

**Jack County**  
Subdivision Regulations

Effective as of

August 17, 2020

Approved and Accepted by  
Jack County Commissioners Court

On

August 17, 2020

**FILED FOR RECORD**

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AUG 17 2020

VANESSA JAMES, County Clerk  
JACK COUNTY, TEXAS

BY \_\_\_\_\_ DEPUTY

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## INTRODUCTION

The purposes of these Subdivision Regulations are to provide for the safety, health and well-being of the general public by requiring that adequate streets, storm drainage, water and sewage facilities be installed in all residential subdivisions and to provide guidelines for the construction and installation of such streets and facilities in a manner that will allow for the efficient maintenance and upkeep without imposing an extraordinary burden on the taxpayers of Jack County, Texas.

In specific cases where a literal interpretation of any section would create an undue economic hardship on the builder or developer, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements might be ignored. Enforcement authority and penalties for violations are outlined and the Commissioners Court will pursue its legal rights to gain compliance.

In any case where questions arise as to the interpretation of the language in any section (s) of these regulations, then such question (s) will be directed to the County Commissioner having jurisdiction, for resolution. If a resolution is not fourth coming the Applicant can appear before the Jack County Commissioners Court for a final resolution.

Applications for any subdivision approval shall be processed on a case-by-case basis and a given application may name only on (1) Subdivision as the subject for approval. The Commissioners Court may amend this Subdivision Rules Regulations Order to make non-substantive changes from time to time following notice and the vote of a simple majority of the Commissioners Court, and may adopt new, substantive requirements pursuant to this Order following public notice, hearing and compliance with requirement of law.

**Chapter 1**  
**GENERAL AND ADMINISTRATIVE PROVISIONS**

REGULATING THE FILING FOR RECORD OF SUBDIVISION PLATS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL SUBDIVISIONS SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED CITY IN JACK COUNTY, TEXAS.

**THE STATE OF TEXAS, COUNTY OF JACK, IN COMMISSIONERS COURT OF JACK COUNTY, TEXAS, AUGUST 17, 2020,**

**WHEREAS:** Jack County wishes to establish standards and specifications for the development of subdivisions of land, as defined by Chapter 232 of the Texas Local Government Code, including the provision of utilities, the construction of roads and drainage, and the provision of fresh water and waste-water, including private on-site sewage facilities and development within the floodplain, and

**WHEREAS:** These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code annotated, Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval, specifically including Subchapter E, (related to Infrastructure Planning); Texas Local Government Code Ann., Chapter 233, related to regulation of Housing and Structures); Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities); Texas Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health); Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control); Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way); Tex. Water Code Ann. Chapter 16, et seq. (authority to set standards for the provision of water/sewer/waste-water and construction within floodplain and to guide development of future development to minimize damage caused by floods); Tex. Water Code Chapter 26 (Water Quality Control) and Tex. Water Code Ann. Chapter 54 (municipal utility districts); These statutes, listed here as illustrative and not exclusive grants of authority to Texas counties, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment; and

**WHEREAS:** The County Commissioners Court is empowered with the authority to formulate such rules and regulations by the foregoing authority, and the Commissioners Court has favorably received and voted on these rules in the belief that these regulations be adopted in order to preserve and protect the resources, public health and private property interests of Jack County following public notice, investigation and public hearing, and does hereby declare and hereby adopts these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF JACK COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS BE ADOPTED, AS FOLLOWS:**

**1.1 Authority**

(a) Notwithstanding any provision to the contrary, these rules apply to any subdivision of land which 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) A division of a tract under Subsection (a) includes a 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.

**1.2 Plat Required**

- a. The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots or tracts must have a plat of the subdivision prepared, unless the proposed division is exempt by state law, or by an act of the Commissioners Court in response to a request for a discretionary exemption.
- b. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- c. No subdivided land shall be sold or conveyed until the subdivider:
  - i. has received approval of a final plat of the tract; and
  - ii. has filed and recorded a legally approved plat with the Jack County Clerk's Office.
  - iii. A utility may not provide utility services, including water, sewer, gas, and electric services, to a subdivision unless the subdivider provides the utility with a copy of the Certificate of County Approval of Plat of the Commissioners Court to demonstrate compliance with this section of the Subdivision Regulation
  - iv. Each subdivider must affirmatively acknowledge, in writing, the requirement of this section as a part of the application process.

- d. A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.
- e. if the property is located within the extraterritorial jurisdiction of a municipality, the developer shall be responsible for complying with the applicable regulations of the controlling entity, and/or the provisions of any applicable inter-local agreements between Jack County and any affected municipality. Generally, in cases where the County and municipality have regulations that differ, the more restrictive regulations will take precedent and be enforced.
- f. To be recorded, the plat must:
  - (1) describe the subdivision by metes and bounds;
  - (2) locate the subdivision with respect to an original corner of the original survey of which it is a part; and
  - (3) state the dimensions of the subdivision and of 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.
- g. The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.
- g. The plat must be filed and recorded with the county clerk of Jack County.
- h. The plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code. See Appendix D
- i. The plat application submitted for approval shall include a digital map that is compatible with mapping systems that geo-references the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Natural Resources Code. A digital map required under this subsection may be required only in a format widely used by common geographic information system software. An exemption from this requirement for a digital map is provided if the owner of the tract 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. A digital map that is compatible with the software being used by the Jack County Appraisal District at the time of application will be suitable for compliance with this requirement.



### 1.3 Exceptions to Platting Requirements

Pursuant to Section 232.0015, Texas Local Government Code, the following divisions of land are exceptions provided by state law from these subdivision regulations:

(a) Jack 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:

(1) the owner does not lay out a part of the tract as 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, *and*

(2) 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.

(3) If a tract described by Subsection (b. (2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter shall apply.

(b) Jack 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 as 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, *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 apply.

(c) Jack 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:

(1) all of the lots of the subdivision are more than 10 acres in area; and

(2) the owner does not lay out a part of the tract as 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.

(d) Jack 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 as 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 to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.

(e) 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 as 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.

(f) Jack 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:

- (1) the owner of the land is a political subdivision of the state;
- (2) the land is situated in a floodplain; *and*
- (3) the lots are sold to adjoining landowners.

(g) Jack 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:

- (1) the owner does not lay out a part of the tract as 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.
- (2) 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.

(h) Jack 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:

- (1) the owner does not lay out a part of the tract as 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; *and*
- (2) 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.

### **1.3.1 Discretionary Exceptions:**

To determine whether specific divisions of land are required to be platted, Jack County may define and classify the divisions. Jack County need not require platting for every division of land otherwise within the scope of this subchapter. For example only, a proposed division of land that contains not more than four (4) lots or tracts, with each lot or tract having direct frontage or side-access to a publicly maintained road or highway, and the owner does not propose to lay out, as a portion of the subdivision, internal 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, might be considered for an exception upon application and the submission of sufficient documentation to warrant granting an exception to these regulations. Any excepted division of land granted under this section that is intended for residential purposes shall nonetheless comply with minimum standards regarding water and sewer standards imposed by this subdivision regulation.

### **1.4 Supersession**

These rules supersede any conflicting regulations of Jack County.

### **1.5 Severability**

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such 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 regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

### **1.6 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Commission**--the Texas Commission on Environmental Quality and any of its predecessor or successor entities.
- (2) **Commissioners Court**--The Commissioners Court of Jack County, Texas
- (3) **County**--Jack County, Texas.
- (4) **Drinking water**--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.

- (5) **Engineer**--A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (6) **Lot**--An undivided tract or parcel of land.
- (7) **Non-public water system**--Any water system supplying water for domestic purposes which is not a public water system.
- (8) **OSSF**--On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.
- (9) **Plat**--A 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 these regulations.
- (10) **Platted**--Recorded with the county in an official plat record.
- (11) **Public water system**--A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.
- (12) **Purchaser**--Shall include purchasers under executory contracts for conveyance of real property.
- (13) **Retail public utility**--Any entity meeting the definition of a retail public utility as defined in Water Code §13.002.
- (14) **Sewerage facilities**--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 rules.
- (15) **Subdivider**--Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

- (16) **Subdivision**--Any tract of land divided into two or more parts that results in the creation of two or more lots as defined by this regulation. A subdivision includes re-subdivision (replat) of land which was previously divided.
- (17) **TAC**--Texas Administrative Code, as compiled by the Texas Secretary of State.
- (18) **Water facilities**--Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

## **Chapter 2 Minimum Standards**

### **2.1 Scope of Standards**

The establishment of a residential development with two or more lots where the water supply and sewer services do not meet the minimum standards of this division is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the plat and all deeds and contracts for deeds.

- a. An industrial subdivision may not require water/wastewater systems *only if* there are no office or other work spaces that will be occupied by human beings during business hours.
- b. Each application shall contain a statement of the estimated costs to make each category of improvements required by this subdivision regulation, itemized by category of improvement, i.e. Water/Wastewater, Drainage, Streets/Roads, or other required improvement.
- c. A utility may not provide utility services, including water, sewer, gas, and electric services, to any structure located within a subdivision unless the owner provides the utility with a copy of the Certificate of County Approval of Plat to demonstrate compliance with this section of the Subdivision Regulation.

#### **2.1.1 Water Facilities Development**

- (a) Public water systems.

(1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision. The agreement must reflect that the subdivider has paid the cost membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§290.38-290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for new public water supply systems and certifies the long term quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision as required by 30 TAC 230.10. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public water systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision for a term of not less than 30 years. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.104, 290.106, 290.108 and 290.109, either:

- (1) without any treatment to the water; or
  - (2) with treatment by an identified and commercially available water treatment system.
- (c) Transportation of potable water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

### **2.1.2 Wastewater Disposal**

The plat shall describe any means for sewage disposal, i.e., municipal sewer service, privately owned sewage disposal system, individual septic tank, etc. Where OSSF is the designated sewage system, the plat shall bear a notation that the design and installation of the OSSF septic system shall comply with regulations of the Texas Commission on Environmental Quality. Final authority as to design and installation of the system for sewage disposal shall be conducted by individuals holding proper credentials, and shall be approved by the Jack County Onsite Sewage Inspector, or designated representative. The plat shall designate any areas not suitable for ordinary OSSF systems. Such areas shall require special systems approved by the Jack County or TCEQ Designated Representative. The stipulation for sewage disposal shall be inserted into each deed to said purchasers

(a) Organized sewerage facilities.

- (1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.
- (2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering description of the means and methods for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(b) On-site sewerage facilities.

- (1) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
- (2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
- (3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§285.4, 285.5 and 285.30-285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

### **2.1.3 Greywater Systems for Reuse of Treated Wastewater**

- (a) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.
- (b) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

### **2.1.4 Drainage structures**

The location, dimension, description and flow line of existing drainage structures and drainage structures proposed to be installed within the subdivision shall be shown on the plat or an attached exhibit to the plat, prepared by a licensed Engineer, to be submitted with the plat. Blocking the flow of water or construction of improvements in a drainage easement and/or filling of a floodway is prohibited.

The drainage information shall show existing topography of the proposed subdivision by use of contour lines and proposed changes to topography. Any existing 100-year floodplain shall be shown on plat, if no part of the subdivision lies within a 100-year floodplain, then it shall be noted on the plat.

Any lot shown within a 100-year floodplain shall show a minimum finished floor elevation, two (2) feet above the Base Flood Elevation (BFE). The plat shall contain a north arrow, scale, location map and date plat was prepared.

### **2.1.5 Sludge Disposal**

The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

## **2.2 Setbacks/Public Utilities/Fire-Fighting**

The Commissioners Court of Jack County hereby finds that the general welfare will be promoted by the following set-back lines from all public roads, pursuant to §233.032 of the Texas Local Government Code.

The Commissioners Court hereby prohibit the location of a new building within the following building or set-back lines.

- (1) A building under this subchapter may not be constructed any closer than 25 feet from the edge of the right-of-way on all public roads other than major highways and roads; or
- (2) no closer than 50 feet from the edge of the right-of-way of major highways and roads.

The commissioners court may designate the public roads that are major highways and roads at the time of the initial application for subdivision of land.

The plat shall provide for utility service within the proposed subdivision, with utility easements of no less than ten (10) feet shall be provided along each property line of all lots. Surface utilities are to be placed within five (5) feet of the property line. Subsurface utilities are to be placed with ten (10) feet of the property line. Easements are to be described in the deed, and must show the same on the plat, i.e.; the proposed water supply shall be clearly indicated, i.e.; municipal water, rural water supply corporation, privately owned water system, individual well, etc., including location of fire plugs, fire department filler plugs or hydrants. Filler plugs or hydrants shall have proper hose connections every 750 feet, or in compliance to fit the equipment of the fire department



servicing the jurisdiction. Water supply must be approved before lots are sold. The Plat application shall have a certificate of compliance from fire department serving the subdivision attached to satisfy this regulation. See Appendix B.

### **2.3 Number of Dwellings Per Lot**

A proposed subdivision that will rely upon OSSF systems and water wells must comply with TCEQ regulations and state law regarding the density of housing units sustainable pursuant to health and safety standards of the TCEQ and state law. The applicant must provide in the application a statement that the proposed development complies with TCEQ density requirements or limitations.

## **2.4 INFRASTRUCTURE REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS**

### **2.4.1 DEFINITIONS:**

**OPERATOR.** Includes the person in charge of operating any recreational vehicle park, either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.

**OWNER.** Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.

**PERSON.** Any natural individual, firm, trust, partnership, association, or corporation.

**RECREATIONAL VEHICLE.** Includes any of the following:

- (1) **CAMPING TRAILER.** A folding structure mounted on wheels and designed for travel, recreation, and vacation use.
- (2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (3) **PICKUP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (4) **TRAVEL TRAILER.** A vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

**RECREATIONAL VEHICLE PARK.** Any lot or tract of land designed to accommodate two or more recreational vehicles, as defined, and which exist as a privately owned and operated enterprise with or without charges for the parking of

recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. Hunting camps that are temporary are excluded.

**RECREATIONAL VEHICLE SPACE.** A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.

#### **2.4.2 RECREATIONAL VEHICLE PARK:**

- (1) The owner of land located in Jack County outside the limits of a municipality who intends to use the land for a Recreational Vehicle Park must have Plat prepared that complies with the minimum infrastructure standards that are set out below in Section 3.
- (2) Prior to beginning any construction, the owner must submit the plan to the Jack County Engineer or designated County representative for approval. Construction may not begin before the plan is approved.
- (3) Not later than the 60th day after the date the plan is submitted, the County Engineer or designated County representative shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection shall specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.
- (4) The County Engineer or designated County representative, as well as any other person designated by either the County Engineer or designated County representative or the Commissioners' Court, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- (5) On completion of construction, the owner shall confirm in writing to the County Engineer or designated County representative that the infrastructure is complete, and a final inspection must be completed not later than the second business day after the notice is received by the County's inspector. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner should request another inspection.
- (6) When the inspector determines that the infrastructure complies with the plan, the Commissioners' Court shall issue a Certificate of Compliance not later than the fifth business day after the final inspection is completed.
- (7) A utility may not provide utility services, including water, sewer, gas, and electric services, to a recreational vehicle park or to a recreational vehicle in the community unless the owner provides the utility with a copy of the County Approval of Plat to demonstrate compliance with this section of the Subdivision Regulation.

### 2.4.3 INFRASTRUCTURE REQUIREMENTS:

The Plat for a Recreational Vehicle Park must include each of the following:

- (1) A survey identifying the proposed community's boundaries and any significant feature of the community, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.
- (2) Reasonable specified description of means and methods to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Jack County Floodplain regulations.
- (3) Reasonable specified description of means and methods to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- (4) Certification that adequate groundwater is available for the development. If ground-water is the source of water supply for the development, the developer is required to obtain certification, by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.
- (5) Certification of adequate sewerage:
  - a. Reasonably specified description of means and methods to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or
  - b. Reasonably specified description of means and methods for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code if estimated sewage flow does not exceed 5,000 gallons per day (gpd). These description of means and methods must meet minimum standards established under Chapter 285.4 of the OSSF rules and Jack

County local order. Approval by the Jack County On Site OSSF Inspector's certificate must be attached to the plat. See Appendix H.

- c. Reasonably specified description of means and methods for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if estimated flow exceeds 5,000 gpd. approval by Texas Commission on Environmental Quality must be attached to the plan.
- d. Reasonably specified description of means and methods for streets or roads in the Recreational Vehicle Park to provide ingress and egress for fire and emergency vehicles.
  - i. Therefore, the Commissioners' Court finds that it is reasonably necessary that streets in these communities should be built to the same standards (but to no more stringent standard) than the requirements adopted by the Court for subdivisions.
  - ii. The road design and construction standards contained in the Jack County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable.
  - iii. Building Set Backs shall be as specified in the Jack County Subdivision Regulations (Sect. 301.1).
  - iv. Drainage design for the development shall comply with the Jack County Subdivision Regulations (Sect. 307).
  - v. Commissioners' Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by Jack County Public Health District.

## **2.5 RECREATIONAL VEHICLE PARK REGULATIONS:**

- (A) The regulations described herein govern the development, operation, and maintenance of recreational vehicle parks, as previously defined.
  - (1) Park development requirements. Recreational vehicle parks shall be developed to conform to those requirements as herein delineated.
  - (2) Recreational vehicle parks shall be designed so as not to exceed a maximum of 20 units per acre.
  - (3) Parking facilities shall be provided at the park office as will accommodate five recreational vehicles.

- (4) Each recreational vehicle space shall afford parking and maneuvering space sufficient so that the parking, loading, and the like, of recreational vehicles shall not necessitate the use of any public right-of-way or privately-owned property which may abut the park.
- (5) Each recreational vehicle space provided with electrical service shall be so served through an underground distribution system. The park office and service buildings may receive electrical service as provided through overhead facilities.
- (6) Each park shall provide recreational vehicle parking spaces and each such space shall be clearly defined. Twenty percent (20%) of the parking spaces shall be not less than eighteen (18) feet by fifty (50) feet. There must be at least a ten-foot clearance of space between adjacent rows of parking spaces.
  - (a) Be improved with compacted crushed road base material and asphalt or concrete adequate to support the weight of the recreational vehicle.
  - (b) Not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- (7) The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (8) Hard surface private streets adequate to provide access to each recreational vehicle space shall be constructed and maintained in good condition by the licensee and the width of which shall be not less than twenty-four (24) feet.
- (9) The park shall comply with state and federal standards for accessible for the mobility impaired. The applicant shall show proof of compliance.

(B) Service buildings: Each proposed recreational vehicle park shall have a plan for addressing the following minimal standards. The owner will attach to the application a statement of compliance with these requirements.

Laundry and sanitation facilities. Each recreation vehicle park shall provide one or more service buildings for the use of park patrons.

- (1) The service buildings shall provide for:
  - (a) One flush toilet for women;
  - (b) One flush toilet for men;
  - (c) One lavatory for each sex;
  - (d) One shower and dressing accommodation for each sex, provided in an individual compartment or stall;

- (e) One washing machine; and
  - (f) One slop sink, not less than 14 by 14 inches square and 14 inches deep.
- (2) The aforementioned amenities shall accommodate not more than 50 recreational vehicle spaces. For each additional 30 recreational vehicle spaces or fraction thereof one flush toilet, one shower with individual dressing accommodations, and one lavatory shall be provided for each sex, with laundry and slop sink facilities as described in divisions (B) (f) (e) and (B) (f) (f) to be provided for each additional 50 recreational vehicle spaces.
- (3) All unisex bathrooms shall comply with the Americans with Disabilities Act. (ADA).

(C) Service building requirements. Service buildings providing the aforementioned facilities shall satisfy requirements as include:

- a. Service buildings housing sanitation or laundry facilities shall be permanent structure which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems;
- b. Service buildings shall afford appropriate illumination, shall be well ventilated with screened openings, shall be constructed of moisture-proof materials, to include painted woodwork, as shall permit frequent clearing and washing, and shall be maintained at a temperature of 68° F during the period October 1 through May 1. Floors shall be constructed of concrete or other equally impervious material, easily cleanable, and provided with floor drains which are connected to the sanitary sewer; If connected to On Site Sewage Facilities chemical cleaners should be used on a limited basis.
- c. The toilet and other sanitation facilities for males and females either shall be in separate buildings or shall be separated, if in the same building, by a soundproof wall;
- d. All service buildings and park grounds shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance; and
- e. Service buildings housing sanitation facilities shall be located not closer than 15 feet nor farther than 300 feet from any recreational vehicle space within the park.

#### (D) Garbage Receptacles

- (1) Each recreational vehicle park shall provide a minimum of two (2) fly tight, water-tight, rodent proof dumpsters for the first one-hundred (100) sites with one (1) additional dumpster for each one-hundred (100) sites or fraction thereof.
- (2) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to cleaning around them.
- (3) The storage, collection and disposal of refuse in the recreational vehicle park shall be so conducted as to create no health hazards.
- (4) The dumpster shall be screened from public view.

(E) Fuel

- (1) Bottled gas for cooking purposes shall not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable metallic tubing.
- (2) Bottled gas cylinder shall be securely fastened in place.
- (3) No cylinders containing bottled gas shall be located in a recreational vehicle or within five (5) feet of a door thereof.
- (4) State and local regulations applicable to the handling of bottled gas and fuel oil shall apply.

(F) Fire Protection

- (1) Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy the fire code and other applicable regulations of the County.
- (2) No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill.
- (3) All sites and any part of a recreational vehicle shall not exceed one hundred fifty (150) feet from the hard surface streets.

(G) Dry Vegetation

The park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

**2.6 OTHER REGULATIONS:**

Persons developing Recreational Vehicle Parks should be aware that this order is not the exclusive law or regulation controlling development in Jack County. The following is only a partial list of regulations that may apply.

- (a) Recreational Vehicle Parks are subject to Jack County Subdivision Regulations. All subdivision within the Extra Territorial Jurisdiction (E.T.J.) of an incorporated city may also be subject to city subdivision regulations, or as per any mutually (County-City) agreed upon regulations as approved and accepted under an interlocal cooperation agreement.
- (b) All Recreational Vehicle Parks are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343 of the Texas Health and Safety Code. The developer must address solid waste disposal, rodent/insect harboring, fly breeding and improper water disposal in accordance with these Chapters.
- (c) Other agencies with regulatory authority that may apply to a Recreational Vehicle Park include, but are not limited to, several Emergency Services Districts, the Texas Commission on Environmental Quality, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corp. Of Engineers.

Issuance of a Certificate of Compliance by any affected jurisdiction under this order does not indicate compliance with Jack County requirements.

## **2.7 Streets and Roads Standards**

### **2.7.1 Requirements**

A licensed engineer will certify on the plat that all requirements of this section have been satisfied, or identify items of non-compliance and justification for variance from such requirement. Notwithstanding the provisions of any other section in this Article II, a sixty-foot right-of-way is hereby required for all paved streets or roads in subdivisions where the following requirements are met:

- a. Where a County road abuts the subdivision, the owner shall set back the subdivision line twenty-five (25') feet from the edge of any public road, or fifty (50') feet from the edge of a major road as designated by the Commissioners Court.
- b. All Streets, Roads and Alleys within each subdivision shall be paved in conformity with the construction standards set out in this regulation. See Appendix O-P.
- c. No utility lines are placed under the street pavement except at 90-degree angles and before sub-grade is a place, and cased at a depth of no less than thirty-six (36") inches below drainage ditches. Any other crossing shall be bored and cased beneath road. The actual street cut for alley streets in such subdivisions must not be less than twenty (20) nor more than thirty-five (35) feet in width.



- d. All permanent dead end streets or roads shall have a turn-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with radius of sixty feet (60') of pavement with a minimum of six inches (6") of compacted rock or Texas road oil at 6% by weight of sand.
- e. See Appendix P for a summary of road requirements.

### **2.7.2 Road of Street Intersections**

Streets or roads shall be designed and constructed so as to intersect with each other at ninety (90) degree angles. Where compliance with this regulation is impossible, due to terrain, the sub-divider may file a written petition with the Commissioners' Court for a variance contemporaneously with the original submission of the plat to the Court. Said petition shall state concisely why the condition of the terrain makes it impossible to comply with this regulation.

The Court shall rule on said petition in its order granting or denying preliminary authorization of the plat. In event that a variance is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of twenty-five (25) feet away from the point where the streets would have otherwise intersected. The Court shall specify the exact size of the cut-back, up to a maximum of fifty (50) feet, in its order granting or denying preliminary authorization of plat. No street or road shall be constructed with an abrupt offset or "job" in it.

### **2.7.3 Adjoining Subdivision**

Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivision shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future. No streets, roads or alleys shall be constructed across dam or embankment used for purpose of holding water.

### **2.7.4 Acceptance of Plat is not Acceptance of Roads/Streets**

Approval of a plat for filing and development shall not suggest that Jack accepts any roads or streets within the sub-division for county maintenance. The decision to accept one or more streets within a subdivision shall be made only upon separate application, review and separate Order entered of record by the Commissioners Court, but in no case any earlier than after two (2) years have elapsed from the date on which the Commissioners' Court certified completion of construction of the streets and roads of a Subdivision.

Upon such an application for county road maintenance, the Commissioners' Court may consider acceptance of one or more of the streets and roads of the subdivision upon a determination that the roads to be taken into the County road maintenance program serve a public purpose greater than the private benefit realized by persons living within the

subdivision. Typically, such subdivision roads to be deemed suitable for public maintenance will be limited to primary arterial or connecting streets that provide efficient access/egress to other existing roadways. Should the Commissioners Court determine that the application to assume maintenance is sufficient, the Court may designate said streets and roads as County Roads to be kept and maintained as part of the County Road System by separate Order entered of record in the minutes of the Commissioners Court, and reflected on any maps depicting county maintained roads.

Approval of a plat by the Commissioner's Court shall not be deemed an acceptance of any proposed dedications, if any, shown upon the plat, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications. The Commissioners Court will determine which dedications will be accepted for county maintenance based on interconnectivity with existing county or state-maintained roads. The enforcement of any plat or deed restrictions is the responsibility of the Subdivider and property owners in the subdivision. The plat must contain a certification that the applicant understands that approval of the plat does not mean that Jack will be responsible for maintenance of subdivision streets. See Appendix I and J.

The plat shall bear the following notation in bold, 14-point type:

**Approval of a plat by the Commissioners Court shall not be deemed to suggest that Jack County will eventually accept subdivision streets for public maintenance.**

#### **Road/Street Construction Standards**

##### **2.7.5 Paving and Material**

All streets and roads shall be constructed with a stabilized sub-grade. The sub-grade material under all streets and roads shall meet or exceed the following minimum requirements.

- a. Plasticity index value shall be a minimum of 6 and a maximum of 45.
- b. Sub-grade shall be bladed to a depth of twelve inches (12")
- c. Sub-grade shall be compacted with a weighted roller
- d. Sub-grade shall be watered, bladed and rolled before any flexible base material is placed upon it, and
- e. Sub-grade shall be at least twenty-four feet (24') wide.

Paved streets must have a traveled road-bed width of not less than twenty feet (20') and be paved with (1) hot mix asphaltic or, (2) a rock base with a sealcoat surface treatment of, (3) 6" oil sand or, (4) a combination of these. One prime coat and one course penetration asphalt surface treatment or tack coat and hot mix must be

applied if favorable weather conditions exist. The paving material on paved streets must have a thickness of not less than two (2) inches of hot mix asphaltic compacted or one (1) course of sealcoat surface treatment. The sealcoat material or hot mix material shall be approved by the Commissioner of the Precinct where the subdivision is located.

### **2.7.6 Penetration Asphalt Surface Treatment**

- d. A prime coat of asphalt shall be applied to the base and allowed to set for an adequate period of time (one to two days ordinarily). One course penetration asphalt surface treatment shall then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. Aggregates to be applied in quantities necessary to thoroughly and properly cover asphalt.
- e. Rolling- After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt property to the satisfaction of the Commissioner of said Precinct. One course to be applied at completion of road.

### **2.7.7 Flex Base**

All streets and roads must have a flexible base. The flexible base material for all streets and roads in every subdivision shall be: #1 crushed limestone rock, iron ore gravel, or Texas road oil at 6% by weight of the sand of not less than six (6) inches. The flexible base shall have a minimum thickness of (6 to 12) inches after compaction of the authorized base material with approval of County Commissioner of said Precinct, and be twenty-four (24) feet wide. The flexible rock or iron ore gravel base shall be covered with a primer twenty-four (24) feet wide one-third (1/3) gallon per square yard. All material used must be inspected and approved by the Commissioner of the Precinct wherein the subdivision lies. The center line of each street in every subdivision shall have elevation of at least three (3) inches above the elevation of the edged of said street.

### **2.7.8 Concrete Pavement**

The roads or streets shall consist of concrete being at least six inches (6") thick with one-half inch (1/2") diameter rebar on twenty-four-inch (24") centers. The base shall be twenty-four feet (24') wide and may be constructed in the following manner. A maximum four inch (4") flexible base compacted to 95% of Standard Proctor Density or, a minimum of a three inch (3") thick sand cushion (if appropriate for that area of the County or, an optimum design based upon site-specific soil conditions found within the proposed subdivision.

### **2.7.9 Seep Areas**

- a. Seep areas are to be marked by visual inspection by the contractor and the Precinct Commissioner.

- b. Seep areas shall be drained to a depth of a least eighteen (18) inches to two (2) feet below sub-grade elevation by use of subsurface drainage.
- f. After Seep areas are drained, the subgrade is to be compacted as described hereinabove.

### **2.7.10 Street Naming**

All roads and streets with a subdivision must be named and marked by the Developer in compliance with 911 Requirements. The 911 coordinator must confirm in writing that all proposed streets names comply with 911 requirements. All road signs must be designed in conformity with the Texas Manual on Uniform Traffic Control Devices, and approved by the Commissioner of the Precinct wherein the subdivision lies.

### **2.7.11 Completion of Streets and Drainage Requirement**

The Commissioners' Court may specify that construction of all streets, roads and drainage structures must be started and completed within a reasonable time after the plat approval and description of means and methods of a subdivision have received final authorization from the County, said time period (not to exceed twenty-four (24) months) must be specified by the Court in its order granting or denying preliminary authorization of the plat.

## **2.8 Drainage Standards**

### **2.8.1 Contour lines on Plat**

Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible. Roads and Streets shall not be used as drainage courses. If the contour lines on the final plat indicate that the lot or lots may not drain, the Commissioners' Court shall not approve the plat until correction of said drainage has been completed. A subdivision shall not alter the flow of surface water to the detriment of any adjacent properties, and shall, to the extent necessary by prudent engineering design, provide for the diversion of surface water into natural drainage courses or holding ponds constructed on the property for the purpose of diffusing runoff.

### **2.8.2 Drainage ditches and Structures**

All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage ditches shall have a minimum depth of eighteen (18) inches below the level of the edge of the adjacent street or road. Permanent drainage structures including, but not limited to culverts, pipes, drainage boxes and bridges, shall be installed at all crossings or drainage courses, including drainage ditches with driveways, road and streets. At least one permanent drive approach with proper drainage, minimum 24-foot pipe, shall be constructed

and covered with the same materials as road base and surface to property line. The exact dimensions and type of said permanent drainage and structure, 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. Permanent obstacles, such as concrete or rock retards, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners' Court in its order granting or denying preliminary authorization to the subdivision plat. Open drainage channels and ditches shall be constructed with a proper cross-slope grade and alignment which will facilitate proper functioning without the destruction velocities of drainage waters. Any construction within the right-of-way of a county-maintained road must be conducted pursuant to a permit for construction within the county road right-of-way. See Appendix L-N.

### **2.8.3 Drainage easements**

All drainage easements for the land being authorized for development must be of adequate width, based upon engineering, or 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 lands whose natural drainage runs through the property being authorized for development. After platting, the Developer shall deliver to the Commissioners' Court of Jack County the necessary easement for each lot or acreage where there will be a drainage ditch or channel with right to ingress and egress. All drainage easements must be shown on plat. Drainage Easements provisions shall be made for drainage easements to allow for proper control of drainage, and for future maintenance within the easement area. Stipulations for drainage easements shall be inserted in each deed to said purchaser. The Commissioner of the Precinct wherein said subdivision lies is to meet with the contractor at least 30 days prior to submission of plat to Commissioners' Court in planning of culverts and drainage. Prior to building roads within subdivision, all Developers are required to meet with the Commissioner of the Precinct in which the subdivision is located for the purpose of determining the cost of construction of roads to conform with the above requirements.

### **2.8.4 Inspection fee**

In addition to the application fee, a cash fee of twenty-five dollars (\$25.00) per lot shall be paid by any subdivision developer within Jack County, Texas, in addition to other fees required herein to defer the cost of drainage inspections.

## **Chapter 3 Plat Approval**

### **3.1 Applications for Plat Approval**

(a) Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner. See Appendix A1.

(b) Standards. Every plat creating two or more lots shall comply with all rules of Jack County Subdivision Regulations, unless exempt by state law, or this regulation, in which case, the application shall identify the exemption relied upon and attach sufficient documentation to support such claimed exemption.

(c) Each plat required by this subdivision regulation shall identify and detail compliance with required drainage to address a 100-year flood, provide a statement of compliance with street construction standards, and state the dimensions of the subdivision and of 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.

(d) All taxes due to Jack County shall be current on all land included within the proposed subdivision. See Appendix K.

### **3.2 Final Engineering Report**

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. See Appendix G. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within a residential subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under §364.54 of the Texas Health and Safety Code, the schedule shall include the start dates and completion dates.

### **3.3 Potable Water Systems**

(A) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in §364.32(a)(1) of the Texas Health and Safety Code. Before final plat approval, description of means and methods and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

(B) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, description of means and methods

and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(C) Non-public water systems.

Where each lot in a proposed subdivision is to be served by a private water supply, the plat shall bear the following notation in bold, 14-point type:

**“Jack County makes no representation that adequate water suitable for human consumption will be available within this subdivision.”**

### 3.4 Organized sewerage facilities

(A) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in §364.33(a)(2) of this title. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and description of means and methods and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(B) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and description of means and methods and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(C) On-site sewerage facilities. Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §285.4(c), including the site evaluation described by 30 TAC §285.30 and all other information required by the county's OSSF order.

Where each lot in a proposed subdivision is to be served by a private OSSF sewerage facility, the plat shall bear the following notation in bold, 14-point type:

**“Jack County makes no representation that adequate sewerage facilities will be legally feasible within this subdivision.”**

### **3.5 Plat Approval Certification**

Upon plat approval, the Clerk shall record the Order of the Commissioners Court, and issue a certification of approval to the Applicant. See Appendix K

## **Chapter 4 Plat Requirements**

### **4.1 Property Plat survey**

A property survey plat shall be submitted with the plat application, which shall contain, at a minimum, the following information on the face of the plat or attached to the plat by referenced Exhibits or Addendum:

- a. Names and addresses of the current owner/subdivider/developers of the subdivision property, including Real Property Record volume and page references.
- b. Name and address of the proposed owner/subdivider/developer.
- c. Name of proposed subdivision, said name shall not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within Jack County, unless the proposed subdivision is contiguous to an existing subdivision and is an additional phase of that development.
- d. North directional indication arrow.
- e. Vicinity or Location map showing the proposed subdivision in relation to major roads, towns, cities, and topographic features.
- f. Real Property Record volume and page reference and names of all current owner/subdivider/developers of contiguous property surrounding the proposed subdivision.
- g. Land use of all contiguous tracts, *i.e., undeveloped, subdivided, etc.*
- h. Total acreage within the proposed subdivision.
- i. Total number of lots.
- j. Total area within road rights-of-way and length of roads.
- k. The location of all existing permanent, man-made structures within the proposed subdivision, including house, barns, shacks, other buildings, walls, wells, ponds and stock tanks. The plat shall be duly acknowledge existing public roads and contain a dedication of any new roads or street right-of-ways, alleys, easements, etc. to be constructed by the owner or proprietors of the land or by some duly authorized agent of said owners or proprietors in the manner required for such acknowledgment by law



to set aside such items, structures, roads, streets or easements to public use, or the use of purchasers of lots in the proposed subdivision. The survey shall identify all major topographic features on or adjacent to the property as well as elevation contours at no greater than five-foot (5') intervals if in a floodplain, and no greater than twenty-foot (20') intervals if not in a floodplain. Areas of Special Flood Hazard as shown by a current Flood Hazard Boundary Maps as authorized by FEMA. See Appendix C1 and C2.

- l. A comprehensive Flood Plain and Drainage assessment including a 100-year floodplain map and a complete assessment as required by the Texas Commission on Environmental Quality and all applicable state statutes.
- m. Typical lot dimensions.
- n. Street right-of-way widths.
- o. Names of roadways, said names shall not duplicate any other streets within Jack County unless they are extensions of said streets, and comply with requirements of 9-1-1 addressing regulations.
- p. Areas proposed for recreational use, *i.e., courses, parks, greenbelts, etc.*
- q. Transfer of rights-of-way or easements, including any alleys and/or utility easements.
- r. Proposed land use of all lots being subdivided.
- s. Plat notation in not less than 14-point type that streets within the subdivision may not be accepted into the county maintenance inventory and are the responsibility of the owner/subdivider/developer or Home Owners Association. Streets will only be considered for acceptance into the County maintenance system in conformity with these regulations (see Section 6.2). Such plat notation shall substantially comply with this suggested language:  
**Approval of a plat by the Commissioners Court shall not be deemed to suggest that Jack County will eventually accept subdivision streets for public maintenance. Street maintenance shall be the responsibility of the owner/subdivider/developer or a Home Owners Association.**
- t. Location of all wells, water, oil, and natural gas, where applicable, and a statement that all unused wells are capped or plugged.

#### **4.2 Registered Professional**

The plat shall be prepared from an actual survey made on the ground by or under the direct supervision of a Registered Professional Land Surveyor and his/her certificate to that effect must appear on said plat. Plat shall show Land Surveying Firm's name and licenses number, address and telephone number, along with the surveyor's certification. See Appendix F.

The plat shall be reviewed and sealed by a Professional Engineer, with the P.E.'s firm name, address and telephone number, and professional license number, along with the engineer's certification. See Appendix G.

#### **4.3 Plat scale and filing**

The plat shall be based on a scale of not more than one (1) inch equals two hundred (200) feet. The plat shall be drawn on paper measuring no less than eleven (11) inches by seventeen (17) inches and no longer than twenty-four (24) inches by thirty-six (36) inches. If two or more pages are needed, a key (may be drawn to larger scale) showing the entire area shall be drawn on the first page. Each page shall be numbered in a way as to note its location within the set.

Two full size copies of the plat shall be presented for filing, one shall be on mylar or vellum paper in black ink for filing within the Jack County Clerks' records, and the other shall be on bond paper in black ink for use by the Jack County Appraisal District's mapping department. There shall also be six (6) reduced size (not to scale) copies of the final plat submitted for exhibits to be used in Jack County Commissioner's Court. A digital map file will be provided to the Jack County Appraisal District.

#### **4.4 Additional Plat information**

The plat shall provide detailed information on the width of the existing streets, lots and alleys, adjacent property owner's name, adjacent owner's deed filing information and similar details regarding all property immediately adjacent to the platted property. The names of the proposed subdivision and any of the physical features shall not be so similar in spelling or pronunciation to the name of any existing subdivision in Jack County as to cause confusion. Lot and Block numbers are to be arranged in systematic order and shown on the plat in distinct and legible manner. All lot lines shall be defined by bearing and distance. All lots shall show lot acreage. All lots shall have a minimum building setback line of twenty-five (25') feet along any public road right-of-way or fifty (50') feet along any major road as designated by the Commissioners Court. All utility easements shall be shown within the appropriate set-back lines.

#### **4.5 Application Fees**

The Plat shall be accompanied by an application form, as attached hereto as Exhibit A. All fees related to the filing of a plat shall be paid to the County Clerk before submission of the Application Plat to the County Judge's office for review. Fees are located on the final page of this Subdivision regulation under Appendix S:

### **Chapter 5 Financial Guarantees for Improvement of Water/Sewer Facilities**

(a) Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not to be constructed by the subdivider adequate to serve lots intended for residential purposes at the time final plat approval is sought, then the commissioners court shall require the owner of the subdivided tract to

execute an agreement with the county in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below on how the subdivider proposes to make water and sewerage available.

(b) Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) The bond or financial guarantee shall be payable to the county judge of the county, in his official capacity, or the judge's successor in office.

(2) The bond or financial guarantee shall be in an amount determined by the commissioners court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

(3) The bond shall be executed with sureties as may be approved by the commissioner's court. The county shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

(A) registration with the Secretary of State and be authorized to do business in Texas;

(B) authorization to issue bonds in the amount required by the commissioner's court; and

(C) 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 company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration 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.

(4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Chapter 2 of this subdivision regulation, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(c) Letter of credit. A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

(1) Any letter of credit 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.

(A) Bank qualifications:

- (i) must be federally insured;
- (ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
- (iii) total assets must be at least \$25 million.

(B) Savings and loan association qualifications:

- (i) must be federally insured;
- (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and
- (iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

- (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
- (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(2) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank qualifications:

- (i) must be federally insured;
- (ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and
- (iii) total assets must be at least \$75 million.

(B) Savings and loan association qualifications:

- (i) must be federally insured;
- (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and
- (iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

- (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and
- (ii) the investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(3) The letter of credit shall list as sole beneficiary the county judge of the county, in his official capacity, or the judge's successor in office, and must be approved by the county judge of the county. The form of the letter of credit shall be modeled after the form attached in Appendix 2B.

(4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Division 2 of this subchapter and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.

(d) Financial guarantee. The county will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.

(e) Alternative to county accepting a financial guarantee. The county may approve a final plat under this section without receiving a financial guarantee in the name of the county if:

- (1) the property being subdivided lies wholly within the jurisdiction of the county;
- (2) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and
- (3) the municipality has executed an interlocal agreement with the county that imposes the obligation on the municipality to:
  - (A) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;

- (B) execute the construction agreement with the subdivider; and
- (C) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

**Chapter 6**  
**General Bonding Procedures**

**6.1 Bonding Requirements**

**6.1.1 Security/Construction Bond:**

1. All construction shall be complete with two (2) years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained in this Court Order, the owner/subdivider/developer shall file a Construction Bonds, executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Jack County, Texas, or his successor in office; and shall be conditioned that the owner of owners of any such tract of land to be subdivided will construct all streets and roads within said subdivision in accordance with these regulations; and said bond shall be presented for approval to the Commissioners' Court upon presentation of the subdivision plat and along with description of means and methods for final authorization and approval.
2. The bond amount shall be equal to one-hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structure and all other construction.
3. The construction bonds shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the County Engineer or designated County representative, and the construction bond has been released by a Court Order from the Commissioners Court.
4. In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the owner/subdivider/developer, fail to meet the requirements of the foregoing specifications, and the said attention in writing by the County Engineer or designated County representative, the unfinished improvements shall be completed at the cost and expense of obligees as provided.
5. The plat shall not be approved or recorded unless the Owner/subdivider/developer has filed with the Commissioners Court a cash bond or other surety executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge of Jack

County, Texas, or his successor in office, and acceptable to the County, in an amount equal to the cost of the roads and drainage improvements, or other improvements where applicable, including but not limited to water and wastewater facilities, required by these Regulations as estimated by the Design Engineer and approved by the County, conditioned that the Owner/subdivider/developer will complete such improvements within two (2) years after approval of such plat, such bond to be approved by the County Commissioners Court.

6. Should there be any deficiency or variance from the requirements herein or should the work not be completed within the stated time, the County will notify the Owner/subdivider/developer of such departure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the County may declare the bond or surety forfeited and order construction operations suspended. The County reserves the right to complete the work by means most advantageous to its organization and citizens, utilizing such portion of the bond or surety as may be necessary to accomplish such completion. In the event progress and final inspections indicate no departure from the requirements herein, the designated representative of the County will certify completion in accordance with the requirements of the Commissioners Court and the Court will consider release of the surety. The surety bond shall remain in effect until all roads, drainage improvements and other applicable improvements have been approved by the Commissioners Court, and the bond has been released by Order of the Commissioners Court.
7. When construction of all streets, roads and drainage infrastructure in said subdivision is completed in accordance with these regulations, the owners or owners shall give written notice of completion to the Commissioners' Court and request a hearing for the purposes of certifying same. Following receipt of the notice of completion and request for hearing the Commissioners' Court shall make an inspection of the subdivision and conduct a hearing and, thereafter, consider an order granting certification that the streets and roads in said subdivision have been constructed in accordance with these regulations. In the event that the Commissioners' Court then determines that the construction of streets in the subdivision was not completed in accordance with these regulations, the Commissioners' Court shall consider an order denying certification and causing the performance bond to be forfeited in favor of Jack County.
8. **It is the responsibility of the Owner/subdivider/developer to advise the County Commissioners Court of the status of construction prior to expiration of the two (2) year construction period as is stated above.**

#### **6.1.2 Maintenance Bond:**

- 1 To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the County Engineer or designated County representative, a

maintenance bonds executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Jack County, Texas, or his successor in office, shall be substituted for the construction bond at the time of release of said construction bond; and shall be conditioned that the owner of owners of any such tract of land to be subdivided will construct all streets and roads within said subdivision in accordance with these regulations; and shall be presented for approval to the Commissioners' Court upon presentation of a certificate of completion of all subdivision infrastructure and request for release of the performance bond to the Commissioners Court.

- 2 The maintenance bond amount shall be equal to one-hundred percent (100%) of the estimated cost of roads, streets, street signs, underground utilities, required drainage structures and all other construction.
- 3 The conditions of the maintenance bond shall be that the owner/subdivider/developer shall guarantee to maintain, to the satisfaction of Jack County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specification with construction security released by Court Order form Commissioners Court, in a good state of repair for a period of two (2) years from the date of official release of construction security.
- 4 Periodical inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction for which maintenance security is held, will be made by the County Engineer or designated County representative during the period of liability covered by the maintenance bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the owner/subdivider/developer will be so advised in writing and, if after a reasonable time, he fails or refuses to repair said items, they shall be maintained at the cost and expense of obligees as in said orders provided.
- 5 The release of any bond shall be by order of the Commissioners Court. To request a release the owner/subdivider/developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the engineer responsible for the design of said work stating that he has made an inspection of such improvements and recommends their acceptance by the County. Attached to his letter shall be one (1) set of "as built" drawings showing the work to be accepted for use by the County. The written request of bond release shall be received by Jack County at least fourteen (14) days prior to the next regularly scheduled meeting of Commissioners Court.
- 6 The Commissioners Court shall not in any case accept such roads and improvements on behalf of the County for a period of at least two (2) years after such proper completion, and not then unless and until the Commissioner



in whose precinct the proposed subdivision is located certifies that they have been maintained in good condition for said period of two (2) years and are in good condition at such time. The County shall reserve the right to reject or accept such roads and drainage improvements only upon motion duly passed at a regular or legally called special meeting of the Commissioners Court, and the Owner/subdivider/developer shall remain responsible for the maintenance of such improvements until legally accepted for county maintenance by separate order by the County. Maintenance of roads shall include such items as drainage by others, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc. Maintenance of the drainage improvements shall include removing debris; re-sodding eroded areas and the installation of additional concrete riprap where designated by the County to permanently prevent erosion. The plat shall bear the following notation in bold, 14-point type:

**Jack County shall not repair, maintain, install, or provide any streets or roads in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall Jack County repair, maintain, or install any streets or roads until such time as the roads or streets have been formally accepted for inclusion into the County maintenance inventory by an order separate and apart from approval of any plat for filing purposes only by the Commissioners Court. Approval of the subdivision plat for filing does not indicate any agreement or understanding that Jack County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.**

**6.2 Bond Extension:** Where good cause exists, the County may extend the period of time for completion for an additional period of time not to exceed six (6) months if the Owner/subdivider/developer has not completed the required improvements or completed such improvements in compliance with these Regulations. No such extension shall be granted unless the Owner/subdivider/developer provides additional security to cover the extended period of time.

**6.3 Irrevocable Letter of Credit (in lieu of Bond):** An Irrevocable Letter of Credit may be submitted in lieu of bonds for the purpose of insuring an Owner/subdivider/developer's obligation to construct and maintain the roads, drainage improvements and other applicable improvements in a subdivision. Irrevocable Letters of Credit In lieu of Bonds are required under the same conditions as Security and Maintenance Bonds.

**6.4 Other Security:** Any type of security for construction and maintenance other than Bonds and Irrevocable Letters of Credit shall be by written request to Jack County, and must first be approved by Commissioners Court.

## **Chapter 7 Review and Approval of Final Plat**

## 7.1 Scope of review

- (a) The commissioners court of a county or a person designated by the commissioner's court shall issue a written list of the documentation and other information that must be submitted with a plat application. The documentation or other information must relate to a requirement authorized under this section or other applicable law. An application submitted to the commissioner's court or the person designated by the commissioner's court that contains the documents and other information on the list is considered complete.
- (b) If a person submits a plat application to the commissioners court that does not include all of the documentation or other information required by Subsection (a), the commissioners court or the court's designee shall, not later than the 10th business day after the date the commissioners court receives the application, notify the applicant of the missing documents or other information. The commissioners court shall allow an applicant to timely submit the missing documents or other information.
- (c) An application is considered complete when all documentation or other information required by Subsection (a) is received. Acceptance by the commissioner's court or the court's designee of a completed plat application with the documentation or other information required by Subsection (a) shall not be construed as approval of the documentation or other information.
- (d) Except as provided by Subsection (f), the commissioners court or the court's designee shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the commissioner's court or the court's designee. An application is approved by the commissioners court or the court's designee unless the application is disapproved within that period and in accordance with Section 232.0026 Texas Local Government Code.
- (e) Notwithstanding Subsection (d), if a groundwater availability certification is required under Section 232.0032 Texas Local Government Code, the 30-day period described by that subsection begins on the date the applicant submits the groundwater availability certification to the commissioners court or the court's designee, as applicable.
- (f) The 30-day period under Subsection (d):
  - (1) may be extended for a period not to exceed 30 days, if:
    - (A) requested and agreed to in writing by the applicant and approved by the commissioner's court or the court's designee; or
    - (B) Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with the plat application; and
  - (2) applies only to a decision wholly within the control of the commissioner's court or the court's designee.
- (g) The commissioners court or the court's designee shall make the determination under

Subsection (f)(1) of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the commissioner's court or the court's designee.

(h) The commissioners court or the court's designee may not require an applicant to waive the time limits or approval procedure contained in this sect.

(i) If the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application as required by this section:

- (1) the commissioners court shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;
- (2) the application is granted by operation of law; and
- (3) the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat application's approval.

#### **7.2 Approval Procedure: Conditional Approval or Disapproval Requirements**

(a) A commissioner's court or designee that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

- (A) be directly related to the requirements of this subchapter; and
  - (B) include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and
- (2) may not be arbitrary.

#### **7.3 Approval Procedure: Applicant Response to Conditional Approval or Disapproval**

After the conditional approval or disapproval of a plat application under Section 232.0026, Texas Local Government Code, the applicant may submit to the commissioners court or designee that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or designee may not establish a deadline for an applicant to submit the response.

#### **7.4 Approval Procedure: Approval or Disapproval of Response**

(a) A commissioners court or designee that receives a response under Section 232.0027 Texas Local Government Code shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under Section 232.0027 Texas Local Government Code.

(b) A commissioners court or designee that conditionally approves or disapproves a plat application following the submission of a response under Section 232.0027 Texas Local Government Code:

- (1) must comply with Section 232.0026 Texas Local Government Code; and
- (2) may disapprove the application only for a specific condition or reason provided to the applicant for the original application under Section 232.0026 Texas Local Government Code.
- (c) A commissioners court or designee that receives a response under Section 232.0027 Texas Local Government Code shall approve a previously conditionally approved or disapproved plat application if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.
- (d) A previously conditionally approved or disapproved plat application is approved if:
  - (1) the applicant filed a response that meets the requirements of Subsection (c); and
  - (2) the commissioners court or designee that received the response does not disapprove the application on or before the date required by Subsection (a) and in accordance with Section 232.0026 Texas Local Government Code.

### **7.5 Prerequisites to approval**

Plat approval shall not be granted unless the subdivider has accomplished the following:

- (1) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and
- (2) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the commission of the description of means and methods and specifications for such construction, including any change orders filed with these agencies; or
- (3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed

subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Division 3 of this subchapter.

## **Chapter 8** **Time Extensions for Providing Facilities**

### **8.1 Reasonableness**

- (a) The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:
- (1) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with §364.54 are submitted which will be effective for the period of the extension; and
  - (2) the court finds the extension is reasonable and not contrary to the public interest.

**8.2 Timeliness.** If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.

**8.3 Unreasonableness.** An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Division 2 of this subchapter.

## **Chapter 9** **Changes to any Subdivisions Existing prior to effective date of this Regulation**

### **9.1 Authority and scope**

- (a) This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before the effective date of this regulation or which have not been previously platted or recorded.
- (b) Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for any pre-

1989 subdivisions for which no plat has been filed or recorded in the records of the county, and for which the owner or owners of lots within said pre-existing subdivision wish to modify, expand, alter or otherwise change in any way the actual layout of the pre-existing subdivision shall be required to comply with Chapter 10 of this regulation.

## **Chapter 10 Revision and Cancellation of Plats**

### **10.1 Application for Plat Revision**

The Owner of an existing lot or lots in a platted subdivision may submit an application to revise the portion of the existing plat affecting such lot(s), unless prohibited by restrictive covenants or plat notes filed pursuant to these Subdivision Regulations, by submitting the following to the Commissioners Court.

Three (3) copies of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or, if submitted by a private homeowner who is not a Developer in the subdivision, other materials acceptable to the Commissioners Court clearly setting forth the desired amendment; A statement giving the reason(s) for the proposed revision; and a filing fee, as specified, which may be amended from time to time by the Commissioners Court. Texas Local Government Code 232:008 and 232:009 provide for procedures to revise or cancel previously recorded plats.

### **10.2 Public Notice**

After the application submittal date, the County Clerk will post the re-subdivision for consideration by the Commissioners Court. However, before any application is considered by the Court, the Applicant shall file proof that the Owner, at the Owner's (or Applicant's) expense, has delivered or published all notices required by the Texas Local Government Code, Section 232.009, including:

1. A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the proposed revision or replat of the original subdivision, including a statement of the time and place at which the Commissioners Court will meet to consider the application and hear protests, if any. As required by the Texas Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the thirtieth (30th) day and ending on the seventh (7th) day prior to date of Commissioners Court; and Delivery of notice of the application to all Owners within the original subdivision by certified or registered mail, return receipt requested, at the Owners' addresses in the subdivided tract;
2. If all or part of the subdivided tract has been sold to non-developer Owners, the Owner shall also give notice to each of those Owners by certified or registered mail, return receipt requested, at the Owners' address in the subdivided tract;

### **10.3 Criteria for Approval**

The Commissioners Court may approve an application to revise a subdivision upon finding that:

The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered with has agreed to the revision; and the plat as revised conforms to the requirements of the Jack County Subdivision Regulations. See Appendix Q-R

### **10.4 Filing of Plat Revision**

Following the approval of the Jack County Commissioners Court, the Owner may file with the County Clerk a revised plat, or part of plat, that indicates the changes made to the original plat.

### **10.5 Cancellation of Subdivision**

A real property Owner may apply to the Commissioners Court for permission to cancel all or part of the subdivision. The application for cancellation shall show that the cancellation of all or part of the subdivision does not interfere with the established rights of any Owner who owns any part of the subdivision or that the other Owners agrees to the cancellation.

The Commissioners Court shall authorize the Owner to file the instrument canceling the subdivision in whole or in part. The instrument shall describe the subdivision or the part that is cancelled. Notice of an application for cancellation shall be published in a County newspaper one day each week for at least three (3) consecutive weeks.

Notice shall direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice. Any assessment of the property by the County Tax Assessor-Collector shall be done as specified in Section 232.008 of the Texas Local Government Code. The authorization of the cancellation by the Commissioners Court shall be conducted as specified in Section 232.008 of the Texas Local Government Code.

## **Chapter 11 VARIANCE**

The Commissioners Court may authorize a variance from these Subdivision Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. Any person who wishes to receive a variance shall apply to the Court with a list of, and a detailed justification for each variance requested. The decision of the Court whether to grant or deny a variance is at its complete discretion and will be final.

### **11.1 Conditions of Variance**

In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the Commissioners Court shall take into account the nature of the proposed use of the land involved and existing uses of the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commissioners Court finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of this Order would deprive the applicant of the reasonable use of his land, and,
2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, and,
3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Order.

Such findings of the Commissioners Court, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general purposes of intent of the Order so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the Owner/subdivider/developer, standing alone, shall not be deemed to constitute hardship. No Variance shall be granted as to required improvements.

## **Chapter 12 Enforcement**

### **12.1 Oversight**

The owner, by submitting a plat, acknowledges the authority of the county and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

### **12.2 Complete Application Required**

The Commissioners Court of Jack County shall have the authority to refuse to approve or authorize any map or plat of any such subdivisions, unless such map or plat meets the full requirements as set forth in these Subdivision Regulations and there is submitted at the time of approval of such map or plat financial security as may be required by these Regulations.

### **12.3 No Lot Sold till Approved**



No lot in any subdivision shall be sold or transferred until the final plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

**12.4 Authority to Enforce Regulations**

On behalf of Jack County, the County Attorney or other attorney may, when directed by the Commissioners Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Order or the standards referred to herein with respect to any violation thereon which occurs within Jack County's jurisdiction. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and where appropriate, criminal penalties in the enforcement of these rules and regulations.

**Penalty for Violation.** The Commissioners Court of Jack County will cause an employee of the Court or any other person or persons it so designates to review periodically those deeds or sales contracts being recorded in the County Clerk's Office to see that any subdivisions affected thereby shall comply with requirements of Chapters 232 and 233 of the Texas Local Government Code and these regulations. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in this Order and in the State Statutes, the Commissioners Court of Jack County or its' representative can so notify the party selling or transferring title in whole or in part to comply with the said requirements.

In the event the said notified party refuses to comply with the requirements of the State Statutes, the Commissioners Court can take appropriate action to obtain compliance. Any party violating any provisions of this Order shall be guilty of a Class B misdemeanor and each act of the violation shall constitute a separate offense.

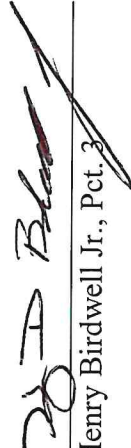
**12.5 Conflicting Orders.** If any other County Order is in conflict with this Order, the most stringent rules will apply. Nothing will be permitted under the provisions of this Order that is in violation with another valid Order of the County.

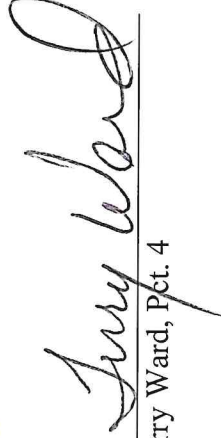
**12.6 Severability Clause.** If any provision of this Order or the application thereof, to any person or circumstance is held invalid, the remainder of the Order and the application of such provision to their persons or circumstances shall not be affected thereby.

Passed and approved by Jack County Commissioners' Court this 17<sup>th</sup> day of August 2020.

  
\_\_\_\_\_  
Gary Oliver, Pct. 1

  
\_\_\_\_\_  
James Brock, Jr., Pct. 2

  
\_\_\_\_\_  
Henry Birdwell Jr., Pct. 3

  
\_\_\_\_\_  
Terry Ward, Pct. 4

Brian Keith Umphress, County Judge

ATTEST

Vanessa James, County Clerk



**Appendix A1**  
**Application for Subdivision of Land in**  
**Jack County, Texas**

1. Name of Applicant: \_\_\_\_\_
2. Name of Subdivision: \_\_\_\_\_
3. Designated Contact Person for Applicant:
  - a. Name:
  - b. Address:
  - c. City/Zip:
  - d. Phone Number:
4. Name of all Title Owner(s) of Property to be sub-divided:
  - a. Name
  - b. Address:
  - c. City/Zip:
  - d. Phone Number:
5. Jack County Appraisal District Tract or Parcel Identification Number for land to be developed: \_\_\_\_\_
6. County Commissioner Precinct in which land to be developed is located: \_\_\_\_\_
7. Location of Land to be Developed:
  - a. Legal or Mailing Address:
  - b. 911 Address:
  - c. Coordinates:
  - d. Topo or other suitable map depicting entire area to be subdivided.

8. Certifications Required by Subdivision Regulations:
  - a. 1. Application for Subdivision
  - b. 2. Application for Manufactured Home Rental Community
  - c. Certificate of Fire Department
  - d. 1. Certificate of Dedication by Owner/individual
  - e. 2. Certificate of Dedication by Owner/corporation
  - f. Certificate of County Approval of Plat and Recording
  - g. Certificate of Water/Wastewater Supply
  - h. Certificate of Surveyor
  - i. Certificate of Engineer
  - j. Certificate of OSSF Inspector (if applicable)
  - k. Certificate of Private Road maintenance
  - l. Certificate that Subdivider seeks County Roads maintenance
  - m. Certificate of County Taxes Paid
  - n. Permit to Construct Driveway within County Road R-O-W
  - o. Notice of Proposed Utility in R-O-W
  - p. Plans and Specifications for Cattleguard
  - q. Typical Cross Section of Road
  - r. Summary of Road Standards
  - s. Lienholder Acknowledgment
  - t. Application for Revisions to Existing Plat
  - u. Receipt for Required Fees:
  - v. Required number of copies of plat, if required, are provided:

Appendix A2  
APPLICATION FOR MANUFACTURED HOME RENTAL  
COMMUNITY SUBDIVISION  
Jack County, Texas

Please Type or Print Information

This form shall be completed by the Property Owner or Applicant and submitted to the County Judge's Office along with the required number of copies of the respective plat, review fee and all other required information.

Type of Document: Infrastructure Development Plan Plat \_\_\_\_\_

Proposed Name of MHRC Subdivision: \_\_\_\_\_

Applicant/Property Owner's Name: \_\_\_\_\_

Address or physical location: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Surveyor/Engineer: \_\_\_\_\_

Company Name/Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Total Acreage of Development: \_\_\_\_\_ Total Number of Spaces: \_\_\_\_\_

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Intended Use of Spaces (Check all that apply):

Residential Single Family \_\_\_\_\_ Residential Non-Family \_\_\_\_\_  
Commercial/Industrial \_\_\_\_\_ Other \_\_\_\_\_

Water Supply: \_\_\_\_\_ Electric Service: \_\_\_\_\_

Telephone service: \_\_\_\_\_ Sewage Disposal: \_\_\_\_\_

Gas service: \_\_\_\_\_ Telephone service: \_\_\_\_\_

Note: The submission of this application and any plans/drawings, calculations, etc. is an item of public record, and Applicant acknowledges that such records may be viewed or copied by the public.

Date: \_\_\_\_\_

\_\_\_\_\_  
County Use Only  
Applicant

Application Received by: \_\_\_\_\_ Date Received: \_\_\_\_\_

Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Receipt # \_\_\_\_\_

Appendix B

**CERTIFICATE OF FIRE DEPARTMENT**

**THE STATE OF TEXAS    §  
   §  
COUNTY OF JACK       §**

I, \_\_\_\_\_, an authorized agent of the \_\_\_\_\_ fire department, have inspected the property described as the \_\_\_\_\_ subdivision of Jack County, Texas, and I do hereby certify that the subdivision as platted will satisfy the requirements of the Jack County Subdivision Regulation, specifically sections 2.2, 2.4.3 (d), 2.5(F), of said regulation, subject to final inspection as built upon the ground.

**WITNESS MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
**COUNTY CLERK  
JACK COUNTY, TEXAS**

Appendix C (1)

**CERTIFICATE OF DEDICATION BY OWNER/SUBDIVIDER/developer**

(When owner/subdivider/developer is an Individual)

THE STATE OF TEXAS           §

  §

COUNTY OF JACK           §

KNOW ALL MEN BY THESE PRESENT, that I, \_\_\_\_\_, of \_\_\_\_\_, the owner/subdivider/developer of \_\_\_\_\_ acres of land out of the \_\_\_\_\_ Survey, Jack County, Texas as conveyed to me by deed dated \_\_\_\_\_, and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Real Property Records of Jack County, Texas, **DO HEREBY SUBDIVIDE** \_\_\_\_\_ acres of land out of said Survey,

*(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and repeat for each original survey within the subdivision)*

to be known as the \_\_\_\_\_ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the public (or “owners of the property shown hereon” for private streets) the use of the streets and easements shown hereon.

WITNESS MY HAND, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_.

\_\_\_\_\_  
(Owner/subdivider/developer's name)

THE STATE OF TEXAS           §

  §

COUNTY OF JACK           §

**BEFORE ME**, the undersigned authority, on this day personally appeared \_\_\_\_\_, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration of therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

Appendix C (2)

**CERTIFICATE OF DEDICATION BY OWNER/SUBDIVIDER/developer**  
(When owner/subdivider/developer is a Corporation)

**THE STATE OF TEXAS**   §  
  §  
**COUNTY OF JACK**       §

**KNOW ALL MEN BY THESE PRESENT,** that \_\_\_\_\_, a corporation organized and existing under the laws of the State of Texas, with its home address at \_\_\_\_\_ and owner/subdivider/ or developer of \_\_\_\_\_ acres of land out of the \_\_\_\_\_ Survey, in Jack County, Texas, as conveyed to it by deed dated \_\_\_\_\_ and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Real Property Records of Jack County, **DOES HEREBY SUBDIVIDE** \_\_\_\_\_ acres of land out of said Survey,

*(Note: if the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision)*

to be known as the \_\_\_\_\_ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and does hereby dedicate to the public (or “owner/subdivider/developer of the property shown hereon” for private streets) the use of the streets and easements shown hereon.

**IN WITNESS WHEREOF** the said \_\_\_\_\_ has caused these present to be executed by its \_\_\_\_\_, thereunto duly authorized, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
(Name, Title)                                    **ATTEST:** \_\_\_\_\_  
(Name, Title)

**THE STATE OF TEXAS**   §  
  §  
**COUNTY OF JACK**       §

**BEFORE ME,** the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument as an officer of \_\_\_\_\_ and acknowledged to me that the foregoing was executed in such capacity as the act of said corporation for the purposes and considerations therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas



Appendix D

**CERTIFICATE OF COUNTY APPROVAL OF PLAT AND RECORDING**

**THE STATE OF TEXAS       §  
  §  
COUNTY OF JACK         §**

I, \_\_\_\_\_, County Clerk of Jack County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., in the Real Property Records of Jack County, Texas in Volume \_\_\_\_\_, Page \_\_\_\_\_.

**WITNESS MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
**COUNTY CLERK  
JACK COUNTY, TEXAS**

**Appendix E**

**CERTIFICATE OF WATER/WASTEWATER SUPPLY**

“No structure in this subdivision shall be occupied until connected to either: an individual water well, the location of which has been approved by the any applicable regulation, or connected to a TCEQ approved public water supply system (described below), or other domestic water supply corporation, and subject to approval by the Jack County Commissioners Court.”

\_\_\_\_\_  
Underground Water  
Conservation District  
Date

\_\_\_\_\_  
Name of Public Water Supply System  
Date

\_\_\_\_\_  
Signature & Title of Authorized Agent

Other Proposed Domestic Water Supply (Please specify): \_\_\_\_\_  
\_\_\_\_\_

Appendix F

**CERTIFICATE OF SURVEYOR**

THE STATE OF TEXAS

§

COUNTY OF JACK

§

§

**KNOW ALL MEN BY THESE PRESENT**, that I, the undersigned, a Registered Professional / State Land Surveyor in the State of Texas, do hereby certify that this Plat complies with the survey related requirements of Texas law and of the Jack County Subdivision Regulations and I further certify that this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

\_\_\_\_\_  
Registered Professional / State Land Surveyor      Date

License No. \_\_\_\_\_

Seal:

Appendix G

**CERTIFICATE OF ENGINEER**

**THE STATE OF TEXAS**

§

§

**COUNTY OF JACK**

§

**KNOW ALL MEN BY THESE PRESENTS**, that I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that this plat complies with the engineering related requirements of state law, and the Jack County Subdivision Regulations.

\_\_\_\_\_  
Registered Professional Engineer

\_\_\_\_\_  
Date

License No. \_\_\_\_\_

Seal:

*[NOTE: The engineer may be required to be present for questioning at the presentation of the plat to the Commissioners Court.]*

Appendix H

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR'S APPROVAL

THE STATE OF TEXAS

§

COUNTY OF JACK

§

§

**KNOW ALL MEN BY THESE PRESENTS**, that I, the undersigned, a Licensed On-Site Sewage Facility Inspector in the State of Texas, hereby certify that I have inspected the On-Site Sewage Facilities for this plat, and the same complies with the related requirements of the Jack County Subdivision Regulations and the TCEQ.

\_\_\_\_\_  
On Site Inspector

\_\_\_\_\_  
Date

License No. \_\_\_\_\_

Seal:

*[NOTE: The inspector may be required to be present for questioning at the presentation of the plat to the Commissioners Court.]*

**Appendix I**

**CERTIFICATE OF ROAD MAINTENANCE**

(When roads are to be maintained as Private Roads)

“In approving this plat by the Commissioners Court of Jack County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Owner/subdivider/developer and/or subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the Owner/subdivider/developer and/or subsequent owners of the subdivision and will not be the responsibility of Jack County.”

\_\_\_\_\_  
Owner/subdivider/developer or Representative

\_\_\_\_\_  
Date

**Appendix J**

**CERTIFICATE OF ROAD MAINTENANCE**

(When roads may, in the future, to be dedicated to Jack County for maintenance)

“In approving this plat by the Commissioners Court of Jack County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Owner/subdivider/developer and/or subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance by way of a Warranty Deed. Acceptance of this plat does not constitute acceptance of the roads shown hereon by Jack County.”

\_\_\_\_\_  
Owner/subdivider/developer or Representative

\_\_\_\_\_  
Date

**Appendix K**

**CERTIFICATE OF COUNTY TAXES PAID**

**THE STATE OF TEXAS       §  
  §  
COUNTY OF JACK         §**

I, \_\_\_\_\_, County Tax Assessor/Collector, of Jack County, Texas, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_, that no taxes owed to Jack County are currently due and owing on the following tracts of land:

Identify all tracts or parcels within proposed subdivision:

**WITNESS MY HAND AND SEAL OF OFFICE** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
**COUNTY CLERK**  
**JACK COUNTY, TEXAS**

\_\_\_\_\_  
**COUNTY JUDGE**  
**JACK COUNTY, TEXAS**



Appendix L

JACK COUNTY  
PERMIT TO CONSTRUCT DRIVEWAY WITHIN  
COUNTY ROAD RIGHT-OF-WAY

Applicant: \_\_\_\_\_  
County Road Name \_\_\_\_\_  
Address: \_\_\_\_\_ Permit # \_\_\_\_\_  
\_\_\_\_\_ Phone No. ( ) \_\_\_\_\_

I, Commissioner \_\_\_\_\_ of Precinct # \_\_\_\_\_ Jack County, Texas, authorize \_\_\_\_\_, hereinafter called the Grantee, to (re)construct an access driveway on the County road right-of-way abutting County Road \_\_\_\_\_ in Jack County, Texas, located at \_\_\_\_\_;

SUBJECT TO THE FOLLOWING:

1. The Grantee is responsible for the culvert costs and installation.
2. Design of facilities shall be as shown on the sketch on page 2.
3. All construction and materials shall be subject to inspection and approval by the County.
4. The County reserves the right to require any changes, maintenance, or repairs as may be necessary to provide protection of life or property on or adjacent to the County road. Changes in design will be made only with approval of the County.
5. The Grantee shall hold harmless the County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
6. The Grantee shall not erect any sign on, or extending over, any portion of the County road right-of-way.
7. Vehicle service fixtures such as fuel pumps, fuel tanks, vendor stands, *etc.*, shall be located at least 12 (twelve) feet from the right-of-way line to ensure that vehicles being serviced from these fixtures will be off the County road.
8. Entrances must be constructed in such a way as to keep obstructions from being present in the right-of-way.

9. Mail boxes must be mounted on break away stands and be located so that boxes may be serviced and used from off the pavement.

10. This permit will become null and void if the above referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.

11. The Grantee will contact the Court's representative \_\_\_\_\_ at telephone number (325) \_\_\_\_\_ at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

DATE OF ISSUANCE: \_\_\_\_\_

ROAD ADMINISTRATOR: \_\_\_\_\_

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction of an access driveway on the County road right-of-way.

PRINTED NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

**SKETCH OF INSTALLATION**

Appendix M

NOTICE OF PROPOSED UTILITY LINE INSTALLATION  
JACK COUNTY RIGHT OF WAY AND PERMIT

TO: Commissioner \_\_\_\_\_  
Precinct No. \_\_\_\_\_  
Address \_\_\_\_\_

Formal Notice is hereby given that \_\_\_\_\_ proposes to place a \_\_\_\_\_ line within the right of way of County Road \_\_\_\_\_ as follows: (list location, length, general design, etc.)

Installation will begin on or after the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

The line will be constructed and maintained on the road right-of-way as directed by Jack County Commissioner Precinct No. \_\_\_\_\_.

The location and description of the proposed line is more fully shown on the attached drawings.

Applicant will ensure that traffic control measures complying with applicable portions of the Texas Manual of Uniform Traffic Control Devices will be installed and maintained during the installation.

If the proposed installation is a parallel installation, the installation shall be located \_\_\_\_\_ feet within the edge of the right-of-way and at least \_\_\_\_\_ feet in depth, unless otherwise approved by the County.

\_\_\_\_\_ The installation shall not damage any portion of the road and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners during installation.

OR

\_\_\_\_\_ The installation shall damage a portion of the road. Applicant will return the road to its pre-installation condition at Applicant's expense within \_\_\_\_\_ days of installation. During installation adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners during installation.

Applicant agrees that any damages sustained to the line installed under this proposal as a result of road construction and/or maintenance, including but not limited to mowing, ditch cleaning, culvert repair or replacement, roadway excavation, and base work shall be the sole burden and expense of the owner/subdivider/developer of the utility line.

Applicant agrees to give Jack County Commissioner Precinct No. \_\_\_\_\_ fifteen (15) days prior notice of any routine or periodic maintenance which requires interruption of traffic and pruning of

trees within the road right-of way. County may provide specifications for the extent and methods governing trimming, cropping, tree balance, type of cuts, painting cuts, and clean up.

Applicant agrees that Jack County does not purport to grant any right, claim, title, or easement in or upon this road, and Applicant further agrees that Jack County may require owner/subdivider/developer to relocate line, subject to provisions of governing laws, upon the giving of \_\_\_\_\_ day's written notice.

In the event Applicant fails to comply with any of the requirements as set forth above, Jack County may take such action as it deems appropriate to compel compliance

Additional Special Provisions:

By signing the below, I certify that I am Applicant or am authorized to represent Applicant and that Applicant agrees to be bound by the provisions of the Notice and Permit.

APPLICANT:

Name: \_\_\_\_\_  
Authorized agent: \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

JACK COUNTY:

Commissioner \_\_\_\_\_  
Precinct No. \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Appendix N

IN THE COMMISSIONERS COURT  
Of  
JACK COUNTY, TEXAS

ESTABLISHMENT OF PLANS AND SPECIFICATIONS FOR  
A STANDARD CATTLE GUARD TO BE USED  
ON COUNTY ROADS WITHIN JACK COUNTY, TEXAS

WHEREAS, §251.003 (a)(1) of the Texas Transportation Code grants the Jack County Commissioners Court the authority to make and enforce all necessary rules and orders for the construction and maintenance of public roads; and

WHEREAS, cattle guards currently exist on County maintained roads; and

WHEREAS, Jack County anticipates requests from a property owner/subdivider/developer proposing to construct new cattle guards on an existing County maintained road; and

WHEREAS, Texas Transportation Code §251.009 (a) states that the Jack County Commissioners Court may authorize the construction of a cattle guards on a county road of any class; and

WHEREAS, §251.009 (b) of the Texas Transportation Code requires that the Jack County Commissioners Court establish plans and specifications for a standard cattle guard to be used on the county roads;

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF JACK COUNTY, that the standards herein attached, shall serve as the standard for construction of cattle guards on County maintained roads; and

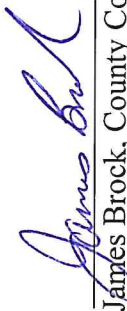
IT IS FURTHER ORDERED BY THE COMMISSIONERS COURT OF JACK COUNTY, that a person proposing to construct a cattle guard on a County maintained road may submit a Permit to Construct Cattle Guard on Jack County Right of Way for consideration by the Jack County Commissioners Court.

IT IS FURTHER ORDERED BY THE COMMISSIONERS COURT OF JACK COUNTY, that a person proposing to construct a cattle guard on a County maintained road may submit an alternate cattle-guard design, prepared by a Registered Engineer, for consideration by the Jack County Engineer or designated County representative, and the County Engineer or designated County representative's decision may be appealed to Commissioners Court.

Approved, this 17<sup>th</sup> day of August 2020 by the Jack-County Commissioners Court.

  
\_\_\_\_\_  
Brian Keith Umphress, County Judge

\_\_\_\_\_  
Gary Oliver, County Commissioner Pct. 1

  
\_\_\_\_\_  
James Brock, County Commissioner Pct. 2

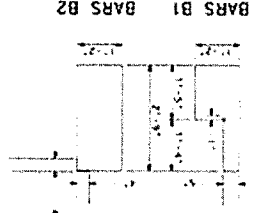
  
\_\_\_\_\_  
Henry Birdwell Jr., County Commissioner Pct. 3

  
\_\_\_\_\_  
Terry Ward, County Commissioner Pct. 4

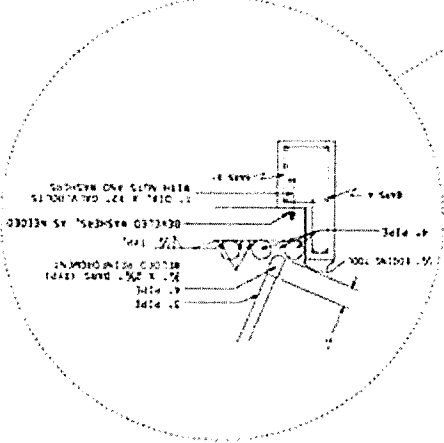
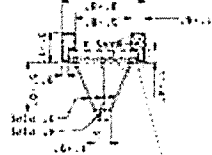
**AUSTIN DISTRICT STANDARD**  
**CATTLE GUARD DETAILS**  
**(16' RECOVERY ZONE)**

Texas Department of Transportation  
 Austin District Office

**GENERAL NOTES:**  
 QUANTITIES SHOWN ARE FOR CONNECTIONS DIMENSIONED ON THIS DRAWING.  
 ALL DIMENSIONS RELATION TO REINFORCING STEEL ARE TO THE CENTERLINE OF BARS.  
 PROVIDE PILE IN CONFORMANCE WITH T&E, AS AN ALTERNATIVE, BUT WELD IN ACCORDANCE WITH T&E, AS AN ALTERNATIVE.  
 PROVIDE PILING.  
 IF ROCK IS ENCOUNTERED, DEPTH OF FOUNDATION MAY BE VARY AS SHOWN.  
 PROVIDE NEW PILE CONFORMING TO ASTM A501 OR ASTM A502, E OR F, GRADE B, STANDARD METHOD.  
 HOT DIP GALVANIZED CATTLE GUARD IN ACCORDANCE WITH ASTM A152 AND A153.



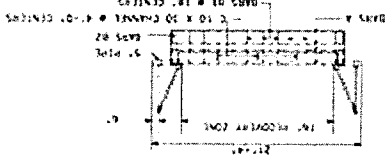
**SECTION B-B**



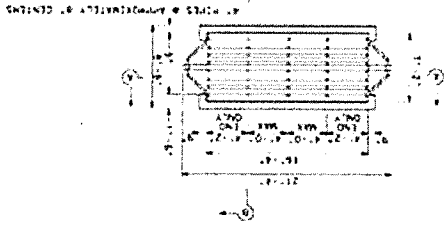
NO.	DESCRIPTION	SIZE	LENGTH
1	PILE	12" DIA.	10'-0"
2	BAR B1	12" X 1/2"	144'-0"
3	BAR B2	12" X 1/2"	144'-0"
4	VERTICAL BAR	12" X 1/2"	144'-0"
5	WASHER	12" X 1/2"	144'-0"
6	NUT	1/2"	144'-0"
7	CONCRETE		144'-0"

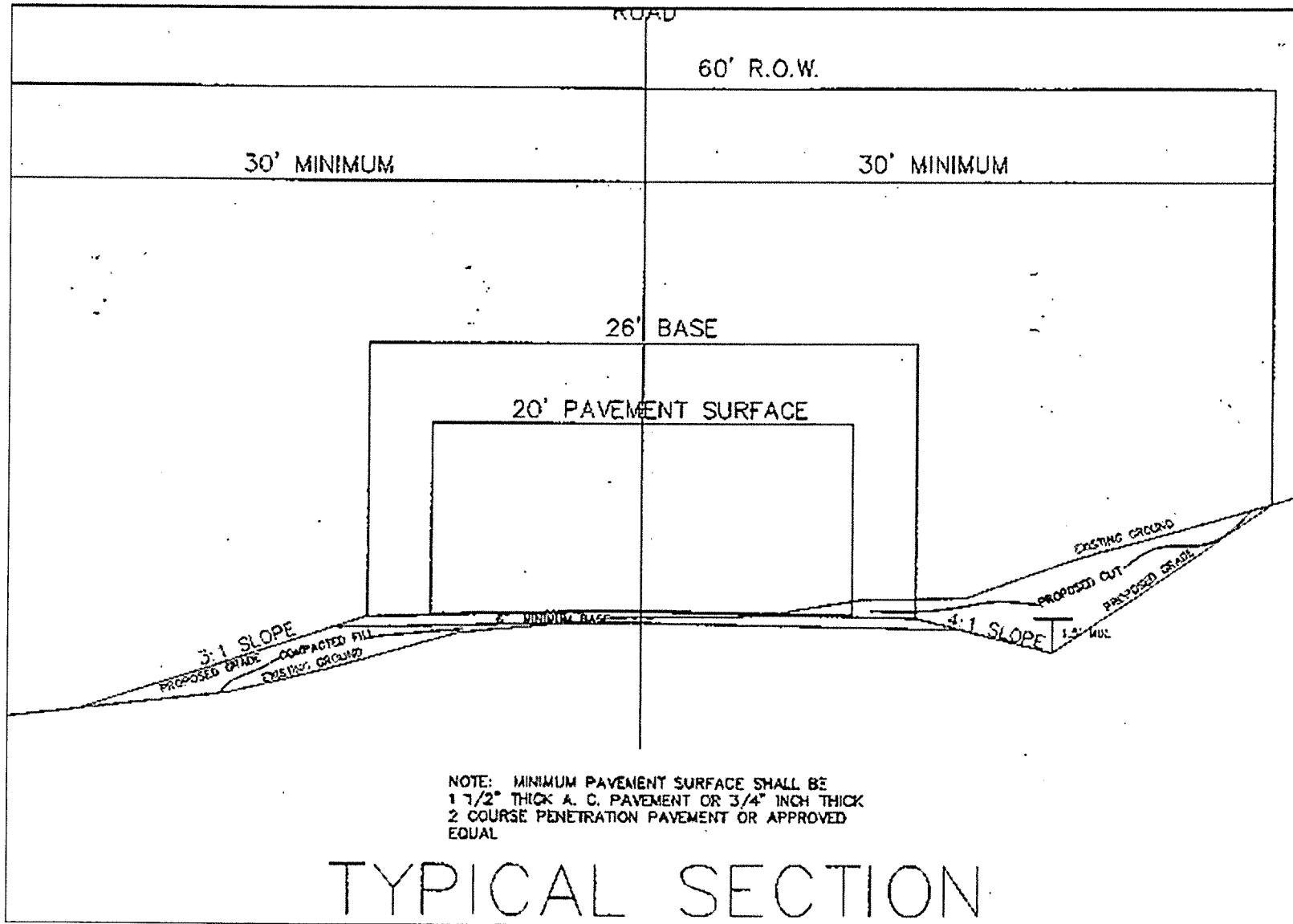
**BILL OF MATERIALS**

**SECTION A-A**



**PLAN VIEW**





## Appendix P

### SUMMARY OF JACK COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips) **	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Traveled Way	20'	20'	28'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade *	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

- Any deviation from these standards must be the subject of an approved variance. \*
- Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the precinct commissioner of their designee. Factors to consider are lot size, other plat restrictions and the potential for future development. \*\*
- The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local streets, 6' from the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collector.
- Any development generating more than 15000 average daily traffic counts will be designed according to TxDot standards.



**Appendix Q**

**LIENHOLDER'S ACKNOWLEDGEMENT**

I (We), (Name of Lienholder(s)) \_\_\_\_\_, owner/subdivider/developer(s) and holder(s) of a lien(s) against the property described within the Revision to Plat, said lien(s) being evidenced by instrument of record in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Real Property Records of Jack County, Texas, do hereby in all things subordinate to said Revision of Plat said lien(s), and I (we) hereby confirm that I am (we are) the present owner/subdivider/developer(s) of said lien(s) and have not assigned the same nor any part thereof.

\_\_\_\_\_  
(Signature of Lienholder(s))

\_\_\_\_\_  
(Printed name(s))

**THE STATE OF TEXAS       §  
  §  
COUNTY OF JACKS**

**SWORN TO AND SUBSCRIBED** before me by \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

Appendix R

APPLICATION FOR REVISION TO EXISTING PLAT

Name of Subdivision: \_\_\_\_\_

Recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of the Real Property Records of Jack County, Texas

Commissioner Precinct No.: \_\_\_\_\_

Owner/subdivider/developer: \_\_\_\_\_

Owner/subdivider/developer's Mailing Address: \_\_\_\_\_

Owner/subdivider/developer's Phone Number(s): \_\_\_\_\_

Lots or Tracts to be revised (include Unit, Section or Phase # if applicable): \_\_\_\_\_

Resulting Lot Number to be Known As: \_\_\_\_\_

Lienholder: \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, Name of Lienholder: \_\_\_\_\_  
(Attach Lienholder's Acknowledgement, Appendix K)

**IF REVISED PLAT INCLUDES ANY CHANGES TO AN EXISTING UTILITY EASEMENT, RELEASE OF SAID EASEMENTS BY THE UTILITY PROVIDERS IS REQUIRED BEFORE APPROVAL OR FILING OF SAID PLAT.**

The signature affixed below will certify that the owner/subdivider/developer of the described property does hereby request to revise the plat of the property. The owner/subdivider/developer certifies that any and all lienholders have acknowledged this revision as per the attached Lienholder's Acknowledgement, if applicable.

\_\_\_\_\_  
(Owner/subdivider/developer's Signature)

\_\_\_\_\_  
(Printed name)

THE STATE OF TEXAS  
COUNTY OF JACK

§  
§  
§

SWORN TO AND SUBSCRIBED before me by \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

APPROVED BY COMMISSIONERS COURT ON THE 17TH DAY OF AUGUST 2020

\_\_\_\_\_  
BRIAN KEITH UMPHRESS  
JACK COUNTY JUDGE

ATTEST: \_\_\_\_\_  
VANESSA JAMES  
JACK COUNTY CLERK

**Appendix S**  
**Development Fees and Receipt**

The following are a list of development fees for Jack County. These fees are subject to change.

Plat without a designated floodplain: \$2000.00 + \$10.00 per lot

Plat in a designated floodplain: \$2500.00 + \$10.00 per lot

Final Plat: \$250.00

Total Development Fees due with Application:	\$ _____
Inspection Fees pursuant to Section 2.8.4	\$ _____
Total Fees due:	\$ _____

Receipt of Development and Inspection Fees:

On this date, the sum of \$ \_\_\_\_\_ was received and receipt given by the Treasurer of Jack County.

\_\_\_\_\_  
Jack County Treasurer

---

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF AUGUST 2020.

*[Handwritten signature]*

\_\_\_\_\_  
Brian Keith Umphress,  
County Judge

*[Handwritten signature]*

\_\_\_\_\_  
Gary Oliver  
Commissioner, Precinct 1

*[Handwritten signature]*

\_\_\_\_\_  
James Brock  
Commissioner, Precinct 2

*[Handwritten signature]*

\_\_\_\_\_  
Henry Birdwell Jr.,  
Commissioner, Precinct 3

*[Handwritten signature]*

\_\_\_\_\_  
Terry Ward  
Commissioner, Precinct 4

ATTEST:

*[Handwritten signature]*  
\_\_\_\_\_  
Vanessa James  
County Clerk

