



**HOPKINS COUNTY PLATTING PROCEDURES AND  
SUBDIVISION REGULATION**

The Hopkins County Commissioners court on 17th day of February 2006 A.D. has adopted these regulations on the platting and subdivisions of land.

Amended 30<sup>th</sup> day of September 2013 A.D.

**PURPOSE**

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

1. To furnish developers with guidance and assistance in expedient preparations and approval of a plat.
2. To protect the citizens of Hopkins county, and potential buyers, by insuring minimum standards in subdivisions where citizens may want a home.
3. To provide for the welfare of the public by controlling the location and design of intersections and other features which promotes safety.
4. The prevent the Hopkins county Commissioners from being burdened with sub standards streets or roads in the future, and to allow, if financially feasible, a method where by Hopkins County may finish construction of streets or roads in situations in rural subdivisions in which a developer has defaulted in his road construction obligation and in which the amount of his bond or letter of credit remaining is insufficient to allow the County to finish the road or street.

**DEFINITION OF TERMS**

**A. SUBDIVISION**

The dividing of a tract of land located in Hopkins county, but outside the limits of a municipality, into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. Chapter 232 Sub-Chapter A, Section .001, Texas Local Government Code as amended.

**B. STREET OR ROAD**

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

### C. COUNTY COMMISSIONERS

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

### D. DEDICATION OF STREET AND /OR ROADS

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

### E. COMMISSIONERS COURT

Hopkins County Commissioners Court.

### F. CUL-DE-SAC

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

### G. SUBDIVIDER (DEVELOPER)

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

### H. ENGINEER

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

### I. EXTRATERRITORIAL JURISDICTION (ETJ)

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

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

### J. GROUNDWATER

Water that is retained under the surface of the earth.

### K. LOT

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

**L. MAIN ROAD**

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

**M. MINIMUM REQUIREMENT**

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

**N. PLAT**

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

**O. PRELIMINARY PLAT**

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

**P. FINAL PLAT**

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

**Q. RIGHT-OF-WAY**

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

**R. ROAD**

A path on which to travel

**S. STREET**

A path on which to travel

**T. SURVEYOR**

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

**U. TCEQ**

Texas commission on Environmental Quality

**V. TRACT**

A specified parcel of land

## II

**PROCEDURES FOR PREPARING AND OBTAINING APPROVAL  
OF A SUBDIVISION PLAT**

## 2.01

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

## 2.02

A completed application with six (6) sets of prints and three (3) original plats with attached original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent and val orem taxes are owed on the real property. (This does not apply if more than one person acquired the real property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property) along with a fee of One Hundred Dollars (\$100.00) for One (1) to Ten (10) lots, Two Hundred Dollars (\$200.00) for eleven (11) to Twenty (20) Lots and Five Hundred Dollars (\$500.00) for Twenty-One (21) and Higher Lots shall be transmitted to the County Clerk for review and approval of the Commissioners' Court. The fee will be paid together with other filing fees as required by the county clerk for the filing of a map or plat of subdivisions or re-subdivisions of real estate. The plat shall be at a minimum on sheets 18" x 24" and shall be plotted on a scale that is legible and measurable on the document, reproducible and shall show the following:

2.02.1 The boundaries of the survey

2.02.2 The width of all right-of-ways, easements and locations thereof.

2.02.3 The scale with north arrow.

2.02.4 The proposed name of subdivision.

2.02.5 The dimensions of all lots with block and lot numbers.

2.02.6 Surveyor's Certificate.

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

2.02.8 Certificate of approval signed by the designated representatives of the governmental entity having jurisdiction for On-Site Sewage Facility permitting, acknowledgment by 911 Addressing and acknowledgement by the County Fire Department.

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



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

2.02.11 Review of subdivision or development plans.

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

2.02.12 The plat shall be accompanied by the necessary supporting documents which shall include an attorney title opinion or a title company report which includes ownership, easements, liens, deed restrictions, etc., and a Corporate Surety Bond or an Irrevocable Letter of Credit as provided for in Section 232.004 and Section 232.0045, Texas Local Government Code in the minimum amount of twelve dollars (\$12.00 / or such greater amount as set by Commissioners Court) for each lineal foot of road or street within such subdivision. The corporate Surety Bond shall be executed by a surety company authorized to do business in the State of Texas. The Corporate Surety Bond or Irrevocable Letter of Credit shall be that the Developer of the tract of land to be subdivided will construct the roads or streets within each subdivision in accordance with the specifications as set forth in the Hopkins County Subdivision Regulation and that the term of the Bond or Letter of Credit shall, whichever is of longer duration to exceed two (2) years, from the date of said Bond or Letter of Credit, or his successor in interest, in writing request release of said Bond or Letter of Credit from Commissioners' Court, and Commissioners' Court by formal vote, grants said release request.

2.03

After construction is completed, the Developer who posted the Bond or Letter of Credit shall in writing request the release of said Bond or Letter of Credit. The Request shall contain a statement by the Developer of compliance with the Subdivision Regulation of Hopkins County, Texas, and the date the Bond or Letter of Credit was originally accepted by the Commissioners Court. An on-site inspection by the County Commissioner(s) shall be made prior to the release of the Bond or Letter of credit by the Commissioners' Court. A Maintenance Bond or Irrevocable letter of Credit which shall be made payable to the County Judge or his successors in office in the sum of six dollars (\$6.00/or such greater amount as set by Commissioners' court) per lineal foot of road or street shall accompany the request for release of Construction Bond or Letter of Credit. The condition of the Maintenance Bond or Letter of Credit shall be that the Developer will for One (1) year from the time the Construction Bond or Letter of Credit is released, repair and correct any and all defects in the streets, drainage ditches and drainage structures within the dedicated right-of-way before the Commissioners' Court by formal vote accepts the streets, drainage ditches and drainage structures within the dedicated right-of-way.

**III****NO LIABILITY BY HOPKINS COUNTY****3.01**

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

**IV****ACCEPTANCE****4.01**

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

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

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

4.01.3 Pay a fee of One Hundred Dollars (\$100) for One (1) to Ten (10) Lots, Two Hundred Dollars (\$200) for Eleven (11) to Twenty (20) Lots and Five Hundred Dollars (\$500) for Twenty-One (21) and Higher Lots for the examination of each such map or sheet. The fee will be paid together with other filing fees as required by the County Clerk for the filing of a map or plat of subdivisions or re-subdivisions of real estate. (See 2.02 above)

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

#### 4.02

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

#### 4.03

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

### V

#### SUB-STANDARD SUBDIVISIONS

##### 5.01

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

##### 5.02

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

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

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

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

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

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

5.02.6 If one-half (1/2) or a majority of those voting do not approve the proposition, the Court may not approve the improvements or assessment and may not propose the order again for four (4) years after the results of the election are declared.

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

## VI

### PENALTIES

#### 6.01

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

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

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

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

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

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

## **VII**

### **PURPOSE FOR APPENDIX "A" ATTACHED HERETO**

#### **7.01**

All provisions of Chapter 232, Subchapter A of the Local Government Code, where not in conflict with this order, apply to Hopkins County.

#### **7.02**

The purpose for Appendix "A" is to incorporate the exact wording of State Law into this order.

#### **7.03**

The County, pursuant to Section 232.0015(a) of the Local Government Code, has created additional exceptions to the requirements for a plat in this county

#### **7.04**

Additionally, Appendix "A" set forth specific actions the owner/subdivider/developer must take before a tract is divided, sold or conveyed.

#### **7.05**

Additionally, all persons are put on notice that Hopkins County has signed inter local agreements with the municipalities in this county that governs the subdivision regulation within the Extra Territorial Jurisdiction of each municipality.

## **VIII**

### **PURPOSE FOR APPENDIX "B" ATTACHED HERETO**

#### **8.01**

The purpose for Appendix "B" is to set forth Engineering Guidelines for owners/subdivider/developers.

#### **8.02**

These Engineering Guidelines sets forth specifics concerning streets, drainage, water availability and lot size and wastewater disposal.

## 8.03

After the Commissioners Court has approved a final subdivision plat and the same has been filed with the Hopkins County Clerk, the owner/subdivider/developer shall, at its own expense, provide a construction plan of the subdivision designed by a licensed professional engineer if requested by the commissioner of the precinct in which the subdivision is located, or the commissioners of the precincts in which the subdivision is located.

## 8.04

Thereafter, the Commissioner(s) may review the construction plan utilizing professional consultant(S) where needed and the cost of review by the professional consultant(s) will be levied to the owner/subdivider/developer. The Commissioner(s) shall, within a reasonable time, provide the owner/subdivider/developer with a preliminary approval of the construction plan and any needed additions, changes or deletions to said construction plan.

## 8.05

After the preliminary approval is provided by the Commissioner(s), actual construction may begin.

## 8.06

Through out the construction of the subdivision, the Commissioner(s) or designee, may inspect the construction as needed to make sure there is compliance with this order, engineering guidelines as set forth herein, and the approved preliminary construction plan.

## 8.07

Each Commissioner is empowered to issue a "stop work" order if a licensed professional engineer employed by the Commissioner determines that the preliminary construction plan is not being followed.

**IX****PURPOSE FOR APPENDIX "C" ATTACHED HERETO**

## 9.01

The purpose for Appendix "C" is to set forth the requirements for all manufactured home rental communities in accordance with Local Government Code, Subchapter A, section 232.007.

## 9.02

The Hopkins County Commissioners' Court has the authority to approve or reject the infrastructure development plan. Additionally, the said Commissioners' Court may utilize the assistance and advice, before and during construction, of the infrastructure development plan or any other person or professional that the Commissioners' Court determines is needed.

**APPENDIX A  
PLATTING GUIDELINES**

**LOCAL GOVERNMENT CODE**

**CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS**

**SUBCHAPTER A. SUBDIVISIONS PLATTING REQUIREMENTS IN**

**GENERAL Section 232.001. PLAT REQUIRED**

(a) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:

(1) A subdivision of the tract, including an addition

(2) lots; or

(3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alley, squares, parks, or other parts.

(a-1) 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.

(b) 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.

(c) 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 acknowledgement of deeds.

(d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(e) The plat is subject to the filing and recording provisions of Section 12.002, Property Code.



Section 232.0013. CHAPTER-WIDE PROVISION RELATING TO REGULATION OF PLATS AND SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION.

The authority of a county under this chapter relating to the regulation of plats or subdivisions in the extraterritorial jurisdiction of a municipality is subject to any applicable limitation prescribed by an agreement under Section 242.001 or by Section 242.002.

Section 232.0015 EXCEPTIONS TO PLAT REQUIREMENT.

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

(b) Except as provided by Section 232.0013, this subchapter does not apply to a subdivision of land to which Subchapter B applies

(c) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(1) the owner does not lay out a part of the tract described by Section 2332.001 9a)(3); 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.

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

(e) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3) to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.

(f) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(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 described by Section 232.001(a)(3).

(g) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3) to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.



(h) The provisions of this subchapter shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commissioner or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by Section 232.001(a)(3).

(i) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(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

(j) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:

(1) The owner does not lay out a part of the tract described by Section 2323.001(a)(3); and

(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.

(k) a county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

(1) the owner does not lay out a part of the tract described by Section 232.001(a)(3); 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.

#### ADDITIONAL HOPKINS COUNTY EXCEPTIONS;

(l) A plat is not required when a public road or highway divides a tract into two or more tracts and the remaining are less than ten (10) acres. These remaining tracts can be conveyed by metes and bounds; however if the developer wishes to subdivide one of these remaining tracts further, and the tracts do not fit any exceptions, then a plat is required.

(m) A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there re the same number of tracts and owners after the transaction, as existed before the transaction. This exemption applies whether the transaction requires an exchange of land by both owners, or only a transfer of land from one owner to the other, and whether the transaction takes the form of a sale or of an exchange in kind. However, any land added to a tract through such a transaction shall become an integral part of that tract, and may not be separately conveyed except in compliance with the subdivision laws. Each resulting tract shall, of course, be subject to the minimum lot size requirements of these Regulation and other applicable laws. This exception does not apply if the adjustment will change the boundary between two legally platted lots, or subtract land from a legally platted

subdivision.

(n) A plat is not required when a smaller tract is surveyed out of the larger tract solely for the purposes of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire tracts are intended to remain unified.

(o) A plat is not required when a smaller tract is created by the legitimate foreclosure of a valid lien on a part of the larger tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirements.

(p) A plat is not required when a smaller tract is created by a larger tract by a court with appropriate jurisdiction. This provision does not exempt sham transactions or partitions staged to avoid the platting requirement.

(q) A plat is not required when the owner of two (2) or more distinct adjacent tracts sells one or more of them so long as all existing tracts remain in tact. To be "distinct" the tracts must have a history of separate use.

(r) An owner of a tract of land located outside the limits of a municipality who divides the tract into two parts is not required to have a plat of the subdivision prepared if:

(1) both lots in the subdivision are more than five (5) acres in area; and

(2) the owner does not lay out a part of the tract described in Section 232.0019a(3) of the Local Government Code; and

(3) each lot has at least 200 feet of frontage on a public road, to be used for access only by that tract alone. This provision does not exempt sham transactions staged to avoid the platting requirements.

(s) A plat is not required when a governmental entity purchases land for the purpose of building a public water supply reservoir and a larger tract is divided into two or more smaller tracts and the smaller tracts are each less than ten acres. These smaller tracts can be conveyed by metes and bounds; however, if the owner of the large and smaller tracts wishes to subdivide one of the smaller tracts further, and the tracts do not fit any exceptions, then a plat is required.

**SUBJECT TO THE EXEPTIONS SET FORTH ABOVE CREATED BY THE LOCAL GOVERNMENT CODE PROVISIONS OF SUBCHAPTER A OF CHAPTER 232 AND THE ADDITIONAL HOPKINS COUNTY EXCEPTINS LISTED ABOVE; NO LAND IN HOPKINS COUNTY SHALL BE DIVIDED, SOLD OR CONVEYED UNTIL THE OWNER/SUBDIVIDER/DEVELOPER SHALL FIRST HAVE TH FINAL SUBDIVISION PLAT APPROVED BY THE COMMISSIONERS' COURT AND THEN SAID APPROVED FINAL SUBDIVISIN PLAT SHALL BE FILED WITH THE HOPKINS COUNTY CLERK IN THE MAP RECORDS OF THE COUNTY.**

## **APPENDIX B ENGINEERING GUIDELINES**

### **LAND PLANNING AND SITE EVALUATION**

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

#### **1.1.1 Residential Lot Sizing**

1.1.1.1 Subdivisions of single family dwellings platted or created after the effective date of this section using individual OSSFs for sewage disposal, shall have lots of at least 1 acre usable property. (no easements/right-of-way/save and except property)

#### **1.1.2 Manufactured Housing Communities or Multi-unit residential Developments**

1.1.2.1 The owners of manufactured housing communities or Multi-Unit residential developments that are served by an OSSF and rent or lease space shall submit a sewage disposal plan to the permitting authority for approval. The total anticipated sewage flow for the individual tract of land shall not exceed 5,000 gallons per day. The plan shall be prepared by a professional engineer or professional sanitarian.

#### **1.2 Approval of OSSF systems on existing small lots or tracts.**

1.2.1 Existing small lots or tracts, that do not meet the minimum lot size requirements under subsection 1.1.1.1 or 1.1.1.2 of this section and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, may be approved for an OSSF provided:

1.2.1.1 Minimum separation distances in Section 285.31(d) relating to General Criteria for Treatment and Disposal Systems are maintained.

1.2.1.2 The site has been evaluated according to Section 285.30 relating to Site Evaluation; and

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

#### **1.3 Review of Subdivision or Development Plans**

Before the permit process for individual OSSFs can begin, persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar uses and using OSSFs for sewage disposal shall submit planning materials for these developments to the permitting authority. The planning materials shall be prepared by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, locations of easements as identified in Section 285.91(10) relating to Tables, and a complete report detailing the types of OSSFs to be considered and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials. The permitting authority will either approve or deny the planning materials, in writing, within forty-five (45) days of receipt.

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

### **ROAD ALIGNMENTS**

2.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting such subdivisions with a minimum of road construction. No voids may be left within the subdivision with the intent of avoiding responsibility for constructing roads or bridges, nor along the subdivision boundary to avoid connecting with adjacent subdivisions or roads.

2.2 Cross-streets at a minimum spacing of 1500 feet shall be provided to facilitate the movement of emergency vehicles such as fire trucks and ambulances. More frequent spacing for urban roads may be required, depending on traffic conditions and density.

2.3 All streets or roads intersecting or joining a county road must be approved in writing prior to approval of plat. When signal lights are required for the entrance of traffic generated by subdivision at the principal thoroughfares, such signal lights shall be the responsibility of the owner.

2.4 Dead end streets which end a property which may be developed may remain as Dead End streets, but must be extended to the property lines. Dead End streets which shall remain as Dead End streets shall end on a cul-de-sac with a minimum radius of right-of-way 75 feet (minimum base foot radius) with Dead End street signs placed on these streets at the entryway at the cost of the developer.

2.5 HOPKINS COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES; AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS HOPKINS COUNTY, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF OBLIGATION OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

Note: All private road, drives and streets will be signed by the developer in a manner that indicates its private status

## **MINIMUM ROAD REQUIREMENTS**

### **3.1 CLASS I**

3.1.1 Minimum right-of-way shall be 60 feet.

3.1.2 Minimum Crown Width of Roadway shall be 30 feet.

3.1.3 Minimum Width of Base Material shall be 24 feet

3.1.4 Minimum Depth of Compacted Base Material shall be 6 inches.

3.1.5 Minimum width of Surface shall be 22 feet.

3.1.6 Minimum Type Surface shall be Asphalt Prime Coat with One Course Asphalt Surface Treatment.

### **3.2 CLASS II**

3.2.1 Minimum right-of-way shall be 60 feet

3.2.2 Minimum Crown Width of Roadway shall be 30 feet.

3.2.3 Minimum width of Base Material shall be 24 feet.

3.2.4 Minimum Depth of Compacted Base Material shall be 6 inches.

3.2.5 Minimum Width of Surface shall be 22 feet.

3.2.6 Minimum Type of Surface shall be 2 inches Compacted Oil Sand.

### **3.3 CLASS III**

3.3.1 Minimum right-of-way shall be 50 feet.

3.3.2 Minimum Crown Width of Roadway shall be 25 feet

3.3.3 Minimum Width of Base Material shall be 22 feet.

3.3.4 Minimum Depth of Compacted Base Material shall be 6 inches.

3.3.5 Minimum Width of Surface shall be 20 feet.

3.3.6 Minimum Type Surface shall be 2 inches Compacted Oil Sand.

### **3.4 CLASS IV**

3.4.1 Cul-De-Sac minimum right-of-way shall be 75 feet base radius

### 3.5 Additional Right of Way for Existing Roads

3.5.1 Where the subdivision affects a county road, the Commissioner's Court shall determine the right-of-way width which will be necessary for the maintenance and improvement of the road. This right-of-way requirement may be as wide as 60 feet if the county road is a CLASS I or CLASS II.

3.5.2 Where the subdivision affects only one side of a county road, adequate right-of-way shall be provided for one-half (1/2) the additional width to provide right-of-way as prescribed by the Commissioner's Court.

3.5.3 Where the development is on both sides of the existing county road, right-of-way for the total prescribed width shall be provided.

3.5.4 any improvements proposed by the developer for existing county roads shall:

3.5.4.1 comply with the standards set in Paragraph 3.1;

3.5.4.2 be approved by the Commissioners' court in writing prior to the construction of such improvements; and

3.5.4.3 where it is an improved facility, it must be equal to the existing road, in the sole judgment of the Commissioners' Court.

## CONSTRUCTION

4.1 All streets and roads, at the request of Precinct Commissioner(s) may be tested by an Independent Testing Laboratory for Plasticity Index (PI); Sub-base; tested for compacted density, depth of base, certification of distribution of asphalt, certification of distribution of AC-S or HFRS-2 asphalt and of the cover stone. A test hole may be placed every 500 yards with a minimum of 4 pr mile, with the developer paying for the test and furnishing the Precinct Commissioner with certified copies of these tests, before construction the next phase of the roadway.

4.2 All underground nonferrous utilities within a right-of-way or easement must be accompanied by ferrous metal lines to aid in the location of said utilities through the use of a metal detector.

## SUB-GRADE

5.1 The Preparation of the sub-grade shall follow good engineering practices. The subgrade shall be compacted - by ordinary compaction - by any method, type, and size of equipment which will give the required compaction. The subgrade must be inspected and approved by the County Commissioner prior to any application of base material

5.2 The sub-grade may be inspected and approved by an Independent Testing Laboratory and a certified copy provided to the Precinct Commissioner, if same is requested by the Commissioner.

**BASE MATERIAL**

6.1 Base material shall meet the following minimum requirements and must be inspected and approved by the County Commissioner prior to hauling to job site. All materials (such as gravel, crushed concrete or subital base material) must be approved by Commissioners' Court.

**6.1.1 ASPHALT SURFACE TREATMENT**

6.1.1.1 Retained on 4 inch screen shall be 0%

6.1.1.2 Retained on 40 sieve shall be 40-85%

6.1.1.3 The plasticity index shall not exceed 15.

**6.1.2 OIL SAND SURFACE**

6.1.2.1 Retained on 4 inch screen shall be 0%.

6.1.2.2. Retained on 40 sieve shall be 30 to 85%.

6.1.2.3 The plasticity index shall not exceed 18.

6.2 Base material shall be delivered in vehicles of uniform capacity and it shall be the charge of the Contractor that the required amount of specified material shall be delivered in each 100 foot section.

6.3 The material shall be scarified, thoroughly wetted, mixed, manipulated and bladed so as to secure a uniformly wetted material and pulled in over the subgrade in courses and set under the action of blading and rolling. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompactng by sprinkling and rolling.

***NOTE: Other types of base material may be used with the prior written approval of the Precinct Commissioner.***

6.4 The base must be inspected and approved by the County commissioner prior to the application of any surface treatment.

**PAVEMENT****7.1 ASHALT SURFACE**

7.1.1 After the Precinct Commissioner has inspected and approved the completed base, the surface shall be cleaned by sweeping and primed with a minimum of 0.25 gallons per square yard of WC-30 asphaltic material, at a minimum temperature of 150 degrees F. The prime shall be allowed to cure a minimum of 48 hours. After the prime has properly cured a minimum of 0.30 gallons per square yard of AC-iD asphaltic material, at a minimum temperature of JSO% shall be applied. Type PB, Grade 4 aggregate shall be immediately and uniformly applied and spread at a rate of one cubic yard per 90 square yards. The entire surfaced area shall be thoroughly rolled and broomed.

## 7.2 OIL SAND

7.2.1 After the Precinct Commissioner has inspected and approved the complete base, two (2) inches of compacted Oil Sand shall be added to the surface.

7.2.2 Sand for Oil Sand shall meet the follow specifications:

7.2.2.1 Retained on a 60 Sieve shall be 10 to 35%

7.2.2.2 Passing a 200 Sieve shall be 5 to 15%

7.2.3 Oil for the Oil Sand shall meet the following specifications:

7.2.3.1 Asphalt Content of 100 penetration at 77 degrees F. 65 to 80

7.2.3.2 Flash Point C.O.C. degrees F. - 250 to -

7.2.3.3 Furol Viscosity at 122 degrees F., Sec - 500

7.2.3.4 Loss at 212 degrees F. 20g, 5 hrs. - 3.0

7.2.3.5 Water & Sediment - 2.0

## STREET NAMES AND MARKERS

8.1 All streets and roads to be dedicated to the public with a subdivision shall be names, with prior approval for said name from the U. S. Postal Authorities. The street names shall be displayed on standard inspection street markers erected by the owner at each street intersection. All houses in areas receiving mail delivery shall be numbered. Where rural route boxes are in use, such boxes shall be set three (3) from the edge of the pavement or behind curbs, when used.

8.2 Each entrance to the subdivision must be marked with a sign identifying the subdivision. The size and type of sign shall be approved by the Precinct Commissioner, who shall also have the authority at his or her sole discretion to waive this requirement for re-subdivision, small subdivisions or secondary entrances.

8.3 Traffic control signs (stop, yield, speed limit) as approved by Commissioners' Court, shall be installed by the owner or owners of said subdivision at all intersections where minor streets intersect with major arterial streets as herein defined. Other traffic control signs shall be installed to indicate any unusual traffic or road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with the current standards of the Texas Department of Transportation.

8.4 A maximum 30 miles per hour speed limit within all platted subdivisions is hereby adopted. This limit may be changed only by Commissioners' Court upon the basis of an engineering and traffic investigation showing that the prima facie maximum reasonable and prudent speed for a particular street (or part of a street) should be some speed other than 30 miles per hour.



8.5 The streets or roads in any subdivision will not be accepted for final maintenance by the Commissioners' Court until the entire aforesaid requirement and conditions regarding street names, street signs and traffic control signs have been complied with.

### **DRAINAGE AND FLOOD CONTROL**

9.1 Each development is required to detain runoff water on each developed tract so that water will not be released faster than when the property was in its natural state. Drainage is to be designed by a Registered Professional Engineer according to 25-year Flood Plain calculations. The engineer must certify that the work was completed in accordance with approved plans. Exceptions may be allowed when the engineer will certify that downstream property will not be adversely affected.

9.2 Drainage calculations shall be based on the assumption that all the property located in the subdivision and all the property upstream from or above the subdivision will be fully developed. Drainage shall be designed to carry the runoff from a 25-year rainfall event falling throughout the watershed in its fully developed state.

9.3 Drainage calculation shall be made using the Texas Department of Transportation Rational Method or other methods satisfactory to the Precinct Commissioner. All data and calculations must be presented to the said Precinct Commissioner for checking upon request. All engineering plans and drainage must be inspected and approved by a Registered Professional Engineer and submitted for approval by the Precinct Commissioner (or other person designated by the Commissioners' Court) in writing, prior to the application of any base material.

#### **9.4 Flood-Handling Requirements**

9.4.1 Drainage for arterial streets or road shall be designed using a 100 year frequency.

9.4.2 Drainage for lateral streets or roads shall be designed using a 25 year frequency

9.4.3 As required by section 3.4.2 of these Regulations, all drainage easements and areas of flood hazard must be shown on subdivisions plats before approval.

9.5 All drainage structures and appurtenances shall be designed by a Registered Profession Civil Engineer.

#### **9.6 Driveway Drain Pipes**

9.6.1 No subdivision streets and roads will be accepted for maintenance by the Precinct Commissioner until all driveway drain pipes have been installed to existing improvements. Placement and design of all drain pipes and drain structures shall be approved in writing by the Precinct Commissioner prior to installation by the developer or property owner.

9.6.2 No driveway drain pipe will be accepted unless it has a minimum drain of 15 inch or equal in diameter and a minimum length of 22 feet. Larger or longer drain pipes shall be installed if necessary to handle drainage based upon a 25 year flow frequency.

9.6.3 Certification of a Registered professional Engineer as to the size of driveway drainage pipes for each lot in a subdivision shall be included in a map or list attached to each subdivision plat. The subdivision developer will be held responsible to notify builders and lot owners of this requirement.

9.6.4 Any driveway constructed of concrete must be approved by the Precinct Commissioner prior to being constructed in the roadway easement. Cost of driveway and driveway drain pipe replacement will be at owner's expense.

**9.6.5 Notice of these drainpipe placement and concrete driveway construction requirements shall be placed in all deed restrictions.**

9.7 Retention ponds, when needed, shall be supplied with a view to restricting drainage from the platted area to rate of drainage of the land in its natural state.

9.8 Each plat shall carry the following legend:

***Prior to grading, any type of earth moving, construction of, on, or under the land in this subdivision, a drainage plan designed by a registered professional engineer shall be submitted for the proposed development, and modifications thereof to the Engineering Department of the City of {Name of City} (when applicable) and the Commissioners' Court of Hopkins county for review and approval.***

9.9 Responsibility for drainage is not to be accepted by the County other than that accepted in connection with draining or protecting the road system and streets of the County.

## **APPENDIX C INFRASTRUCTURE DEVELOPMENT PLAN**

1.1 In accordance with Local Government Code Section 232.007, an Infrastructure Development Plan (IDP) is required for all manufactured home rental communities developed after March 12, 2001.

1.1.1 The development shall have a minimum right-of-way of fifty (50) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to the individual rentals spaces must be constructed and paved to a minimum width of 32 feet. all roads will meet minimum road requirements as found in Appendix B, Section 3.3.

1.1.1.1 No space may contain more than one single family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.

1.1.1.2 A plat of the property shall be submitted to the Precinct Commissioner prior to the request by the owner or occupier of the lot for any permit and/or utility services.

1.1.1.3 The owner shall submit a letter of application, signed by the owner that stipulates the intention of the owner; name, address, phone number of the owner; names of water and electricity providers; and name of wastewater provider or type and usage of OSSFs.

1.2 The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at a minimum the following:

1.2.1 As a minimum 18 inch x 24 inch sheets will be acceptable and at a maximum scale of 1 inch = 200 feet (1 inch = 100 feet preferred), of as approved by the precinct Commissioner. An index on the first sheet is required when more than two sheets are required for the IDP.

1.2.2 Names, locations, dimensions (bearings and distances), and layouts of existing and proposed streets, alleys, easements, and other public rights-of-way and public/private encumbrances (deed restrictions, etc) on the property and any proposed street right-of-way, easement, alley, park, or other public dedication.

1.2.3 Dimensions, bearings and distances, of the proposed rental spaces.

1.2.4 Signatures and date of approval and certifications on the IDP. these approval signatures shall be not more than six (6) months prior to the submission.

1.2.5 legal Description, acreage, and name of the proposed development. The development's name shall not be spelled or pronounce similarly to the name of any existing development or subdivision located within the County.

1.2.6 The boundary of the development indicated by a heavy line and described by bearings and distances.

1.2.7 Scale, legend, north arrow, spot elevations on 100 foot or an appropriate grid, with two foot 92) contour lines.

1.2.8 Deed record, name of owner, volume and page number of adjoining properties.

1.2.9 Dates of survey and preparation of IDP.

1.2.10 Identification code, location, description and elevation of the USGS or appropriate benchmark used in the survey.

1.2.11 Front building setback lines. Back and side building setback line by note.

1.2.12 Location of any city's corporate limit line or extra territorial jurisdiction line.

1.2.13 Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and ETJ's and other major land features.

1.2.14 Net area (gross area less easements) of rental spaces to the nearest 1/100 of an acre for lots using OSSF and/or well water.

1.2.15 Limits of flood hazard areas as defined by the appropriate FEMA FIRM panel and the proposed finished floor elevation of buildings within these flood hazard areas on each space.

1.2.16 A certification by a Surveyor or Engineer describing any area of the development that is in a Flood Plain or stating that no area is in a Flood Plain, as delineated by the appropriate FEMA FIRM panel and date.

1.2.17 A Surveyor's or Engineer's signature and seal on the IDP for certification.

1.2.18 The description of the water and sewer facilities, electricity and gas utilities and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the development and a statement of the date by which the facilities will be full operable, prepared by an Engineer (may be included in an attached document). A certification must be included that the water and sewer facilities describe the IDF, or document attached to the IDP, are in compliance with these Regulations.

1.2.19 Approvals by other regulatory and governing bodies, as required.

1.3 The IDP submitted shall also include the following documents:

1.3.1 Letters signed and dated from water, wastewater and electric utilities of of service commitment and availability and statement of approval of existing and proposed utility easements.

1.3.2 A tax certificate showing that all taxes currently due with respect tot he original tract have been paid.

1.3.3 Results of soils analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for OSSFs.

1.3.4 Design construction plans for roadway access to each rental space for fire and emergency vehicles.

1.3.5 Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the development, including the design of drainage structures, culverts and/or systems using a 10 year storm frequency, such that the drainage out of the development does not have a negative drainage impact on neighboring properties. If additional right-of-way is required for existing County map drainage and access as determined by the Precinct Commissioner to achieve a 50 foot wide right-of-way or to meet requirements of Hopkins County, the owner shall dedicate these rights-of-way to the County.

1.4 Inspection of Improvements.

Construction of a proposed Manufactured Home Rental Community may not begin before the date the Precinct Commissioner approves the IDP. periodic inspection of improvements may be required, as directed by the Precinct Commissioner. If the Precinct Commissioner directs that a final inspection is required, it must be completed not later than the second business day after the date the Precinct Commissioner receives a written confirmation from the owner that the construction of the infrastructure is complete. If the inspector determines that the infrastructure improvements comply with the IDP, then the Precinct Commissioner shall issue a Certificate of Compliance not later than the fifth business day after the date the Precinct Commissioner receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

### 1.5 Utilities

A utility may not provide utility services, including water, sewer, gas and electric services to a Manufactured Home Rental Community subject to an IDP or to a manufactured home in the community unless the owner provide the utility with a copy of the Certificate of Compliance issued by the County. This requirement applies to:

1.5.1 A municipality that provides utility services;

1.5.2 A municipally owned or municipally operated utility that provides utility services;

1.5.3 A public utility that provides utility services;

1.5.4 A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;

1.5.5 A county that provides utility services; and

1.5.6 A special district or authority created by state law that provides utility

services. 1.6 Timely Approval of Infrastructure Development Plans

Not later than the 60th day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan for approval; the County shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reason(s) for the rejection and the actions required for approval of the plan,. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

