –

Titus County Commissioners' Court.

F. CUL-DE-SAC –

A street having one outlet with the other outlet being a vehicle turnaround.

G. SUBDIVIDER (DEVELOPER) –

An owner or authorized agent proposing to divide land; any owner or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of the subdivision rules.

H. ENGINEER –

A person registered and currently licensed to practice civil engineering by the Texas State Board of Registration for Professional Engineers.

I. EXTRATERRITORIAL JURISDICTION (ETJ) –

The unincorporated territory extending beyond the city limits of a city as set forth by Chapter 42.021, Local Government Code. The unincorporated area which is contiguous to the corporate boundaries of the municipality and which is located:

Within one-half (1/2) mile of those boundaries in the case of a municipality with fewer than Five Thousand (5,000) inhabitants; with one (1) mile of those boundaries in the case of a municipality with Five Thousand (5,000) to Twenty Four Thousand Nine Hundred Ninety Nine (24,999) inhabitants; within two (2) miles of those boundaries in the case of a municipality with Twenty Five Thousand (25,000) to Forty Nine Thousand Nine Hundred Ninety Nine (49,999) inhabitants; and as further set forth in said Chapter of the Local Government Code, as amended.

J. GROUNDWATER –

Water that is retained under the surface of the earth.

K. LOT –

An undivided tract or parcel having frontage on a road, which parcel of land is designated as a separate and distinct tract.

L. MAIN ROAD –

Arterial street or road, or road(s) or street(s) that are regional in nature and are used as a route of travel for heavy, main traffic.

M. MINIMUM REQUIREMENT –

The minimum acceptable requirements of these regulations or an applicable Texas Statute.

N. PLAT –

A map showing the division of land into tracts, lots, or other divisible portions.

O. PRELIMINARY PLAT –

A plat which shows in detail the developer's intended division of land. It shows the physical area and the areas to be divided. It is used to make sure the developer is in compliance with the regulations.

P. FINAL PLAT –

A map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records and prepared as described in these regulations.

Q. RIGHT-OF-WAY –

A person's legal rights to pass through grounds or property owned by another.

R. ROAD –

A path on which to travel.

S. STREET –

A path on which to travel.

T. SURVEYOR –

A person licensed to practice surveying by the Texas Board of Professional Land Surveying.

U. TCEQ –

Texas Commission on Environmental Quality.

V. TRACT –

A specified parcel of land.

II
PROCEDURES FOR PREPARING AND OBTAINING APPROVAL OF A SUBDIVISION PLAT

The following procedure shall be followed by the developer in securing approval of a plat by the Commissioners' Court of Titus County, Texas, in accordance with Section 232.0025, Local Government Code.

1. A completed application with six (6) sets of prints and three (3) original plats with attached original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property (this does not apply if more than one person acquired the real property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property) shall be transmitted to the County Clerk for review and approval by the Commissioners' Court. A filing fee shall be paid to the County Clerk for the filing of a map or plat of subdivisions or re-subdivisions of real estate. The plat shall be at a minimum on sheets 18" x 24" and shall be plotted on a scale that is legible and measurable on the document, reproducible and shall show the following:

   (a) The boundaries of the survey.

   (b) The width of all right-of-ways, easements and locations thereof.

   (c) The scale with north arrow.

   (d) The proposed name of subdivision.

   (e) The dimensions of all lots with block and lot numbers.

   (f) Surveyor's Certificate.

   (g) Certification by the owner of his dedication of all streets, alleys, easements to and other land intended for public use, signed and acknowledged before a Notary Public, by said owner and by all other parties who may have lease rights, mortgage and lien interest in the property.

   (h) Certificate of approval signed by the designated representatives of the governmental entity having jurisdiction for On-Site Sewage Facility permitting and 9-1-1 addressing and acknowledgement.

   (i) Space shall be provided on the originals for the County Judge to sign, indicating approval of the plat by the Commissioners' Court.

(j) A location map traced from the latest county road map, shall be drawn on the plat. Plat must tie to an original survey corner. (A scaled tie is acceptable).

(k) Review of subdivision or development plans. Before the permit process for individual On-Site Sewage Facilities (OSSF) can begin, persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks or other similar uses and using OSSF's for wastewater disposal shall submit planning material for these developments to the permitting authority. The planning materials shall be prepared by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100 year flood plain map, soil survey, location of water wells, location of easements as identified in 285.91(10) Title 30 Texas Administrative Code, Chapter 285, On-Site Sewage Facilities (relating to Tables), and a complete report detailing the types of OSSF's to be considered and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials. The permitting authority will either approve or deny the planning materials, in writing, within forty five (45) days of receipt. The signature of the Designated Representative on the face of the plat shall certify that all necessary planning materials have been provided to the Designated Representative and approved and are available for inspection.

It is the responsibility of the owner to see that all lots comply with any requirements imposed by the Endangered Species Act, and any and all other State or Federal laws or regulations that affect land use or development. Approval under this order should not be interpreted to imply that Titus County has found the subdivision (or any part of it) to be in compliance with these other laws and regulations. Titus County does not enforce them, and cannot give any advice or suggestions regarding compliance.

(l) The plat shall be accompanied by the necessary supporting documents which shall include an attorney title opinion or a title company report which includes ownership, easements, liens, deed restrictions, etc., and a Corporate Surety Bond or an Irrevocable Letter of Credit as provided for in Section 232.004 and Section 232.0045, Texas Local Government Code in the minimum amount of twelve dollars ($12.00 / or such greater amount as set by Commissioners' Court) for each lineal foot of road or street within such subdivision. The corporate Surety Bond shall be executed by a surety company authorized to do business in the State of Texas. The Corporate Surety Bond or Irrevocable Letter of Credit shall insure that the Developer of the tract of land to be subdivided will construct the roads or streets within each subdivision in accordance with the specifications as set forth in the Titus County Subdivisions Regulations and that the term of the Bond or Letter of Credit shall be a minimum of two (2) years and shall be released only by written request and approval by the Commissioners' Court.

2. After construction is completed, the Developer who posted the Bond or Letter of Credit shall in writing request the release of said Bond or Letter of Credit. The Request shall contain a statement by the Developer of compliance with the Subdivisions Regulations of Titus County, Texas, and the date the Bond or Letter of Credit was originally accepted by the Commissioners' Court. An on-site inspection by the County Commissioner(s) shall be made

prior to the release of the Bond or Letter of credit by the Commissioners' Court. A Maintenance Bond or Irrevocable letter of Credit which shall be made payable to the County Judge or his successors in office in the sum of six dollars ($6.00/or such greater amount as set by Commissioners' Court) per lineal foot of road or street shall accompany the request for release of Construction Bond or Letter of Credit. The condition of the Maintenance Bond or Letter of Credit shall be that the Developer will for one (1) year from the time the Construction Bond or Letter of Credit is released, repair and correct any and all defects in the streets, drainage ditches and drainage structures within the dedicated right-of-way before the Commissioners' Court by formal vote accepts the streets, drainage ditches and drainage structures within the dedicated right-of-way.

III
NO LIABILITY BY TITUS COUNTY

The Commissioners' Court, by regulating the construction standards of streets and roads by developers in the rural areas of the County, and requiring Bonds and/or Letters of Credit concerning that construction, does not become liable for guaranteeing construction of said streets and roads to the standards established in the Titus County Subdivisions Regulations. The purpose behind said Bonds and Letters of Credit is to provide a reasonable method to complete road or street construction or to repair minor defects in said construction that becomes obvious within one (1) year of the release of said Construction Letters of Credit or Construction Bond; provided that the amount of the Bond or Letter of Credit will completely indemnify the County for the cost of completion of construction of said road or street or completely indemnify the County for the cost of repair of said road or street during the one (1) year after the release of said Construction Letters of Credit or Construction Bond.

IV
ACCEPTANCE

(a) The Commissioners' Court authorizes and empowers the Titus County Commissioner(s) to examine all maps or plats of subdivisions or re-subdivisions of real estate for the purpose of determining whether or not said map or plat is factually correct and meet the standards of law required thereto. The Commissioner(s) shall certify in writing to the Commissioners' Court that he has examined and approved a map or plat for which approval of the Commissioners' Court is required. The Commissioners' Court shall not approve and the County Clerk shall not file any map or plat of a subdivision or re-subdivision of real estate until the party or parties desiring to have the map or plat approved and filed has complied with the following:

1. Submitted to the Titus County Commissioner(s) of the precinct in which the subdivision is located, prior to the party or parties seeking the approval by the Commissioners' Court of any map or plat of any subdivision or re-subdivision, excluding those within the limits of any city located in Titus County, Texas or its ETJ, a preliminary map or plat of the subdivision or re-subdivision for their examination and approval, submitted at least 14 days prior to the consideration for approval by the Commissioners' Court. A determination of the amount of any bond called for in this order shall be made by the Commissioners' Court. When the Commissioners' Court takes up the matter of approving the plat, the Court shall also approve the amount and type of bond in any order approving the plat.

2. Furnish proof by sworn statement of owner on the face of the plat that there are no existing liens against the property within the subdivision or re-subdivision, or in the case of encumbered property, a statement by the lien holder which acknowledges an existing lien against the property or any part thereof.

3. Completion of all infrastructure improvements shown on the plat and certification by the developer's engineer that infrastructure improvements have been constructed in compliance with applicable law and these subdivision regulations.

(b) Approval of a plat by the Commissioners' Court shall not include acceptance of any streets for maintenance by the County unless the order approving the plat specifically sets forth the acceptance of the streets for County maintenance.

(c) If any action, subsection or paragraph of this order of the Titus County Commissioners' Court, or the application thereof, is held invalid for any reason, such invalidity shall not affect any other provision of this order which can be given effect without the invalid provision or application and to this end this order is severable.

(d) The Commissioners' Court shall have the authority to deviate from these regulations.

V
TITUS COUNTY MINIMUM SUBDIVISIONS ROAD STANDARDS

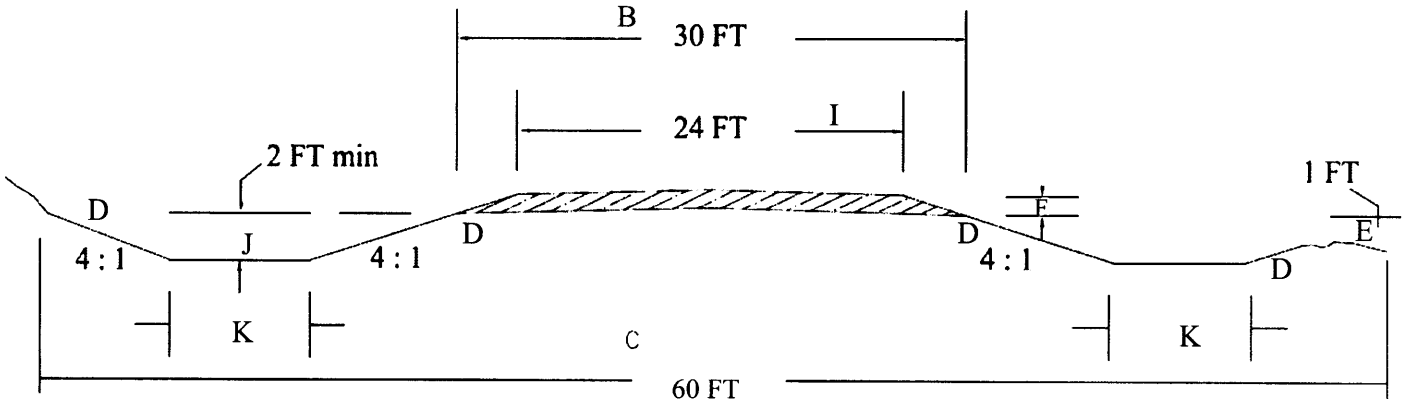
ROAD REGULATIONS FOR SUBDIVISIONS

(a) All developers are required to have a bond equal to estimated cost of construction.

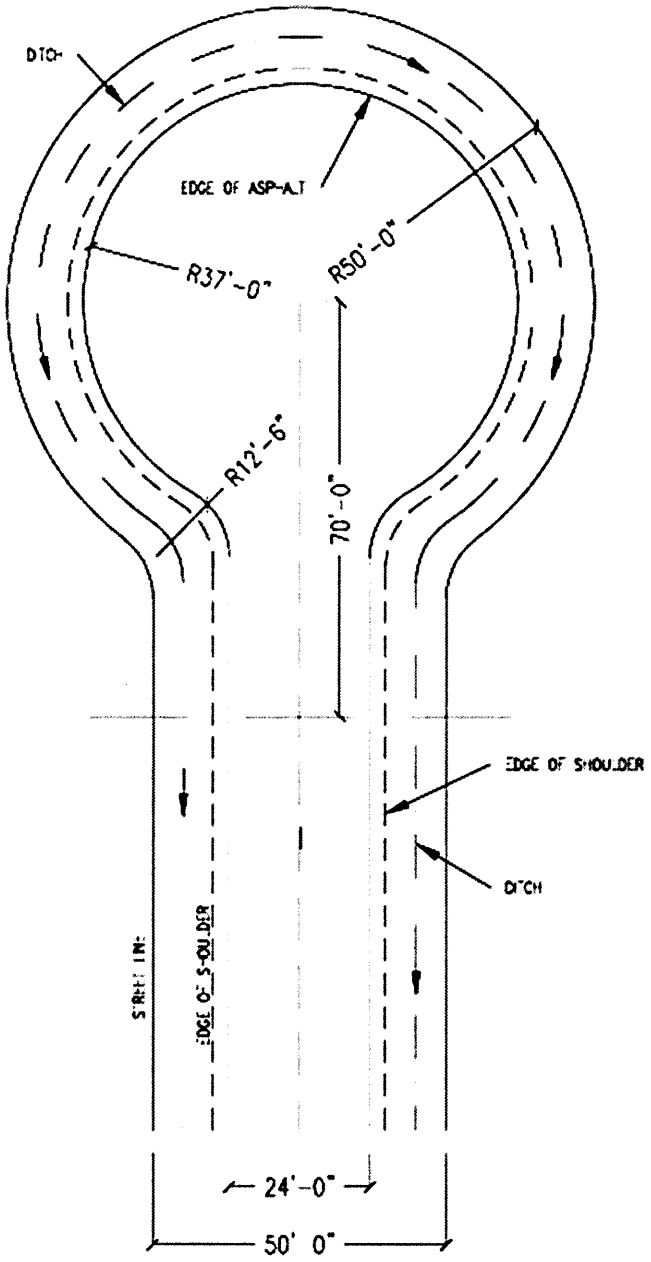
(b) All utility lines will be cased or sleeved that cross the County road easement, and must cross at a 90° angle.

DESIGN FEATURES

A. Culvert design frequency ..... 25 Years
   A-1. Culvert diameter (with end sections)..... 12 Inches Minimum
   A-2. Culvert length ..... 30 Feet Minimum
   A-3. Plastic, rubber coated tinhorn or concrete tile.
B. Graded roadbed width ..... 30 Feet
C. Right of way width (minimum) ..... 60 Feet
D. Slope (in, out, and back) 4:1
E. Roadbed elevation above existing terrain (approx.) ..... 1 Foot
F. Depth of roadbed base material ..... 8 Inches
G. Maximum gradient of 6 to 7 percent and 10 percent if not longer than 300 feet
H. Cul-de-sac radius of 37.5' of road surface plus an additional 12.5' of right of way to equal ..... 50 Feet Radius
I. Finished road surface width with 2" cold mix or seal coat..... 24 Feet
J. Ditch depth shall be a minimum of 2 feet below shoulder of new road.
K. Base width of ditch to be determined by engineer.



*The road shall be designed by a Registered Professional Engineer and the plans submitted to the County Precinct Commissioner for review and comment. The design engineer shall also provide certification to the County Precinct Commissioner after completion of the construction that the road was built in accordance with the plans and specifications.



SYMMETRICAL CUL-DE-SAC

VI
ENGINEERING GUIDELINES
FOR ON-SITE SEWAGE FACILITIES

LAND PLANNING AND SITE EVALUATION

Property that will use an OSSF for sewage disposal shall be evaluated for overall site suitability. The following requirements apply to all sites where an OSSF may be located:

a. Residential Lot Sizing.

   1. Platted or un-platted subdivision served by a public water supply.

      A. Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, shall have lots of at least 1 acre usable property (no easements/right-of-way/save and except property). Lot size is increased from TAC 285.4 Facility Planning requirement of ½ acre to 1 acre to meet the more stringent rules adopted in Titus County OSSF Orders.

   2. Platted or un-platted subdivisions not served by public water supply.

      A. Subdivisions of single family dwellings platted or created after the effective date of this section, not served by a public water supply and using individual OSSFs, shall have lots of at least 1 acre usable property. (No easements/right-of-way/save and except property).

b. Manufactured Housing Communities or Multi-unit Residential Developments.

   1. The owners of manufactured housing communities or Multi-Unit residential developments that are served by an OSSF and rent or lease space shall submit a sewage disposal plan to the permitting authority for approval. The total anticipated sewage flow for the individual tract of land shall not exceed 5,000 gallons per day. The plan shall be prepared by a professional engineer or professional sanitarian. Manufactured housing communities shall meet the same individual lot sizing of 1 acre of usable property as is listed in (a)(1)(A) (plain language each home is on its own individual 1 acre lot).

c. Approval of OSSF Systems on Existing Small Lots or Tracts.

   1. Existing small lots or tracts, that do not meet the minimum lot size requirements under subsection (a)(1)(A)or (a)(2)(A) of this section and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, may be approved for an OSSF provided:

A. Minimum separation distances in Texas Administrative Code Section 285.31(d) relating to General Criteria for Treatment and Disposal Systems are maintained. The separation requirements are in Section 285.91(10). The site has been evaluated according to Section 285.30 relating to Site Evaluation; and

B. All other requirements of this order regarding treatment and disposal are met.

VII
SUB-STANDARD SUBDIVISIONS

(a) The County may accept maintenance of any road located in a subdivision provided the roads were constructed in accordance with these regulations. Titus County assumes no responsibility or cost for bringing any road that was not constructed in accordance with these regulations into compliance before acceptance.

(b) If the residents of a subdivision wish to bring the roads within their subdivision up to County standards, the Commissioners' Court will entertain a request to improve the roads to County standards, as provided by Chapter 253.001 et seq, Transportation Code and assess the cost of the improvements against the residents of the subdivision making the requests as follows:

1. Any resident of the subdivision may request the County Commissioner to place an item on the Court's agenda to consider improvements and an assessment.

2. If the Court finds that there is a substantial interest among the residents of the subdivision, it will set a public hearing and give notice of the hearing as provided by law.

3. If the Court determines at the public hearing that the improvement is necessary for the public health, safety or welfare of the residents of the County, it will mail ballots to the owners of real property in the subdivision as provided by law.

4. If the majority of those voting approve the proposition, the County will enter an order accepting maintenance of the road(s), make necessary improvements to bring the road(s) up to current standards and assess the actual cost of the improvements against the owners as provided by law.

5. The formula for allocating the cost of construction among the landowners will be determined on a case by case basis, taking into account both road frontage and acreage. Landowners are encouraged to develop their own mutually agreeable formula and propose it to the Court.

6. If one-half (1/2) or a majority of those voting do not approve the proposition, the Court may not approve the improvements or assessment and may not propose the order again for one (1) year after the results of the election are declared.

7. All assessments are to be repaid in no more than five (5) years at the current rate of interest that the County receives from its depository. The Court may determine that quicker repayment will be required in a particular case.

VIII
PENALTIES

Section 232.005, Local Government Code. ENFORCEMENT IN GENERAL; PENALTY

(a) At the request of the Commissioners' Court, the County Attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:

(1) enjoin the violation or threatened violation of a requirement established by, or adopted by the Commissioners' Court under a preceding section, or

(2) recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by, or adopted by the Commissioners' Court under a preceding section.

(b) A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by the Commissioners' Court under a preceding section. An offense under this subsection is a Class B misdemeanor. This subsection does not apply to a violation for which a criminal penalty is prescribed by Section 232.0048, Local Government Code.

(c) A requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session, 1957 (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session, 1851 (Article 2372k, Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply to a subdivision of land is enforceable under Subsection (a). A knowing or intentional violation of the requirement is an offense under Subsection (b).