SUBDIVISION RULES

OF

BOSQUE COUNTY, TEXAS

ADOPTED: AUGUST 13, 2018

SUBDIVISION RULES

For

BOSQUE COUNTY, TEXAS

(Revised and Adopted: _____)

ARTICLE I: AUTHORITY, PURPOSE & SCOPE

A. Authority

These rules are adopted by the Commissioners Court of Bosque County, Texas, acting in its capacity as a governing body of Bosque County. These rules are adopted pursuant to Chapter 232 of the Texas Local Government Code.

B. Purpose

The purpose for which these Rules and Regulations are created is: to provide for the orderly, safe and healthful development of the area outside the limits of a municipality and within the County and to promote the health, safety and general welfare of the community; to establish orderly policies and procedures to guide development of the County; to provide for establishment of minimum specifications for construction and engineering design criteria to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the County for the correction of inadequate environmental conditions; to ensure that the development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, landslides, or other such menaces; to provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to provide roads that ensure safe, convenient and functional systems for vehicular circulation

C. Conflicts

In the event of a conflict between these rules and State Statutes, the State Statute will control. These rules are to be harmonized with city zoning where concurrent jurisdiction exists, but in the event of conflict, the most restrictive will control. In the event of a conflict with a homeowner's association rules, then the most restrictive will control.

D. Administration

The Commissioners Court of Bosque County, Texas shall administer these rules, which shall apply to all subdivisions whose plans, plats or re-plats are filed with the Bosque County Clerk on or after May 1, 2018.

E. Compliance Required

The owner intending to subdivide a tract of land into two or more parts to lay out a subdivision of the tract, including an addition, lots, 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, shall prepare and submit a plat for approval by the Commissioner's Court of Bosque County in accordance with Article 3.

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

F. Penalty for Violation

At the request of the Commissioner's 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 these rules and regulations established by or adopted by the Commissioners Court; or
2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with these rules and regulations established by, or adopted by the Commissioner's Court.

Further, a person commits a criminal offense if the person knowingly or intentionally violates a requirement of these Rules and Regulations established by, or adopted by the Commissioner's Court. An offense under this subsection is a Class B misdemeanor.

This Section is in accordance with Chapter 232.005 of the Texas Local Government Code.

ARTICLE II: DEFINITIONS

For the purposes of this Court Order, certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense;
The singular includes the plural;
The word "person" includes a corporation as well as an individual;
The term "shall" is always mandatory.
The term "may" is directory.

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

Subdivision

The term "subdivision" means the division of a parcel of land into two or more lots or tracts for the purpose of development, dedication of roads or easements, or for use for building development. A division of land for agricultural purposes into lots or tracts, not to exceed five (5) in number, of ten (10) acres or more and not involving a new road or alley shall not be deemed a subdivision. (Note: Each such tract must include not less than two-hundred feet (200') of road frontage per tract and must also exhibit not less than 500' (five-hundred feet) of visibility in either direction on said road from any and all point(s) of ingress/egress into and from said tract, including any driveway(s) associated with such tract.)

The term also includes multi-unit residential developments, and other similar developments, as well as re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Note: The Bosque County Commissioners Court hereby retains the power and right to further define the term "subdivision" and to decide, on a case-by-case basis, whether or not these Subdivision Rules apply to any particular development within the Commissioners Court's jurisdiction.) The terms "subdivider" and "developer" are synonymous and shall include any person, agent, employee or trustee of any such entity who does or participates in the doing of any act toward subdivision of land within the scope of these rules.

Lot

Land occupied or to be occupied by a building and its accessory buildings and including open spaces are required by any applicable regulations which are part of the subdivision (such as parks), and having its principal frontage upon a public road or officially approved place.

Easement

A right of access which is granted for the purpose of limited public or semi-public use across, over or under private land.

Preliminary Plat

Drawing of the proposed overall plan for subdividing, improving and developing a tract, showing all existing and proposed drainage features and facilities, the proposed street layout and direction of curb flow, and other pertinent features, along with such notations and other information that is sufficient to substantially describe the general scope and detail of proposed development.

Record Plat

The final plat drawing of a subdivision which has been approved in accordance with the requirements of these rules and has been filed for record with the County Clerk of Bosque County, Texas.

Commissioners Court

As used herein, "Commissioners Court" means the Commissioners of Bosque County, Texas.

ARTICLE III: PROCEDURE

A. General

All property not subdivided into lots, blocks, and roads, or property to be resubdivided, outside the limits of a municipality and within the County or within its jurisdiction shall hereafter be laid out subject to the approval of the County Commissioners, and no other subdivision will be recognized by the County. Prior to the consideration of the plans and plats by the Commissioner's Court, the County Consulting Engineer and the Commissioner in whose precinct the proposed subdivision lies and/or the Commissioner's duly authorized representative shall check that the submittal is in accordance with this Court Order and make recommendations.

B. Platting Requirements

The Owner of a tract of land located outside the limits of a municipality must prepare a plat of the subdivision if the owner intends to divide the tract into two or more parts to layout:

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.

A division of a tract includes a division regardless of whether it is made by using metes and bounds descriptions in a deed of conveyance or in a contract for a deed, by using contract of sale or other executory contract to convey, or by using any other method.

C. Exceptions to Plat Requirements

1. A Preliminary Plat is not required if the development has 10 lots or less, the owner does not layout a part of the tract described by Article 3, Section B, Subsection 3 and

no portion is located in the 100-year floodplain. Such a development is required to prepare a Final Plat in accordance with Bosque County Subdivision Rules.

2. A Plat is not required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified, as provided that each tract has 50 feet of frontage on a County Maintained road and that each tract conforms to lot size criteria set forth in the Bosque County On-Site Sewage Facilities Order.

3. The following is a summary of the exceptions to platting requirements as outlined in Section 232.0015 of the Texas Local Government Code. This summary is included only for reference. The developer is responsible for obtaining the current version of Section 232.0015 of the Texas Local Government Code. The developer is also responsible for meeting all requirements of the Texas Commission on Environmental Quality (TCEQ) and submitting planning materials in accordance with the most current version of TCEQ Title 30 Texas Administrative Code (TAC) Chapter 285 and the Bosque County On-Site Sewage Facility Order even if platting the subdivision is not required.

   a. To determine whether specific divisions of land are required to be platted, a county may define and classify the divisions. A county need not require platting for every division of land otherwise within the scope of this subchapter of the Texas Local Government Code.

   b. This subchapter does not apply to a subdivision of land to which Subchapter B of the Texas Local Government Code applies.

   c. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
      i. the owner does not lay out a part of the tract described by Article 3, Section B, Subsection 3
      ii. the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

   d. If a tract described by Subsection (c) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.

   e. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Article 3, Section B, Subsection 3 to have a plat of

the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter of the Texas Local Government Code apply.

f. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
    i. All of the lots of the subdivision are more than 10 acres in area; and
    ii. the owner does not lay out a part of the tract described by Section Article 3, Section B, Subsection 3

g. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Article 3, Section B, Subsection 3 to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.

h. The provisions of this subchapter shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by Article 3, Section B, Subsection 3.

i. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
    i. the owner of the land is a political subdivision of the state;
    ii. the land is situated in a floodplain; and
    iii. the lots are sold to adjoining landowners.

j. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision
prepared if:
    i. the owner does not lay out a part of the tract described by Section Article 3, Section B, Subsection 3, and
    ii. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter.

k. A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
   i. the owner does not lay out a part of the tract described by Section Article 3, Section B, Subsection 3; and
   ii. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

D. Fee Schedule

Prior to the consideration and/or the approval of any Plat submitted to the Commissioner's Court, all applicable fees shall be paid by the Developer to the County Treasurer and a receipt or receipts shall be included with the submittal. The following fees have been established by the County to defray all costs associated with but not limited to the review, inspection, and maintenance of all plats and documents associated with the development of a subdivision or any part thereof. These fees shall become effective with the passage of this Court Order and will affect all subdivisions not finally approved by the Commissioner's Court prior to such passage. When the Plat is filed, a separate filing fee will be assessed at the time of filing.

Preliminary Plat	$800.00 + $25.00 per lot
Final Plat and Construction plans with roads	$1,200.00 + $75.00 per lot
Final Plat without roads	$750.00
Preliminary or Final Plat Resubmittal	$200.00 per each plat resubmittal in excess of three (3) submittals
Construction Inspection	$2,000 for up to the first one (1) mile (5,280 LF) of road + $150.00 per one-half (½) mile (2,640 LF), or portion thereof, in excess of 1 mile
Additional Final Construction Inspection	$500 per visit in excess of two (2) visits related to final inspection of improvements.
Plat Amendment	$300.00
Plat Cancellation	$200.00

For the purposes of these Rules, "owner" shall mean the owner of a proposed subdivision, or said owner's designated representative. On or after the effective date of these Rules, all owners of proposed subdivision, except those set Article 3 of these Rules, shall submit a Plat to the Bosque County Commissioners Court which complies with the minimum standards adopted by this Commissioners Court.

E. On Site Assessment – The developer will consult at the proposed development site informally with the Commissioner in whose precinct said developer is working to give an overview of the proposed subdivision.

F. Pre-Application Meeting - The developer will consult informally with the Commissioners Court prior to preparing a preliminary plat and before formal application for its approval in order to save time and money. The Subdivision Rules packet will be handed to the developer and the process and requirements will be reviewed.

G. Formal Presentation of Preliminary Plat – A Preliminary Plat shall be submitted by filing an application together with a copy of the proposed Preliminary Plat and the required filing fee, with the Bosque County Treasurer.

PRELIMINARY PLAT

A. Requirements of the Preliminary Plat

Each application for a preliminary plat or final plat shall be submitted to the Bosque County Clerk at least thirty (30) days, and no more than sixty (60) days, prior to the desired Commissioners Court meeting, and said application shall be accompanied by the following information and materials:

(a) Three (3) copies or prints of the proposed subdivision drawn on a sheet minimum 18 inches wide and 24 inches long and a maximum size of 24 inches by 36 inches and drawn to a scale of 100 feet to the inch (1 inch equals 100 feet) shall be submitted in the number specified herein above. In case of large developments which would exceed the dimensions of the sheet of 100-foot scale, preliminary plats may be 200 feet to the inch (1 inch equals 200 feet).

(b) Boundary lines, bearing and distances sufficient to locate the exact area proposed for the subdivision and shall identify the subdivision with respect to an original corner of the original survey of which it is a part, and distance and direction to the nearest State or U.S. Highway. All corners are to be marked with a permanent marker stamped with the name of the surveyor.

(c) The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing roads and other features that may influence the layout of development of proposed subdivision. Adjacent unplatted land shall be so designated.

(d) The location and widths of all roads existing or proposed within the subdivision limits. In case of easements, a written statement as to the easement use shall be included on the plat.

(e) The location of all existing property lines, buildings, sewers, or water mains, gas mains, or other underground structures, easements or other existing features within the area proposed for subdivision.

(f) Proposed arrangement of lots and proposed use of same; however, approval of a preliminary plat or final plat with uses so indicated, does not constitute approval of such uses.

(g) The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the Land Planner, Licensed Land Surveyor or Registered Professional Engineer platting the tract.

(h) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.

(i) Scale, North arrow, date and other pertinent data.

(j) Contours with intervals of five feet (5') or less shall be shown for the area. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.

(k) All physical features of the property to be subdivided, including location and size of all water courses, ravines, bridges, culverts, existing structures, and other features pertinent to subdivisions. The outline of wooded areas or the location of important individual trees may be required.

(l) If the Subdivision does not intake all of the property owned by the developer a division line should be drawn differentiating property usage for roll back purposes.

(m) The Plat shall also include a written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of these Subdivision Rules.

(n) A letter of verification of consultation by a licensed sanitarian.

(o) Subdivisions shall have a drainage plan. An engineering drainage plan shall be submitted with the plat unless waived by the Commissioners Court. The engineering drainage plan shall be prepared by a registered professional engineer for the State of Texas and qualified in the field of storm run-off and drainage design. The drainage study will show the width of the right-of-way required to provide property drainage ditches and structures in order to properly dispose of the expected storm flow run-off. A typical cross section of the road and drainage ditches shall be provided in the report.

(p) A letter of verification of consultation with Middle Trinity Groundwater Conservation District.

(q) Lots with access to State or U.S. highways must have the approval of Texas Department of Transportation.

(r) A letter of verification of consultation with utility provider(s).

(s) Paid Tax Certificate.

(t) A letter of verification of consultation with Bosque County 911 addressing.

(u) A letter of verification of consultation with Bosque County Floodplain Administration.

B. Designated County Official – Bosque County designates the Bosque County Commissioners Court as that entity responsible for approval or rejection of the preliminary plat. During review of the plat, the Bosque County Commissioners Court shall, if deemed necessary by the Court, consult with the County Attorney, County Designated OSSF Agent and a Consulting Engineer.

C. Time Limits for Approval – Not later than the 60th day after the date the owner of a proposed subdivision submits a Preliminary Plat; the Plat shall be approved or rejected by the Bosque County Commissioners Court. The Bosque County Commissioners' Court shall notify the applicant of its determination in writing. If the plan is rejected, the Bosque County Commissioners Court shall specify the reasons for the rejection in its written determination.

D. Expiration

1. Approval of a preliminary plat shall expire and be of no further force and effect within twelve (12) months following the date the Commissioners' Court approves the preliminary plat, unless a final plat is approved for all or part of the preliminary plat within that time period.

2. In the case of a multi-phase subdivision, where phases are depicted on the approved preliminary plat, approval of a final plat for a phase shall extend the expiration date for the remaining portion of the original preliminary plat for a period of not more than six (6) months after the date of approval of the final plat. Approval of a subsequent final plat within such period shall extend the expiration date for the portion of the original preliminary plat for which no final plats have been approved for an additional six (6) months from the date of approval of such plat.

3. Each extension period for the expiration of the original preliminary plat runs from the date of the latest final plat approval; extension periods are not cumulative. If a final

plat is not approved during the extension period, the original preliminary plat, together with any unapproved final plat applications or expired final plats, expires.

4. The filing of a revised preliminary plat after approval of the original preliminary plat but prior to final plat approval shall cause the prior preliminary plat to expire immediately. If a phase of the development already has received final plat approval, the sub-divider shall submit a revised preliminary plat for all phases of the subdivision that have not received final plat approval. In either case, all regulations in effect on the date of filing of the revised preliminary plat shall be applied to the new plat application.

E. Construction Prohibited without Approved Preliminary Plat – Construction of any proposed subdivision **may not begin before** the Bosque County Commissioners Court approves the proposed Preliminary Plat.

PERFORMANCE BOND

The county shall require bonding or a letter of credit in relation to the construction of public improvements. Performance bonds are required of all owners as set forth below.

1) Performance Bond

(a) The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond for the proper construction of the roads and drainage facilities in all subdivisions. Such bond may be either a performance bond executed by a surety company authorized to do business in the State of Texas, or an irrevocable letter of credit from an acceptable Texas bank.

(b) Such performance bond or letter of credit shall be made payable to "Bosque County Judge or his/her successors in office," conditioned that the owner or owners shall subdivide any such tract of land and all improvements shall be constructed in accordance with these Regulations.

(c) The performance bond or letter of credit shall be in an amount equal to the actual cost or contract amount of constructing such roads and drainage facilities.

(d) The performance bond or letter of credit, in an amount as established herein, shall be presented to the Commissioners Court when the preliminary subdivision plat is presented to the court for approval. The county's auditor or county judge must approve, in writing, the form of said bond or letter prior to the date of submission to the Commissioners Court. No subdivision plat or plan will be approved by the Commissioners Court without being

accompanied by a performance bond or letter of credit meeting the requirements of this section.

(e) The performance bond or letter of credit shall go into effect on the day the preliminary subdivision plat receives county approval. Bond must remain in full force and effect until after all roads and all associated drainage improvements in the subdivision have been completed and have been accepted by the county in accordance with these regulations as certified by the Commissioners Court.

(f) When the owner or owners of any tract of land to be subdivided has or have finished construction all of these roads and drainage facilities in said subdivision in accordance with these regulations, the owner or owners shall give written notice of this fact to the Commissioners Court by giving notice to the County Judge.

(g) Before release of the performance bond, two County Commissioners shall inspect the roads and the owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the county shall draw on the security to make the necessary repairs.

FINAL AND RECORDED PLAT

A. Application for Final and Recorded Plat

An application for approval of a final and recorded plat shall include the following:

1. Engineer Certification - All of the drainage plans and specifications of the drainage improvements contained in the Developer's subdivision application to Commissioners' Court shall be prepared by a Texas Registered Professional Engineer and all of the drainage improvements contained in the application shall be built under the supervision of such Engineer. Such Engineer shall certify in writing to the Commissioner's Court that as each segment or phase is completed, that such segment or phase has been built true and correct in accordance with the submitted plans and specifications and that the same was built under his supervision. This written certification shall be signed and sealed by such Engineer. All of the expenses of such engineering shall be paid for by the Developer.

2. Final Inspection – A final inspection of any proposed subdivision infrastructure upon its completion is required. Final inspection shall be made by two (2) Commissioners, i.e., the Commissioner in whose precinct the subdivision is situated as well as one other Commissioner to be appointed by the County Judge. Final inspection shall be made prior to the Commissioners

Court's approval and issuance of a Certificate of Compliance. Said Commissioners shall make the final inspection not later than the fifth (5) business day after the Bosque County Commissioners Court receives written confirmation of completion from owner.

3. Certificate of Compliance by Commissioners Court –If the Bosque County Commissioners Court determines that the Preliminary Plat has been properly carried out, the Commissioners Court shall issue a Certificate of Compliance within an additional five (5) business days after the final inspection is completed. The Commissioners Court may delegate issuance of the Certificate of Compliance to the County Judge's office.

4. Corrective Action if Construction Not Approved – If the Bosque County Commissioners Court determines that the subdivision has not been properly carried out, then the owner shall be advised in writing and shall have thirty (30) days from the date of notification to make the required corrections or to perform the additional work required. On completion of the corrective work, the owner shall again follow the procedures set out in Article III, of this Order, before the owner is eligible to receive a Certificate of Compliance.

B. Standards for Approval.

The Commissioners Court shall approve a final plat if it satisfies the following standards:

(a) The plat is consistent with the approved preliminary plat;

(b) The plat conforms to each of the requirements contained in these Regulations

After being considered at a meeting of the Commissioners Court, with a quorum being present, the final plat shall be acted upon by the Court. If the final plat is approved by order of the Court, then the County Judge shall sign the plat and shall so state the date of approval. The following certification shall be provided on the final plat:

"I hereby certify that this plat was approved this _____ day of _____, 20___ by the Bosque County Commissioners Court, and maybe filed for record in the Plat Records of Bosque County by the County Clerk.

_____
County Judge

ARTICLE IV:

ROADS

A. Roadway Layout

Internal streets shall be so laid out that their use by through traffic will be discouraged, but access may be provided to adjacent development.

The subdivision shall provide at least one point of access to an arterial or Collector Street and shall provide no less than one (1) entrance for each twenty-five (25) lots, including stubs for future development or connection to an existing major collector or arterial.

The Commissioners' Court may require gates and/or warning devices at all road crossings where a storm event is anticipated to flow over the road surface

All roads are preferred to intersect at ninety degree (90) angles; where this is not possible, the intersection on the side of the acute angle must be cut back, as specified by the Commissioner for the Precinct where the subdivision is located, but in no case will the cut-back be less than twenty-five feet (25').

Roads should avoid abrupt offsets insofar as possible. Roads should provide for continuation of appropriate projection of existing roads in surrounding areas. New roads of like alignment shall bear the names of existing roads and shall be dedicated at equal or greater widths than existing roads.

B. Right Of Way

Road right-of-way widths shall meet the following guidelines:

a. County Roads – minimum of 50 feet, depending upon the location and the city road plan with which the major thoroughfare is to be connected.

C. Design Criteria and Construction Standards for Streets

Proposed streets must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.

All streets shall be constructed in accordance with the Road Construction Standards of Bosque County attached hereto.

D. Cul-De-Sacs

A street ending in a cul-de-sac shall not be longer than six hundred feet (600'), as measured from the centerline of the intersecting street to the center point of the bulb, and shall have a properly designed turnaround at the closed end. If a central water system exists, with properly placed fire hydrants, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least eighty (80'), and a minimum bulb right-of-way diameter of at least one hundred feet (100). If no central water system exists, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least one hundred feet (100'), and a minimum bulb right-of-way diameter of at least one hundred and twenty feet (120'). Dead end streets are prohibited.

E. Street Names and Signs

Street Names and Numbers

New streets and roads in a subdivision shall be numbered so as to provide continuity of names with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Bosque County. Developer shall coordinate with Bosque County 911 Addressing to ensure all streets/roads are numbered properly. All street numbers shall be approved by Bosque County Commissioner's Court. Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.

Street and Road Numbers/Names Required

The Developer shall install street or road name signs at all intersections in a subdivision. The proper installation of these signs is a part of the required construction standards of Bosque County. Final approval of the construction will not be given by the Bosque Commissioners Court until all signs are installed.

F. Mailboxes

Mailboxes shall be set at least one foot (1'), but no more than three feet (3'), back from the curb, paving edge, or shoulder area of the permitted street upon which the property is addressed.

All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets, and other access points.

All mailboxes along arterials shall be of a "break-away" type design (this type of design is also encouraged along collector and local streets). Clustering of mailboxes is greatly encouraged.

G. Inspection of Roads

Two Commissioners have reviewed and approved all required inspections and tests at the completion of each phase of construction of the road, tests include atterberg limits and moisture-density relationships for the subgrade and base, depth of base material, type and placement of the surface course (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the Commissioner's Court), and not to proceed with construction until proper inspections and tests have obtained, as required by the County Commissioner. All laboratory tests shall be at the expense of the developer. In no event will any base be placed on the road until the subgrade has been inspected at each phase of construction and approved in writing by the County Commissioner.

ARTICLE V: WATER DRAINAGE

A. Lots and Private Property

Lots and private property shall be graded so that surface drainage from said property shall be taken to roads as directly as possible. Drainage water from roads shall be taken to defined drainage courses.

B. Roads without Curbs and Gutters

All roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to said roads. Said drainage ditches shall have minimum depth of twelve (12") inches below the level of the sub grade.

C. Permanent Drainage Structures

Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including drainage ditches with driveways and roads.

D. Types of Permanent Drainage Structures

The exact dimensions and type of permanent drainage structures including culverts, pipes, drainage boxes, and bridges shall be established for each subdivision by the Commissioners Court in its order granting or denying preliminary authorization of a subdivision plat.

E. Driveway Drain Pipes

Placement of driveway drain pipes and drain structures shall be made at the expense of the owner or developer upon receipt of a written approval of the County Precinct

Commissioner prior to installation. No driveway drain pipe will be accepted unless it has a minimum drainage of fifteen inches (15") in diameter and a minimum length of twenty-two feet (22') if ends are concreted, however, the placement, length and diameter of a drain pipe must be inspected and approved by a County Commissioner prior to installation and it is within the Commissioner's discretion to alter the required size, length and placement if deemed necessary. Larger drain pipes shall be installed if necessary to handle drainage based upon a ten-year flow frequency. An easement shall be required from any affected property owner or owners when the natural flow of water is changed.

F. Embankments

All roadways subject to flooding and high waters and all roadway crossing streams must have reinforced embankments to prevent erosion of said embankments, as approved by the precinct Commissioner.

G. Permanent Obstacles

Permanent obstacle, such as concrete or rock rip rap, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the engineered drainage plan as submitted and listed in the order granting or denying preliminary authorization to the subdivision plat.

H. Open Drainage Channels and Ditches

Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters.

I. Drainage Easements

All drainage easements in the land being authorized for development must be of adequate width, as determined by the Commissioners Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all land whose natural drainage runs through the property being authorized for development.

J. Drainage Plan

An engineering 20-year flood drainage plan shall be submitted with the preliminary plat unless waived by the Commissioners Court. The engineering drainage plan shall be prepared by a registered professional engineer for the State of Texas and qualified in the field of storm run-off and drainage design. The drainage study will show the width of the right-of-way required to provide property drainage ditches and structures in order to properly dispose of the expected storm flow run-off. A typical cross section of the road and drainage ditches shall be provided in the report.

K. Maximum Road Grades

Grades of roads shall be a maximum of twelve percent (12%). Exceptions to this rule may be granted by Commissioner's Court.

L. Backfill of Pipe

All pipe shall be backfilled at six inch (6") lifts and tamped with air tamp, with water as needed.

M. Drainage Certification on Final Plat

All drainage methods (size, length, etc.) shall be in accordance with the drainage plan and must be noted on the final plat.

ARTICLE VI: SEWAGE DISPOSAL SYSTEMS

A licensed sanitarian must review and approve the plat to assure that all County sanitation rules and regulations can be met.

A. Soil Analysis

If a State-approved disposal sewage system is not provided, the subdivider will have soil tests made in accordance with applicable Bosque County and State regulations then in effect for installation of private sewage facilities so that a minimum of ten percent (10%) of the proposed tracts or lots have been approved by a licensed sanitarian.

B. Lot Adequate Sizes to Meet Sanitation Requirements

All subdivision lots that have individual septic systems shall contain a minimum of 43,560 square feet (i.e., one (1) acre) for those with community water system and a minimum of 87,120 square feet (i.e., two (2) acres) for those without a community water system. It must be noted that size alone does not assure sanitation requirement can be met. The sub divider or owner shall ascertain and certify that an acceptable septic tank with a proper drain field can be installed on each tract platted or offered for sale, unless public sanitary sewer collection facilities are made available to the site. A licensed sanitarian may be contacted for the specifications. All subdivisions using a state permitted and approved sewage disposal system must meet all state requirements as to lot size. The owners or developer must ascertain and certify that lot sizes within the subdivision meet all state requirements.

C. All Habitable Structures Must Have Approved Sewage Systems

All habitable structures shall be connected to septic tanks or sewer systems conforming to the regulations and recommendations of the State and Bosque County. Septic tanks shall meet State and County regulations and must be inspected by a licensed sanitarian, a licensed professional engineer or a designated agent of the T.C.E.Q. before, during, and after construction.

[Note: Only one (1) habitable structure shall be connected to a single septic system.]

Additionally, the planning materials for an on-site sewage facility to be submitted for approval by the permitting authority shall be prepared by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, locations of easements and a complete report detailing the types of on-site sewage facilities to be considered and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials.

D. Outdoor Toilets or Cesspools Prohibited

There will be no outdoor toilets or cesspools within any subdivision.

E. All Sewage Disposal Regulations of Bosque County, Texas, Must Be Met, With No Exceptions

ARTICLE VII: ACCEPTANCE OF ROAD MAINTENANCE AND BONDING REQUIREMENTS

A. Owners Maintenance Responsibility.

The owner shall remain responsible for all maintenance and repair of the roads within a subdivision. The Commissioners Court, may by formal written action or minute order in accordance with this Article and Section 4.06 herein, accept the obligation to maintain and repair such roads. **The Commissioners Court's decision to approve a record plat or dedication of the right-of-way for a road shall not be deemed to constitute acceptance of the roads for maintenance.**

B. County Acceptance of Roadways

1. All streets and roads will not receive consideration for final approval by the Commissioners Court until at least two (2) years after original construction of streets and roads is completed. Subdivisions in which there has been insufficient use of the streets and roads to insure their stability will not be considered for acceptance by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Development will not be considered sufficient until such time as 75% of the existing lots have been developed, or, improvements have been

added to the real estate which, when taxes are levied on such improvements, will provide tax revenues in the Road & Bridge dedicated funds equal or exceeding the "average dollar amount" computed, at the end of the fiscal year, to maintain the number of miles of county road with a like surface. The "average dollar amount" shall be defined as the total expenditures in the four Bosque County Precinct Funds, less no-road related expenditures, divided by the total miles of accepted county roads.

2. The owner has submitted a written request to the County Commissioner. If the owner is no longer available (i.e., has ceased to transact business or, in the case of an individual, has died), any person owning property with frontage or access onto the road may submit the written request.

3. Two Commissioners have inspected the roads (first inspections) no earlier than thirty (30) days prior to the Commissioners Court's acceptance of the roadway, and has submitted to the Commissioners Court an inspection report stating that:

   (a) The road, in its current condition and with no repairs, upgrades or improvements, is in compliance with the regulations and all other guidelines in effect at the time of inspection.
   (b) The requirements of these Rules regarding construction of drainage structures and driveway drain pipes have been satisfied;
   (c) The County Commissioner recommends acceptance of the road and a (2) year maintenance bond to the Commissioners Court.

4. Maintenance of the subdivision roadways shall consist of mowing the right of ways, trimming of brush, grading of ditches and patching potholes. It does not mean repaving roadways.

Maintenance Bond

Once the Commissioner's Court has voted to accept the subdivision roads the owner or applicant asking for acceptance of roads, must post cash, bond or a letter of credit (a "Maintenance Bond"), with the county auditor to secure the proper construction and maintenance of the roads prior to county acceptance thereof in an amount equal to twenty-five (25%) of the construction costs of the roads, for a term of two (2) years following acceptance by the county. At the conclusion of two (2) years, the county shall assume full maintenance responsibilities, if the following requirements have been met:

(1) A final inspection (second inspection) shall be made within thirty (30) days of lapse of the twenty-four (24) month maintenance bond after acceptance of the roadway. If no maintenance is necessary, then the bonding requirements will be deemed to have been met.

(2) The subdivider will be notified, in writing, of any work found not in compliance with these regulations. The Commissioners Court will establish a reasonable time for correction of the defective work, and the subdivider shall make the necessary corrections within the time set, or such corrections will be made by action taken upon the performance bond.

(3) No road will be accepted for maintenance by Bosque County which contains a petroleum pipeline within the right-of-way, other than crossing pipelines.

(4) The roads or roads in any subdivision will not be accepted for final maintenance by the Commissioners Court until all the requirements and conditions regarding road names and road signs have been complied with.

ARTICLE VIII: UTILITIES

A. Easements

Appropriate dedication of perpetual easements for utilities must be provided where needed. Subdivision plats must be coordinated with the utility companies, as to the proper location of utility easements and such easements or reference thereto must be shown on the subdivision plat. If public sanitary sewage systems are practically accessible, proper easements shall be dedicated for access to such public systems.

B. Utility Lines in Rear of Homes

Utility lines which are to be above ground are preferred to be in the rear of homes or other buildings. Underground lines shall be prominently marked along the length of the lines.

C. County Not Liable

Bosque County will not assume any liability for damage to utility lines suffered while maintaining roads.

ARTICLE IX: GENERAL PROVISIONS

A. General – The Commissioners Court of Bosque County recognizes that there are vast differences in terrain and population density in Bosque County. In instances when the Commissioners Court finds that extraordinary hardships or extreme practical difficulties will result from strict compliance with these Subdivision Development Rules and/or the purposes of these Rules may be fulfilled to a greater extent by an alternative proposal, the Commissioners Court may approved variances, or exceptions to these Rules so that substantial justice may be done and the public interest secured. Variances may be made,

provided that the variance or exception shall not have the effect of nullifying the intent and purpose of these Rules, further provided that the variance is allowed by Texas law.

B. Evidence Required – The Commissioners Court shall not approve variances or exceptions unless it shall make finding based upon evidence presented to it in each specific case that:

1. The granting of the variance or exception will not be detrimental to the public health, safety or welfare, or injurious to other property;

2. The conditions upon which the variance request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Rules is carried out.

C. Authority – Authority to make final approval of all variances and exceptions is vested in the Commissioners Court. Request for variances shall be filed at the time of application and may be taken up at only posted meeting of Commissioners Court while the application is pending.

D. Severability

If any section or part of any section of these rules should be declared invalid by a court of competent jurisdiction, such declaration shall not invalidate or impair the validity or effect of any other section or part of any section of these rules.

E. Subdividing Lots within a Subdivision

Once a subdivision receives final approval by the Commissioners Court, no further alteration or modification of the approved plat is authorized. This provision applies to new owners within the subdivision as well as the developer.

F. Fire Protection

The County EMC and local fire chief will be consulted to determine the provision for adequate water supply for fire fighting could be efficiently provided by the developer.

G. Lot Purchasers

A copy of the Bosque County Subdivision Rules along with a Welcome Letter (Appendix B) must be furnished to each prospective purchaser of land within a subdivision by the developer.

ARTICLE X. ENFORCEMENT; PENALTIES; APPEALS

A. Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations, including the road design and construction specifications incorporated into these regulations, the rules of Bosque County for on-site sewage facilities, and any appendices attached to these regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

B. Enforcement Actions. 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 these regulations; 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 these regulations.

C. Enforcement of Building Lines.

If a structure is erected, constructed or reconstructed in violation of a building setback line established in accordance with these regulations, then the Commissioners' Court, the District or County Attorney, or an owner of real property in the County may institute an injunction, mandamus, abatement or other appropriate action to prevent, abate, remove or enjoin the unlawful erection, construction or reconstruction (see Texas Local Government Code, Chapter 233, Section 233.006).

D. Appeal of Building and Setback Lines.

An owner of property who is aggrieved by an action or order adopted by the Commissioners' Court may appeal the decision within thirty (30) days after the date adopting the action or order.

A property owner in the County who is aggrieved by a final order of the Court may appeal to the district court or to another court with proper jurisdiction, in accordance with Section 233.007 of the Texas Local Government Code.

XI. APPLICABILITY

A. Effective Date – These Rules are effective upon the date of final approval by Commissioners Court.

B. Date Construction Commenced – These Rules apply to any subdivision for which construction, or expansion (as defined herein), is commenced on or after the date that the original infrastructure standards were adopted by this Commissioners Court.

C. Expansion of Existing Subdivision – These Rules are applicable to any expansion of any existing Subdivision after the original effective date of these Rules. "Expansion" includes but is not limited to any improvement concerning roads, water systems, septic systems and/or utilities and is ultimately defined at the discretion of the Commissioners Court.

D. Applicable Outside City Limits – These Rules are applicable in Bosque County outside the city limits of any incorporated city and outside the limits of the extra territorial jurisdiction of any incorporated city within Bosque County, Texas.

XII. INTERPRETATION – CONFLICT, SEVERABILITY, SAVINGS AND AMENDMENTS

A. Interpretation – In their interpretation and application, the provision of these Rules shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. These Rules shall be construed broadly to promote the purposes for which they are adopted.

B. Public Provisions – These Rules are not intended to interfere with, abrogate, or annul any other County regulation, state statute, or other provision of law except as provided in these Rules. Where any provision of these Rules or any other rule or regulation or other provisions of law are in conflict, the provision which is more restrictive or imposes higher standards shall control.

C. Private Provisions – These Rules are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that were the provisions of these Rules are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Rules shall govern.

D. Severability – If any part or provision of these Rules, or the application of these Rules to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Rules or application of them to other persons or circumstances. The Commissioners Court hereby declares that it

would have enacted the remainder of these Rules, even without any such part, provision, or application which is judged to be invalid.

E. Saving Provision – These Rules shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving the right of the State or County under any section or provision existing at the time of adoption of these Rules, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Rules.

F. Amendments – For the purpose of protecting the public health, safety, and general welfare or for any other valid purpose, the Commissioners Court may, from time to time, amend these Rules at a public meeting following public notice in the manner prescribed by law.

Adopted and finally approved by unanimous vote of the Bosque County Commissioners Court, in regular session, on this the 13 day of August, 2018.

Don L. Pool, Bosque County Judge

Marvin Wickman, Comm. PCT 1

Durwood Koonsman, Comm. PCT 2

Larry Philip, Comm. PCT 3

Ronny Liardon, Comm. PCT 4

Attest:
Tab Ferguson, Bosque County Clerk

APPENDIX A

ROAD CONSTRUCTION STANDARDS OF BOSQUE COUNTY

A. General Requirements

General requirements pertaining to subdivisions within Bosque County, Texas shall be as follows and shall, when appropriate. be reflected on the plat sought to be approved:

1. Unless otherwise approved by the Commissioners Court, provision must be made for the extension of existing dead-end streets within recorded adjacent subdivisions, if any. Proposed streets must conform to existing topography as nearly as possible in order to reduce drainage problems. Further, streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.

2. The minimum width of a street right-of-way within the subdivision shall be fifty (50) feet and the minimum width of a roadbed shall be twenty six (26) feet with a four (4) Inch crown.(See TYPICAL SECTION Fig. I.)

3. The minimum gradient shall be four-tenths (0.4) percent and maximum gradient shall be twelve (12) percent. In addition to the requirement of a fifty (50) foot width for right-of-ways, and land adjacent to the right-of-ways must have a minimum of a three-to-one (3:1) slope (cuts and fills).

4. The road right of-way shall.be cleared of trees and roots and the road bed graded up to an approved level and said road must have U-TYPE bar ditches. (Curb and Gutter-Type streets may be required in certain instances and may be substituted at any time, if desired.)

5. Drainage Pipe: The developer will be required to install corrugated metal pipe culverts according to the drainage plan submitted and approved by the commissioners Court. Grading at all culverts will be on a 3-1slope (See Fig. 3 Typical Section).

6. The road sub-grade must be graded to the finished sub- grade level. The sub-grade shall be inspected and where the plasticity index (P.1.) of the raw sub-grade is 20 or less, the top 6 inches of sub-grade shall be scarified, mixed and re-compacted to a minimum of 95% of the maximum density as determined by TxDOT test method Tex -113 B at

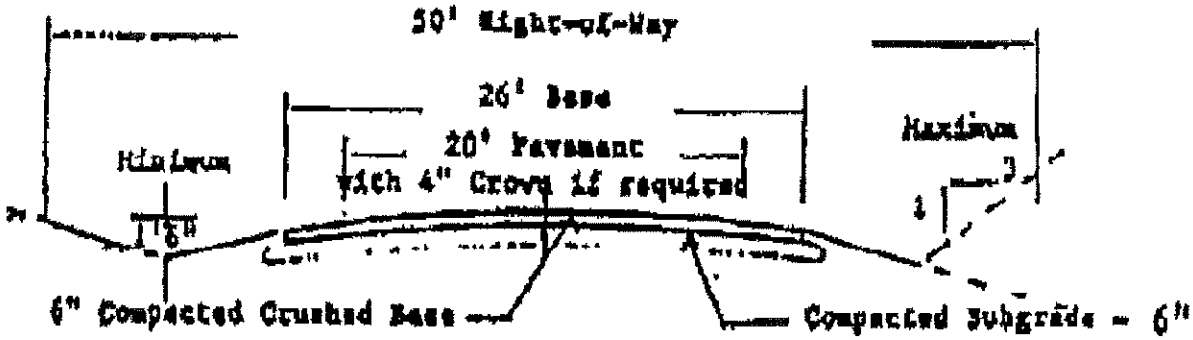
a moisture content between 2% below and 4% above the optimum moisture content. Where the P.1.of the raw sub-grade is greater than 20, the top 6 inches of the sub-grade shall be stabilized with Hydrated Lime Slurry at a rate of 27 lbs. of Hydrated lime per square yard and compacted to 95% of maximum density as determined by TxOOT Test method Tex 121, Part II. Lime slurry shall be type B as defined in TxDOT Item 264, "Lime and Lime slurry,.and placement shall conform to TxDOT Item 260, "Lime Treatment for Materials Used as sub-grade" (Road Mixed)

7. All embankment constructed under streets and roadways shall be constructed in layers not exceeding 8" in compacted thickness and shall be compacted to 95% of maximum density.as determined by TxDOT Test Method Tex -113-E at a moisture content between 2% below and 4% above optimum moisture.

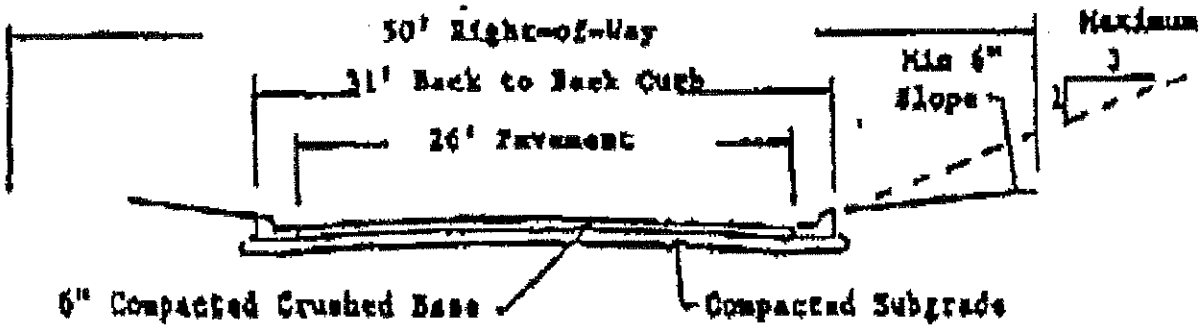
8. Flexible Base: After sub-graded has been completed and approved, the road bed shall be covered to a minimum width of twenty-six (26) feet and with a minimum compacted depth of 6" with crushed stone (TxDOT, Item 247, Grade A, number 2). The crushed stone shall be mixed, watered and compacted to a minimum 95% of maximum density as determined by TxDOT Test method Tex-113-E at a moisture content between 2% below and 4% above the optimum moisture content.

B. Roadway Sections

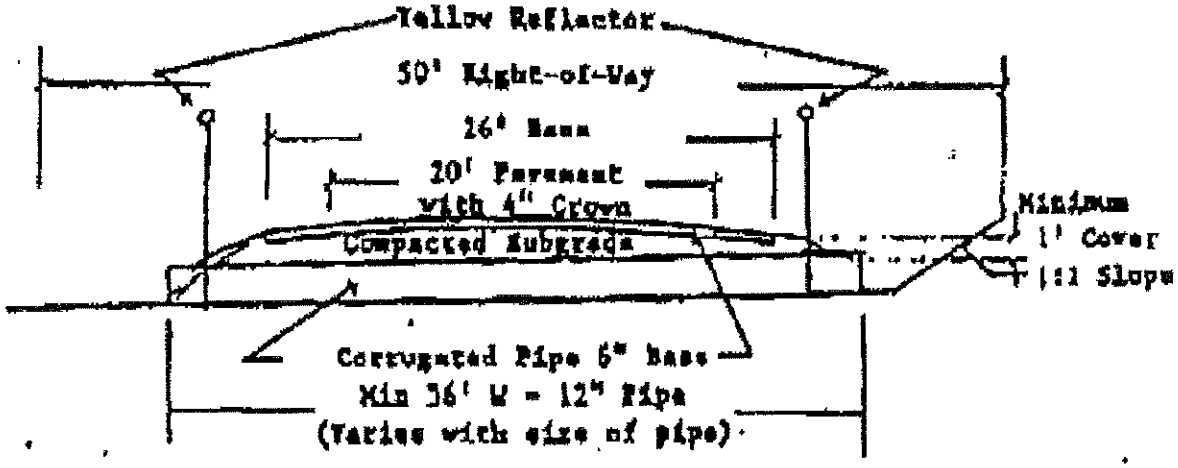
TYPICAL SECTION – COUNTY ROAD
FIGURE I



TYPICAL SECTION – COUNTY ROAD
FIGURE II



TYPICAL SECTION – COUNTY ROAD
FIGURE III



APPENDIX B

PROSPECTIVE BUYERS LETTER

BOSQUE COUNTY TEXAS
COMMISSIONERS COURT

Greetings,

Thank you for your interest in purchasing property in Bosque county. We think you'll find our style of living to be comfortable and affordable.

Life in rural parts of the state present unique challenges not found by our urban neighbors. this letter is meant to highlight some of these issues so you have a better understanding of the basic needs. The following is a list of questions you need to consider before purchasing property.

1. Is this subdivision on a school bus route?
2. What will be the source of water? If a well must be dug, how much additional cost will be added?
3. What will I do with my Garbage?
4. What are the sewage plans? If you must install a septic system how much will it cost?
5. What will be the source of electrical power and when will it be available? also, how much will it cost?
6. Who is responsible for putting in my driveway and drainage pipes, if necessary between the road and property?
7. Is there any danger of this property flooding?
8. Is this property on a rural mail route?
9. What is to be done about fences?
10. Has the floodplain areas been marked on your prospective purchase plat?
11. Has the Bosque County Commissioners Court approved this subdivision?

Bosque County Commissioners are delighted you have chosen Bosque County to be your home and want to make the transition as pleasant as possible.

Don Pool
County Judge