



ADOPTED
SEPTEMBER 24, 2018

HOPKINS COUNTY
**SUBDIVISION
REGULATIONS**

HOPKINS COUNTY SUBDIVISION REGULATIONS
TABLE OF CONTENTS

ARTICLE 1. INTRODUCTION

Preamble and Purpose

General Provisions
 Short Title
 Jurisdiction
 Interpretation and Purposes
 Applicability
 Acceptance of Dedication

Definitions

Enforcement

Special Provisions

Legal Provisions.....
 Conflicting Orders
 Severability Clause

Guarantee of Performance

Acceptance by Commissioners Court of Subdivision Streets for County Maintenance
subsequent to the date of this Order Approving Plat for Filing Purposes Only

Exceptions to Plat Requirement

Chapter 245 Government Code Determinations.....

ARTICLE 2. GENERAL SUBDIVISION REQUIREMENTS

 General Requirements
 Filing Deadlines and Hearings.....
 Subdivision Approval Process
 Transmittal Materials
 Application Materials
 Preliminary Plat
 Recorded Plat
 Application Review Periods
 Application Fees
 Subdivisions within the ETJ of a Municipality.....
 Wastewater and Development Permits
 Privately Maintained Roads

Preliminary Plat
 Shall submit a preliminary plat to Commissioners Court
 Licensed engineer or licensed land surveyor
 Preliminary Plat required information
 Designation of subdivision as public or private
 Flood Plain and Drainage Information (If adopted)
 Water, Wastewater and Utilities Information
 Proof of Ownership
 County Has No Liability for Water or Road Maintenance
 Final and Record Plat

Approval by Commissioners Court
 Requirements

Revision of Subdivision Plats (REPLATS)
 Requirements
 Application
 Notice
 Hearing
 Filing

CANCELLATION OF SUBDIVISIONS

CANCELLATION OF SUBDIVISIONS PLATTED UNDER
MODEL SUBDIVISION RULES
ALL OTHER SUBDIVISIONS

ARTICLE 3. DESIGN STANDARDS AND REQUIREMENTS

General Design Principles and Objectives
Construction and Specifications of Roads and Drainage.....
Hopkins County On-Site Sewage Facility Regulations
Manufactured Home Rental Communities served by central sewage
Exemptions and Variances.....
Additional Requirements
 Compliance
 Plans
 Inspection of Improvements
 As-Built Plans
 Street Improvements
 Water Systems
 Flood Plain and Drainage
 Changes to Road Names
 Obstacles to Subdividing

ARTICLE 4. OTHER PROVISIONS

 Construction and Maintenance Bonds

 Construction Bonds

 Maintenance Bond

 Cash Bond

 Irrevocable Letter of Credit (In Lieu of Bond)

 Final Inspection

 Penalty for Violation

 Variance

 Consanguinity and Affinity Family Chart

 Application For Land Subdivision (Plat)

Appendix:

A. Definitions.....

B. Subdivision Platting Checklist (Preliminary)

C. Subdivision Platting Checklist (Final)

D. D1-Dedication by Owner (individual)

 D2-Dedication by Owner (Corporation).....

E. Certificate of Recording.....

F. Water Supply Certificate

G. Certificate of Surveyor

H. Certificate of Engineer

I. Certificate of Road Maintenance (Roads Retained as Private).....

J. Certificate of Road Maintenance (Dedicated to Hopkins County).....

K. Certificate of County Approval For Filing Purposes Only.....

L. Permit to Construct within County Road Right-of-Way

M. Lienholder’s Acknowledgement.....

N. Revision to Plat

O. On-Site Sewage Facility Inspector’s Approval.....

P. Utility Line Installation Permit

Q. Road Construction Specifications (Typical Section).....

R. Cattle guard Order and Specification.....

Summary of Street/Road Standards

Fees.....

**HOPKINS COUNTY SUBDIVISION
AND DEVELOPMENT REGULATIONS**

ARTICLE 1. INTRODUCTION

1. **Preamble and Purpose**

- A. These Subdivision and Development Regulations have been adopted by Order of Hopkins County Commissioners Court to provide a framework for the orderly and efficient development of rural and suburban Hopkins County.
- B. These Subdivision Regulations have been adopted based on the following findings:
1. The Commissioners Court of Hopkins County has the authority to regulate the subdivision process pursuant to Local Government Code § 232.001 et. seq., and specifically incorporating Subchapter E of that Chapter;
 2. The Commissioners Court of Hopkins County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Hopkins County and these Regulations are a necessary component of such regulation;
 3. The Commissioners Court of Hopkins County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Hopkins County;
 4. The Commissioners Court of Hopkins County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within the County and to regulate associated development;
 5. The Commissioners Court of Hopkins County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health;
 6. The Commissioners Court of Hopkins County has the authority and obligation to protect the public health, safety and welfare of the citizens of Hopkins County;
 7. These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to: Tex. Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way); Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control), Tex. Local Gov't Code Ann. Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval), including Subchapter E, regarding Infrastructure Planning, Health and Safety; 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), Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann.

Section 16.311, et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Chapter 54 (municipal utility districts), Tex. Water Code Chapter 26 (Water Quality Control), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by counties);

8. The Commissioners Court has considered the potential burden on landowners and taxpayers of substandard development or poor quality road construction;
 9. These Regulations are enacted to preserve and protect the resources, public health and private property interests of Hopkins County.
- C. The Commissioners Court of Hopkins County, following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above, and hereby repeals any prior regulations pertaining to the same subject.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HOPKINS TEXAS, AS FOLLOWS:

2. **General Provisions**

- B. **Short Title.** This order and subsequent amendments shall be known as the “Subdivision Regulations” of Hopkins County, Texas.
- C. **Jurisdiction.** No person shall create a subdivision in Hopkins County outside of the corporate limits of any municipality without complying with the provisions of this Order. If the County and a municipality enter into a written agreement under Section 242.001 of the Local Government Code which authorizes the municipality to regulate subdivision plats and approve related permits in the municipality’s extraterritorial jurisdiction, then the land in the municipality’s extraterritorial jurisdiction is not considered to be within the jurisdiction of the County. All plats and subdivisions of any such land within the County’s jurisdiction shall conform to the rules and regulations herein set forth. On May 3, 2002 the City of Sulphur Springs and Hopkins County entered into an Interlocal Agreement under Section 242.001 of the Texas Local Government Code agreeing that subdivision regulations of Sulphur Springs would prevail in the extraterritorial jurisdiction of the City of Sulphur Springs.

On March 12, 2002 the cities of Winnsboro, Cumby, Birthright, and Como chose to follow the subdivision regulations of Hopkins County with reference to extraterritorial jurisdiction of the cities.

- D. **Interpretation and Purposes.** In their interpretation and application, the provisions of this Order shall be deemed to be the minimum requirements, and whenever the principles, standards or requirements of other orders of Hopkins County, the more restrictive order shall control.

E. **Acceptance of Dedication.** Approval of a plat by the Commissioner’s Court shall not be deemed an acceptance of the proposed dedications, if any, shown thereon, 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 Sub-divider and property owners in the subdivision.

3. **Definitions.** For the purpose of this Order, the terms, phrases, words, and their derivations used in these regulations shall have the meaning as stated in Appendix A. When not inconsistent with the context, words used in the present tense include the future; words used in the plural include the singular number. The word “shall” and “will” are always mandatory, while the word “may” is merely permissive. As used herein, singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a proper understanding of these Rules. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices.

4. **Enforcement.** In addition to any other remedy provided by law, at the request of the Commissioner’s Court, the County Attorney or other prosecuting attorney may file an action in a court of competent jurisdiction to:

- A. 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
- B. 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 commissioner’s court under a preceding section of this chapter.
- C. A subdivision Final Plat shall not be filed of record until it has been approved by the Commissioners’ Court and all public and private improvements associated with the Final Plat are constructed and accepted in accordance with these rules and regulations and any such actual recording shall be void unless such approval shall be endorsed on the face of the Final Plat as hereinafter provided. Preliminary Plats shall never be filed of record.
- D. No construction work shall begin on the proposed public improvements in the proposed subdivision prior to Final Plat approval by the County.
- E. No changes, erasures, modifications or revisions shall be made to any Plat of a subdivision after approval has been given by the Commissioners’ Court and endorsed on the Plat in writing, unless said changes, revisions or modifications are first submitted to and approved by the Commissioner's Court.

- F. The County shall not authorize any other person nor shall the County itself repair, maintain, install or provide any roads or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.
- G. Disapproval of a Plat by the Commissioners' Court shall be deemed a refusal by the County to accept the offered dedications shown thereon. Approval of a Plat shall not impose any duty upon the County concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the County have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation may be vacated by the Court in any manner provided by law.
- H. On behalf of the County, the County Attorney shall, when directed by the Commissioners' Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Court Order or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Court Order.
- I. In addition, thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Court Order may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.
- J. An offense under these regulations is a Class B misdemeanor punishable by fine or imprisonment or both.

5. **Special Provisions.**

- A. It shall be unlawful for the Hopkins County Clerk to record the Final Plat or replat, unless and until the same shall have been approved by the Hopkins County Commissioners' Court.
- B. If any subdivision, developed subsequent to the date of this order, exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full then the Commissioners' Court of Hopkins County shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval. The County Clerk shall, when directed by the Commissioners' Court of Hopkins County cause a certified copy of such resolution under the corporate seal of Hopkins County to be filed in the Deed Records of Hopkins County.

6. **Legal Provisions.**
 - A. **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.
 - B. **Severability Clause.** If any provision of this Order, of the application thereof to any person or circumstance(s) is held invalid, the remainder of the Order, and the application of such provision to other persons or circumstances, shall not be affected thereby.
7. **Guarantee of Performance.** No plat of any subdivision shall receive final approval unless the subdivider has complied or provided for compliance with the policies and procedures set forth in these regulations as they may be applicable. Until these policies and procedures have been complied with by the sub-divider and the plat approved by the Commissioners Court as herein required, no septic system permit or development permit shall be issued by the Hopkins County Environmental Services as to any property in an unrecorded subdivision developed subsequent to this Order.
8. **Acceptance by Commissioners' Court of Subdivision for County maintenance and Public Subdivision streets subsequent to the date of this Order.**
 - A. Main arterial roads within any subdivision established prior to this Order must have been dedicated to the public.
 - B. All subdivisions affected under this section must reach fifty (50%) percent or greater occupancy and/or a constant daily minimum traffic count consistent with public safety as determined by the Hopkins County Precinct Commissioner, or their designee.
 - C. Property owners, within the subdivision, or sub-dividers, affected by this section, shall donate all material costs needed to improve roads to meet county specifications as a method of acceptance of subdivision roads.
 - D. Only the main arterial roads with a minimum 60 foot right-of-way in a subdivision will be considered for maintenance acceptance.
 - E. Request for acceptance as county roads, must be by written petition signed by a majority of the property owners and/or the authorized representative of the subdivision association and/or the governmental trustees or entity.
 - F. It shall be unlawful for commissioners to maintain the streets and roads in any subdivision, and Hopkins County will not accept or maintain said street and roads in any subdivision, unless and until such streets and roads have been constructed as specified in these regulations or regulations in effect at the time subdivision was established and the required utilities and drainage facilities have been installed, and such improvements have been accepted in writing by the Commissioners Court.

9. **Exceptions to Plat Requirement**

A. All provisions of Section 232.0015 of the Texas Local Government Code, as now in effect or hereafter amended, are hereby incorporated by reference. If a conflict exists between these Rules and the provisions of said statute, the provisions of said statute shall control over these Rules. In accordance with Local Government Code, a subdivision plat is not required if:

1. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:

a. The owner does not lay out a part of the tract for 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. 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;

i. If a tract described by Subsection b ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this regulation apply.

2. The owner of a tract of land located outside the limits of a municipality divides the tract into four or fewer parts and:

a. The owner does not lay out a part of the tract for 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

b. 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.

i. 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 regulation shall apply.

3. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:

a. All of the lots of the subdivision are more than 10 acres in area; and

- b. The owner does not lay out a part of the tract for 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.
4. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:

The owner does not lay out a part of the tract for 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 all the lots are sold to veterans through the Veteran’s Land Board Program.
5. The provisions of these regulations 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 for 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.
6. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner of the land is a political subdivision of the state; and
 - b. The land is situated in a floodplain; and
 - c. The lots are sold to adjoining landowners.
7. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner does not lay out a part of the tract for 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
 - b. 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 these regulations.
8. The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and:
 - a. The owner does not lay out a part of the tract for 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

- b. 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.

9. **ADDITIONAL HOPKINS COUNTY EXCEPTIONS**

- a. 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.
- b. A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as they are 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 Regulations 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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 intact. To be “distinct” the tracts must have a history of separate use.
- g. 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 two (2) acres or more in area; and
 - (2) the owner does not lay out a part of the tract described in Section 232.001(a)(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.
- h. 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 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 EXCEPTIONS SET FORTH ABOVE CREATED BY THE LOCAL GOVERNMENT CODE PROVISIONS OF SUBCHAPTER A OF CHAPTER 232 AND THE ADDITIONAL HOPKINS COUNTY EXCEPTIONS LISTED ABOVE; NO LAND IN HOPKINS COUNTY SHALL BE DIVIDED, SOLD OR CONVEYED UNTIL THE OWNER/SUBDIVIDER/DEVELOPER SHALL FIRST HAVE THE FINAL SUBDIVISION PLAT APPROVED BY THE COMMISSIONERS' COURT AND THEN SAID APPROVED FINAL SUBDIVISION PLAT SHALL BE FILED WITH HOPKINS COUNTY CLERK IN THE PLAT RECORDS OF THE COUNTY.

10. **CHAPTER 245 GOVERNMENT CODE DETERMINATIONS**

A. Expiration of Existing Permits

Any permit that does not have an expiration date or has an expiration date of less than two years from the effective date of this order, and where no progress towards completion of the project has occurred shall expire on the second anniversary of the effective date of this order.

- B. If no portion of the land subdivided under a plat approved under these regulations is sold or transferred before January 1 of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the owner must resubmit a plat of the subdivision for approval. A plat resubmitted for approval under this subsection is subject to the requirements prescribed by these regulations at the time the plat is resubmitted

C. Expiration of Existing Projects

Any project that does not have an expiration date, or has an expiration date of less than five years from the effective date of this Regulation and where no progress towards completion of the project has occurred shall expire on the fifth anniversary of the effective date of this order.

D. Application for Establishment of Chapter 245 Rights

The provisions of this section shall apply to any application for a subdivision permit or project for which an applicant desires to establish rights under Chapter 245 of the Texas Local Government Code.

An application shall be submitted in a form prescribed by the County, and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first in the series of permits, and the applicant shall supply documentation in support of the request. The following items may be considered as part of the application documentation:

- (1) Proof that a good-faith attempt was previously made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (2) Documentation of costs that have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located; Documentation of fiscal security posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- (3) Documentation of utility connection fees or impact fees for the project paid to a regulatory agency.
- (4) Any application not deemed complete by the County shall be rejected, and the applicant shall be notified in writing of the missing or incomplete items within 10 working days of the initial application. An incomplete application shall expire if the missing or incomplete items are not provided by the applicant within 45 days of the date of initial submission of the application.
- (5) The County shall not accept an application or establish rights under Chapter 245 of the Texas Local Government Code where the application does not clearly specify land uses, densities or intensities.
- (6) Each application shall be reviewed by the Environmental Services Director or their designee in consultation with the County Attorney. Where the documentation submitted by the applicant is adequate to confirm a determination that rights exist under Chapter 245, then the regulations in place at the time such rights vested shall be applied in the further review of the project.
- (7) The Environmental Services Director or their designee shall either confirm or deny the application within 45 days of the date of the initial submission of the application.
- (8) The applicant may appeal a final determination by the Environmental Services director or their designee under this section to the County Commissioner's Court within 30 days of the rejection of the application decision of the Environmental Services Director or their designee.

- (9) The Commissioners Court may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties.
- (10) The provisions of this section shall only apply to the specified land uses, densities and intensities set forth in the Fair Notice documentation provided by the applicant. Any modification of the land uses, densities or intensities shall be considered a new project subject to current County regulations.

ARTICLE 2. PLATTING PROCEDURE

The platting procedure for subdivisions within Hopkins County will be as follows:

2.1 Prior to any subdivision of land and any official submittal of a plat for review, it is recommended that the Owner set a meeting with the Precinct Commissioner and any retained county Engineer. The Owner shall present a preliminary plat showing the street alignments and the lots. The Precinct Commissioner and the County Engineer will provide general comments and requirements to the Owner. Based upon these comments and requirements, the owner or his representative will submit one copy of the revised preliminary plat of the subdivision to the Precinct Commissioners' office and two additional copies to the County Engineer's Office. (Owner pays Application Fee to offset retaining an engineer)

2.1.1 The Precinct Commissioner will review the plat and forward any additional comments and recommendations to the retained County Engineer.

2.1.2 The County Engineer will review plans for compliance with the Hopkins County Subdivision and Development Regulations.

2.1.3 The County Engineer will return his and the Commissioners' comments and recommendations to the Owner or his agent.

2.1.4 The Owner will address the comments and recommendations and set a meeting with the County Engineer to resolve the comments.

2.1.5 The County Engineer will contact the County Clerk's Office to request placement of the plat on the next Commissioners' Court agenda for approval if all comments have been addressed or placement of a variance request on the next Commissioners' Court agenda. The County Judge's Office will verify with the proper Commissioner for his concurrence of placement.

2.1.6 If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished simultaneously with the platting procedure of the city. The Owner must obtain preliminary approval of the city before preliminary approval by the Hopkins County Commissioners' Court, unless otherwise provided by Interlocal Agreement

2.1.7 The final plat procedure will be the same as the preliminary plat procedure.

A. **General Requirements.** Any Owner who subdivides a tract of land shall:

1. Comply in all respects with these regulations; and
2. Prepare and submit to the Commissioners' Court an application for approval of the proposed Subdivision in accordance with the terms and procedures set forth in these regulations.

B. **Filing Deadlines and Hearings.** A completed Preliminary Plat and application, with three (3) copies, must be on file in the County Clerk's Office thirty (30) days prior to Preliminary Plat Hearing. Upon receipt of a completed application and plat, the hearing on the Final Plat shall be 14 days after the Preliminary Plat Hearing but in no event shall it be over 60 days from the filing of the completed application.

C. **Subdivision Approval Process.** No approval in the form of the Judge's signature, verbal Commissioners' Court action, or otherwise shall be given on any subdivision until the Owner has satisfied each of the following steps in the order indicated:

1. Filing of the Preliminary Plat and Application as required herein.
2. Approval of Preliminary Plat by Commissioners' Court.
3. Approval of Final Plat by Commissioners' Court.
4. Filing of Final Plat of record with the County Clerk, to be recorded in the Plat Records of the County.

D. **Transmittal Materials.** All submissions to the Commissioners' Court pursuant to these regulations, including amendments or supplemental materials, shall be filed with the County Clerk, including the official application form to be provided by the County.

E. **Application Materials.**

1. Preliminary Plat Submissions. Every Preliminary must be filed as herein directed and include the following:

- a. Three (3) 18" x 24" black line copies of the Preliminary Plat containing:
 - i. Existing topographic contours at one-foot intervals for any subdivision of land;
 - ii. Tangent lengths, centerline radii, names, and right-of-way dimensions for all proposed and existing streets;
 - iii. Proposed easements, existing easements and detention ponds;
 - iv. Proposed approximate property line dimensions;

- v. Adjacent property, owner's name, address, deed record, or subdivision name, block and lot number
 - vi. A transmittal letter containing the name, address, telephone number and fax number for the subdivision owner, surveyor and engineer;
 - vii. City limits, surveys, section, and county boundaries;
 - viii. Vicinity map.
- b. The application fee;
 - c. A tax certificate showing all taxes currently due with respect to the Original Tract have been paid;
 - d. A completed application in the current form promulgated by the County;
 - e. All other documents or reports required pursuant to these regulations and any associated bonds or letters of credit.
 - f. Any requests for variances to these regulations shall be made in writing and submitted with the application. The request shall state all reasons for such request for a variance.
 - g. An electronic copy of the plat shall be submitted to the 911 coordinator. The electronic copy of the plat should be based on the state plain grid. If the electronic copy submitted is other than state plain grid, the scale factor used must be indicated on the plat.
2. **Recorded Plat.** Three (3) 18"x 24" black line copies of the Final Plat shall be presented to the County Clerk for recording as the Record Plat. The required size and proper filing fees as set out by the County Clerk's Fee Schedule. All writing and drawings on the Record Plat must be large enough to be easily legible.

F. **Application Review Periods.**

- 1. Plat applications will be filed with the office of the County Clerk, as agent for the Commissioners' Court, and a receipt noting the date and time of filing will be issued to the applicant.
- 2. If a person submits a plat application to the Commissioners' Court that does not include all of the documentation or other information required herein, 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 in writing of the missing documentation. A deficiency in the application so noted by the Commissioners' Court or its designee shall toll the period in which the application may be reviewed until such time as any deficiency has been cured.

3. An application may be considered complete only when all documentation or other information required herein is received.
4. The Commissioners' Court or the Court's designee shall take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the Commissioners' Court or the Court's designee, excluding any time required to correct any noted deficiencies in the application.
5. The 60 day time period for approval may be extended as follows:
 - a. For a reasonable period, if agreed to in writing by the applicant and approved by the Commissioners' Court or the court's designee;
 - b. May be extended 60 additional days if Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with a plat application; and
 - c. Applies only to a decision wholly within the control of the Commissioners' Court or the court's designee.
5. The Commissioners' Court may refuse to approve a plat made for recordation based on the provisions in the Texas Local Government Code Section 232.0033. If the Commissioners' Court or the Court's designee disapproves a plat application, the applicant shall be given a complete list of the reasons for the disapproval by certified return receipt mail.

G. **Fee.** The County may impose an application fee and inspection fee as set forth in the Appendix to cover the cost of the County's processing of the application and inspection of street, road, and drainage improvements described by the plat. The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the County Commissioners' Court. The owner of the tract to be subdivided must pay the fee at the time of the submission of an application before the County conducts a review of the plat. The application shall be deemed incomplete if the fee is not paid at the time of submittal. The fee is subject to refund under § 232.0025(i), Texas Local Gov't Code.

H. **Subdivisions within the ETJ of a Municipality.** The Plat must indicate whether the land covered by the plat or replat is in the extraterritorial jurisdiction of a municipality. If so, it must be approved by the appropriate municipal authorities prior to being filed as determined by any written agreement entered into by the County and municipality under Sections 242.001 and 242.002 of the Local Government Code if the agreement authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction. The County Clerk may require written proof of exemption from a municipality to be filed with the Record Plat. In the event the land is subject to both municipal subdivision regulations and these regulations, then the stricter standard shall apply and may be enforced by either the City or the County or both.

I. **Wastewater and Development Permits.** The County shall not issue an On-Site Sewage Facility or development permit, if any, on any parcel of land unless that property is in compliance with all the

requirements of these Regulations and the Hopkins County Rules of On-Site Sewage Facilities Regulation, or regulations enforced by the State of Texas.

J. **Privately Maintained Roads.** If a street or road in a subdivision is to be privately maintained the following criteria must be satisfied.

(a) The roads must be constructed to the same standards as required for County roads.

(b) The following note shall be conspicuously displayed on the plat:

“By filing this Plat [Owner], and all future owners of property within this subdivision, by purchasing such property acknowledge and agree that the County shall have no obligation whatsoever to repair or accept maintenance of the roads in this subdivision unless and until the roadways have been improved to the current standards required by Hopkins County, the roadways with all required right-of-way have been dedicated as a public street by the owners thereof, and the roads have been accepted by formal action of the Commissioners’ Court.”

(c) Restrictive covenants establishing a homeowners’ association, whose purpose shall be, but not limited to, the maintenance and repair of roads in the subdivision shall be filed of record concurrently with the recording of the Plat.

(d) Financial assurance for not less than ten (10) years of maintenance cost for such privately maintained roads.

Preliminary Plat.

A. **Shall submit a preliminary plat to Commissioners’ Court.** To secure the review and approval of a proposed subdivision by the Commissioners’ Court, the sub-divider shall submit a preliminary plat and a completed subdivision application, as promulgated on the form on file with the County, to the court prior to making any street and road improvements or installation of utilities within any roadway. A copy of the Preliminary Plat shall be filed (but not recorded) with the County Clerk’s office thirty (30) days prior to the hearing to consider preliminary plat. On approval of said preliminary plat the sub-divider may proceed with the preparation of a final plat and such other plans and documents required by this Regulation.

B. The plat shall be prepared by a Registered Professional Land Surveyor in accordance with these regulations and should depict the entire layout showing layouts of street blocks and certification by an engineer of adequate drainage for the subdivision. Where the proposed subdivision constitutes a unit of a larger tract owned by the sub-divider which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat should be accompanied by a layout of the entire area showing the tentative layout of streets, blocks, drainage for such use. The overall layout, if approved by the Commissioners’ Court, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of Hopkins County.

C. The preliminary plat shall provide the following information:

(1) Legal description. The legal description of the land to be subdivided shall be sufficient for the requirements of title examination, including the current deed.

(2) Statement of conformance or list of variances. The statement of conformance shall declare that the preliminary plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.

(3) Location Map. A location map or sketch at a scale of not more than four thousand (4,000) feet to one (1) inch shall show the proposed subdivision, existing adjacent subdivisions, school district lines, and roads in the vicinity.

(4) Vicinity Map. A vicinity sketch or map at approximately one (1) inch = four hundred (400) feet scale shall show existing subdivisions, streets, easements, right-of-way, parks and public facilities, tracts of acreage in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by arrows.

(5) Location with respect to any municipal ETJ line. A statement indicating whether any part of the proposed subdivision lies within any extraterritorial jurisdiction of a municipality (under Texas Local Govt. Code §§ 42.021 or 212.001) shall be provided. If an ETJ line traverses the subdivision, it shall be delineated and identified upon the preliminary plat.

(6) Map of earlier plat. If the subdivision is part of a previously filed subdivision plat, a map shall be provided showing the portion of the earlier-filed plat that is owned by the applicant and included in the preliminary plat.

(7) Restrictive covenant. Any restrictive covenants proposed to be imposed for the subdivision should be attached for reference. It should be noted whether these are existing or proposed and if proposed, at what time they will be recorded, prior to or subsequent to the recording of the final plat.

(8) Certification by the owner of conformance or submittal for review. The owner shall certify that the preliminary plat has been reviewed and conforms to the requirements of the Texas Commission on Environmental Quality, utility districts, 911 addressing, school district, the gas, electricity, water, telephone, and television cable companies, irrigation, ground water, or water control and improvement districts and the U.S. Post Office; or that the agencies mentioned in the preceding paragraph were given at least ten (10) working days to review the proposed preliminary plat. This certification shall be in letter form and shall include the name, title, address, and telephone number of the person to whom the applicant delivered the preliminary plat for review.

(9) The preliminary plat shall include the name, address, and telephone number of the record owner(s) of lands being subdivided, and of the engineer, the surveyor, and any other persons responsible for the preparation of the data and information being submitted.

(10) The preliminary plat shall include the subdivision name, which shall not duplicate the spelling or the pronunciation of any existing subdivision in the County.

(11) The preliminary plat shall delineate the boundary of the subdivision by metes and bounds sufficiently for the requirements of title examination. Subdivision boundaries shall be indicated by a heavy line at least one sixteenth (1/16) inch wide. The total acreage in the subdivision shall be noted.

(12) The preliminary plat shall locate the subdivision with respect to an original corner of an original survey of which it is a part.

(13) The preliminary plat shall show the primary control points or description used to establish the subdivision. The description, location, and tie to such control points, including all dimensions, angles, bearings, block numbers, and summary data, shall be noted.

(14) The preliminary plat shall note the existing conditions within or immediately adjacent to the subdivision, including the location, dimension, name, and description of each existing or recorded street; alley, reservation, easement, or other public rights-of-way or visible private encumbrance upon the land within or adjacent to the subdivision, intersecting or contiguous with its boundaries, or forming such boundaries (include the name of the subdivisions in which a street, alley, etc. is located); location, dimension, description, and flow line of any existing watercourses, drainage structures, or irrigation structures within the subdivision or within one hundred and fifty feet (150 feet) of the boundary of the subdivision; location, dimension, description, and name of all existing or recorded lots and blocks, parks, public areas, or permanent structures within the subdivision or contiguous with the subdivision; and, location, dimension, description, and name of all existing water, sewer, electric, gas, telephone, television cable, irrigation or other utilities.

(15) The preliminary plat shall show the adjoining property owners' names and references to the deeds under which they hold ownership, or if the adjoining property is within a recorded subdivision, state the subdivision's name and provide the reference for where its plat is recorded in the Map Records of Hopkins County.

(16) The preliminary plat shall note the date of preparation, date of survey, the scale of the plat, and North arrow.

(17) The preliminary plat shall include topographic information, including contour lines for every one (1) vertical foot. The information shall include the flow lines of existing gutters and drainage ways. It shall be sufficiently detailed to determine the existing drainage to and from the proposed subdivision and to determine the adequacy of the proposed drainage plan. Elevations shall be based on published U.S.C. & G. S. datum or derived by static collections of GPS data and processed through OPUS using NAD 1983 the benchmark used shall be noted on the plat.

(18) The preliminary plat shall show the approximate location, dimensions, and description of all proposed street rights-of-way, alleys, drainage structures, parks, squares, other public areas, reservations, easements, other rights-of-way, blocks, lots (lettered or numbered consecutively), permanent survey monuments, and other sites within the subdivision. The proposed width of each proposed street shall be measured at right angles, or radially where curved.

(19) The preliminary plat shall show the name of the proposed subdivision or any of the physical features (such as streets, parks, etc.). The name of a proposed street shall conform to the name of an existing street of which it may become an extension but otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these Rules. Street and subdivision names will be coordinated through the 911 coordinator to ensure no duplication of street names. This coordination with 911 is the responsibility of the developer. The street names must not be so similar in spelling or in pronunciation to the names of any similar features in Hopkins County or in any incorporated city therein, as to cause confusion.

(20) The preliminary plat shall show building setback lines (front, side, and rear).

(21) The preliminary plat shall show the net area contained within each lot or tract to the nearest one tenth (1/10) of an acre.

E. **Designation of subdivision as public or private.** The plat shall show the designation of the proposed subdivision improvements as public or private.

H. **Flood Plain and Drainage Information.**

1. Each preliminary plat shall include base flood elevation data.
2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
4. All subdivision plats shall have the flood hazard area clearly delineated on the plat and where appropriated, shall be shaped and sized so as to provide adequate building space.
5. The developer, builder, seller or agent shall inform in writing, each prospective buyer of subdivision lots located in a flood hazard area that such property is in an identified flood hazard area.
6. Before any structure can be built in a known or identified flood hazard area, the developer, owner, builder, seller or agent must demonstrate that suitable engineering studies have been performed, and that any such structure can be built upon the known or identified flood hazard area in a manner that will not adversely

affect the adjacent properties both in the subdivision, or in surrounding properties adjacent to the subdivision. Such engineering plans must be certified by a licensed engineer, and approved by the County Commissioners' Court. Such review and approval shall require additional filing fees, as provided herein.

I. **Water, Wastewater and Utilities Information.** The following information must be provided to the Court by reference or notation upon the plat.

1. Designation of the entity supplying electric, phone and gas utilities or a statement that such utilities are not available.
2. The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
3. Designation of the water and sewer utility provider, if known, and the source of the water intended to serve each Lot within the subdivided area or, if the source of water is not known, a statement to that effect.
4. Certification that all Lots have been designed in compliance with the Rules of Hopkins County for On-Site Sewage Facilities.
5. All fire hydrants must connect to a minimum water main of 6" or whatever is provided by the Water District, according to their engineer, which provides adequate flow and pressure according to NFPA and ISO. Fire Hydrants must face county road and be accessible to local fire-fighting vehicles. Fire hydrant locators shall consist of four inch by four inch (4" X 4") blue reflector traffic buttons properly placed to comply with the local fire protection agent and any Hopkins County Regulations. Elevated storage tower/tank with a 20,000 gallon minimum capacity or pond with a minimum of 20,000 gallon capacity maintained by owner and/or Homeowner's Association at all times and two (2) dry hydrants connected to the pond.

J **Utility Service:** Letters signed by each utility company stating their plan for providing utility service within the proposed subdivision, e.g., electric, gas, telephone, television/cable/internet service, trash pickup, water and sewer disposal system. It is the owner/sub-divider's responsibility to check with the television/cable/internet service local providers to see if service is available.

K. **Proof of Ownership.** The Developer shall provide proof of ownership.

L. **County Has No Liability.** The Preliminary and the Final Plat shall contain the following two provisions: "The County shall not be responsible for the quantity or quality of a reliable water source"; and for plats which propose private roads, the plat shall state the following: "The County shall not accept all or a portion of the roads in this subdivision for maintenance with mere approval of the plat. Any road or portion of thereof shall be accepted for county maintenance only upon separate order of the Commissioners' Court in conformity with this Subdivision Regulation."

M. **Final and Record Plat.** Upon approval of the Preliminary Plat, the Sub-divider shall revise the plat in accordance with the requirements and recommendations of the Commissioners Court and shall cause to be prepared a Final Plat of the proposed subdivision for consideration pursuant to these regulations. The hearing for final plat approval shall be at least fourteen (14) days after Preliminary Plat hearing.

13. **Approval by Commissioners' Court if the above has been adhered plus:**

1. All roads must meet County specifications and standards in the regulations under design standards.
2. Drainage appurtenances have been inspected by the county road supervisor or their designee for compliance to the drainage plans provided by the developer. The road supervisor shall report his or her findings to the Commissioners' Court.
3. Bonding for the proper construction of all roads, streets, and drainage requirements. Bond amount to be determined by a licensed professional engineers statement of cost and is not to exceed the estimated cost of constructing roads, streets and drainage requirements.
4. Lot and block monumentation to be set by a registered professional surveyor before recordation of the plat.
5. The Final Plat shall show the proposed general plan for storm water drainage in sufficient detail to indicate the location of drainage ditches or structures and the direction of flow. Post development runoff shall not exceed pre-development runoff based on a 100 year event.
6. Shall show the limits of any flood hazard areas and the proposed finish floor elevation of any building within these flood hazard areas.

A. **Requirements.** The County Commissioners' Court may approve a public subdivision when the following requirements are present:

1. A plat as required herein is presented for approval.
2. A plan and time frame for the development of the streets and roads is presented for approval setting forth:
 - a. Design standards for streets and roads;
 - b. Designs for drainage and a complete and comprehensive drainage study pursuant to 30 TAC 285.4(c), as prepared by an engineer;

- c. Width of streets, roads and right-of-way;
 - d. Surface treatment of streets and roads.
3. The plan must be prepared by a registered engineer and surveyor.

Revision of Subdivision Plats (REPLATS)

A. Requirements:

1. Letter of application to Commissioner's Court requesting the revision.
2. Notice to be published as herein specified.
3. Cost of publication to be paid by applicant.
4. Letter stating the revision is not in violation of existing deed restrictions to Commissioners' Court.
5. Letter from Property Owners Association President stating they have no objection to the revision or replat.
6. If no Property Owners Association, a notice to each lot owner at his address on said tract by certified mail or regular mail, return receipt requested, and presented to the Commissioners' Court at the time of presentation of application.
7. Persons replatting property within the service area of a water or sewer utility provider shall have the written consent of the provider.

B. Application. A person who owns subdivided land that is subject to this order may apply in writing to the Commissioners' Court of the county for permission to revise the subdivision plat that has been filed for record with the County Clerk.

C. Notice.

1. After the application is filed with the Commissioners' Court, the Court shall require a notice by the applicant to be printed in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the Commissioners' Court will meet to consider the application and to hear protests to the revision of the subdivision plat.
2. The notice must be published at least three times within the period beginning on the 30th day and ending on the 7th day before the date of the meeting. All cost of publication shall be paid by the applicant in advance.

3. If all or part of the subdivided tract has been sold to non-developer owners, notice shall also be given to each owner, at his address on said tract, by certified mail or registered mail; return receipt requested.
- D. **Hearing.** The Commissioners' Court, during a regular meeting of the court, shall adopt an order permitting the person to revise the subdivision plat if it is shown to the court:
1. That the revision will not interfere with the established rights of any owner of a part of the subdivided land;
 2. If the revision interferes with the rights of an owner of a part of the subdivided land, the owner has agreed to the revision;
 3. That the revision is not a violation of any existing deed restriction(s); or
 4. That the applicant has complied with Section 232.009, Texas Local Government Code.
- E. **Filing.** If the Commissioners' Court permit a person to revise a subdivision plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat showing the changes made to the original plat.

CANCELLATION OF SUBDIVISIONS

An application may be submitted to the County to request the cancellation of a subdivision and shall be processed according to the provisions stated below. All fees must be paid and accompany the application.

ALL SUBDIVISIONS PLATTED UNDER HOPKINS COUNTY REGULATIONS

DIVISION 1.

This section applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42.

A. A person owning real property in Hopkins County that has been subdivided into lots and blocks or into small subdivisions may apply to the County Commissioners' Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the County Commissioners' Court by order shall authorize the Owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is cancelled. The County Commissioners' Court shall enter the Order in its Minutes. After the cancellation instrument is filed and recorded in the Deed Records and Plat Records of the County, the County Tax Assessor-Collector shall assess the property as if it had never been subdivided.

B. The County Commissioners' Court shall publish notice of an application for cancellation. The notice must be published in a newspaper, published in the English language, in the County for at least three weeks before the date on which action is taken on the application. The County Commissioners' Court shall take action on an application at a regular term. The published notice must 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.

C. If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this Division, the Owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing the tract for a preceding year, the County Tax Assessor-Collector shall back assess the tract on an acreage basis.

D. On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of seventy-five (75) percent of the property included in the subdivision, phase, or identifiable part, the County Commissioners' Court by Order shall authorize the cancellation in the manner and after notice and a hearing as provided for herein. However, if the Owners of at least ten (10) percent of the property affected by the proposed cancellation file written objections to the cancellation with the County Commissioners' Court, the grant of an order of cancellation is at the discretion of the County Commissioners' Court.

E. To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that:

- (1) Abuts directly on the part of the roadway or easement to be canceled or closed; or
- (2) Is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to (a) the nearest remaining public highway, county road, or access road to the public highway or county road; or (b) any un-canceled common amenity of the subdivision.

F. A person who appears before the County Commissioners' Court to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the County Commissioners' Court Order granting the cancellation.

G. The County Commissioners' Court may deny a cancellation under this section if the County Commissioners' Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

ARTICLE 3. Design Standards and Requirements

A. General Design Principles and Objectives

1. **Conformity with the General Plan.** All subdivisions shall conform to a general plan for orderly and unified development of streets, utilities within roadways and public land facilities, as well as other provisions of this and other present regulations and codes.

2. **Standards for Site Improvements.** All roads and streets, alleys, utility installations and other site improvements required to be installed by the sub-divider under the provisions of these regulations shall conform to the requirements of this Section and to the then current policies, specifications, and regulations of Hopkins County, or other approved agencies responsible for design, construction methods and standards, payment, refunds, credits, and other financial arrangements.

3. **All roads, streets, utility installations, drainage, and water/sewer provisions in any proposed subdivision shall be prepared by a properly licensed engineer, and shall bear a seal of such engineer that all such designs conform to generally acceptable engineering standards and these regulations.**

B. Construction and Specifications of Roads and Drainage.

1. **General.** The specifications for construction of roads and streets are based on the requirement that an asphalt pavement or a concrete pavement will be constructed. The materials, design, specification and procedure shall conform to requirements as described in this document.

The County Engineer or Precinct Commissioner or other person designated by the Commissioners' Court shall be notified forty-eight (48) hours prior to the commencement of any major construction items such as sub-grade stabilization, flex base installation, asphalt paving, concrete paving and/or concrete curb and gutter. Subgrade and base courses must each pass a proof roll compaction test by the County Engineer prior to the developer beginning structures, while under construction to ascertain that the construction work, methods, and materials meet County specified standards. All construction and testing reports shall be furnished to the County Engineer certifying that the construction requirements of these regulations have been met. The test results must be approved by the County Engineer prior to constructing the next course of the pavement. The developer or his contractor shall supply a loaded dump truck with driver for proof-roll tests.

The Precinct Commissioner shall issue a STOP WORK ORDER whenever the Developer or his Contractor fail to adhere to the plat, plans or specifications approved by Commissioners' Court. The Developer may not continue development until the deficiencies listed in the STOP WORK ORDER are corrected. If the Developer or his Contractor fails to correct the deficiencies, the subdivision will not be accepted by the Commissioners' Court.

2. **Soil Analysis.** Prior to the start of construction on a roadway pavement section, a soil analysis shall be made by a certified soil laboratory to determine what type (if any) of soil stabilizer (lime, cement, liquid chemical, etc.) is required. This analysis shall be paid for by the developer and submitted to the County Engineer or Precinct Commissioner. Representative subgrade

samples will be obtained for this analysis in sufficient number to show whether subgrade soil properties are uniform throughout the development. Sample Frequency shall comply to the specifications of the most current International Building Code (IBC). The report will show location and results of the borings and provide recommendations for Hot Mix Asphalt Concrete (HMAC) and Portland Cement Concrete Paving (PCCP) sections and sub-grade preparation.

Portland Cement Concrete Paving (PCCP): Design of the concrete pavements should specify a minimum 28-day concrete compressive strength of 3,500 psi with 4 percent to 6 percent entrained air. Hand-placed concrete should have Min. slump of 4 inches and a max slump of 6". A sand-leveling course should not be permitted beneath pavements. The concrete should be placed within one and one-half hours of batching. During hot weather, the concrete placement should follow ACI 305 Hot Weather concreting guidelines. In no case should concrete temperature exceed 95 °F. Consideration should be given to limiting concrete placement to the time of day, which will minimize large differences in the ambient and concrete temperature. Use of superplasticizer should be considered to improve the concrete workability without increasing water cement ratio.

Sealed contraction joints shall be installed at 3X the pavement section thickness in feet (i.e. 5" x 3 = 15' spacing). The saw cut depth shall be one-quarter of the pavement thickness. This spacing has historically exhibited less uncontrolled, post-construction cracking than pavements with wider joint spacings. As a minimum, isolation joints should be used wherever the pavement will abut a structural element subject to different movement levels, e.g., light poles, retaining walls, existing pavement, stairways, Entryway piers, building walls, or manholes. Contraction joints shall be installed at 90' max spacing. After construction, the isolation, construction, and contraction joints should be inspected periodically and resealed, as necessary. Reference Appendix O for joint details and specifications. The pavement should be nominally reinforced as follows:

- Light Duty: No. 3 bars, at 18 inches on center, each way.

Reference the table below for the PCCP section required for Sub-Division Development:

PCCP SECTION (CONCRETE PAVING)	
Layer Material	Thickness (in)
Portland Cement Concrete	5
Sub-Grade: Lime Stabilize @ 6% by wt. Per TxDOT Item 260 or Select Fill as a min. if PI>18 or Per Geo Report	6

No Concrete shall be poured at any time unless the County Engineer's Office and/or Precinct Commissioner is notified forty-eight (48) hours in advance. Concrete test cylinders shall be collected per ASTM-C31 Specifications. The collection rate shall be 1 set of 4 cylinders per every 100 cubic yards of concrete poured or a minimum of one set per pour if the qty is less than 100 cubic yards of concrete.

Asphalt Hot Mix Base

The hot mix asphaltic concrete pavement coarse aggregate will be so crushed that a minimum of 80% of particles retained on #4 sieve will have more than one crushed face when tested in accordance with test method Tex.-413A (Particle Count). For Type "D" surface material, the asphaltic material will form from 5 to 8 percent of the mixture by weight. For Type "B" base material, the asphaltic material will form from 3.5 to 7 percent of the mixture by weight. For both surface and base material, the asphalt content used will be that percent required obtaining optimum density. This percent asphalt will be obtained from a mix design performed according to Texas Department of Transportation 1993 Standard Specifications. The mix design for base and surface material shall be reviewed and approved by the County Engineer. The actual asphaltic material contained in the delivered mix will be within a + 0.50% tolerance of the content specified in the mix design.

The HMAC will be installed at an application rate of 110/Lbs/SY/In of depth for both Type "D" and Type "B". At the seams where the new HMAC meets the existing HMAC, or concrete headers, or valley gutters, or curb and gutter, a tack coat (RC-250) will be applied to the seams at a rate of 0.05 Gal/SY.

When installing Type "D" HMAC on a Type "B" base, a tack coat (RC-250) will be applied on the base if the base has been in place for more than three days, or if required by the Engineer. The tack coat will be applied at a rate not to exceed 0.50% Gal/SY and rolled with a pneumatic roller.

The Type "D" and Type "B" HMAC will be installed with an approved HMAC laying machine, unless otherwise approved by the County Engineer. A motor grader is not approved to install HMAC.

Laydown operations will be conducted in such sequence that vehicles transporting asphaltic concrete material to this project will not travel over the completed pavement until said pavement will have been in place for a minimum of twenty-four hours, unless otherwise directed by the County Engineer. Joints will be staggered so that they fall at least 12" from the previous joint.

Storage of the completed mix upon the ground will not be permitted at the mixing plant or the job site. Any mix that comes into contact with earth or other objectionable foreign matter will be rejected.

Hot mix asphaltic concrete will be accepted for density and depth on a lot basis. A lot will consist of one day's production or 600 tons, whichever is less, and shall be divided into four equal sublots. One test shall be made for each subplot, unless the County Engineer judges the lot too small to warrant testing.

Each lot of pavement will be accepted, with respect to density, when the average field density is equal to or greater than 90.0 percent of the average maximum theoretical density as determined in accordance with ASTM D2041, and when no individual determination is less than 86.0 percent of the average maximum theoretical density. Four field density determinations will be made for each lot. Cores or sawed samples taken from the pavement will be used to determine the field density. The density of the cored or sawed samples shall be determined in accordance with ASTM D2726.

The specimen used to determine the average maximum theoretical density for a lot may be sampled by any one of the following four methods:

- (1) A sample may be removed from the truck delivering the HMAC for the lot being tested.
- (2) A sample may be removed from the HMAC laying machine placing the lot being tested.

- (3) A sample may be created by combining the material from the four individual core samples used for field densities.
- (4) A sample may be created from each individual core sample used for field densities, with the results being averaged.

Specimens used for field density determination shall be carefully crumbled, using heat if necessary. If heating is necessary, the specimen shall be heated to the lowest temperature required for proper preparation of the sample.

The use of nuclear field density determinations shall not be used as the basis for acceptance with respect to density.

Each lot of pavement will be accepted, with respect to depth, when the average field depth deficiency is equal to or less than 0.25 inches for base courses and equal to or less than 0.13 inches for surface courses, and when no individual determination is deficient more than 1.00 inch for base courses and more than 0.50 inches for surface courses. Four field depth determinations will be made for each lot. Cores of sawed samples taken from the pavement will be used to determine the actual depth.

Surface

(A) Hot Mix Asphaltic Concrete Pavement (HMAC)

The surface course shall be a minimum of two inches (2”) of HMAC meeting the specifications of Item 340, Type D, in the 1993 TX Dot Specifications.

All asphaltic mixtures shall be placed with an approved HMAC laying machine. The mix shall be compressed thoroughly and uniformly compacted immediately after placing to the required density. All compaction rolling shall be complete before the material cools below 175 degree F. The completed surface shall meet the approval of the County Engineer for riding surface, finish and appearance.

Reference the table below for the (HMAC) section required for Sub-Division Development:

HMAC Section (Asphalt Paving)	
Layer Material	Thickness (in)
TxDot 340 Type D Surface Course	2
TxDOT 247 Type A or C Grade 2 Flex Base	6
Sub-Grade: Lime Stabilize @ 6% by wt. Per TxDOT Item 260 or Select Fill as a min. if PI>18 or Per Geo Report	6

3.Subgrade Preparation: The preparation of the subgrade shall conform to the recommendations of the Geo-technical investigation. As a minimum requirement in the event the Plasticity Index (PI) of the soil exceeds 18, then the paving sub-grade shall be lime stabilized at a rate of 6% by dry weight to a depth of 6". The lime stabilization process shall conform to the specifications of TxDOT Item 260 In lieu of lime stabilization, 6" of properly compacted select fill can be installed below the paving section. Reference the "Select Fill" section of this document for material specifications and installation procedure.

The subgrade may be prepared and allowed to reach a Proctor Density of ninety-five percent (95%) at a min of -1 to +4% of the optimum moisture content through natural cycles of consolidation or may be rolled and watered where placement of the paving is to be done immediately. Testing shall be done at five hundred foot (500') intervals, with a minimum of two (2) tests, or wherever there is a change in the subgrade material. The subgrade must be inspected and approved by the Precinct Commissioner concerned or other person designated by the Commissioners' Court, in writing, prior to any application of base. Proctor Density test results must be presented to the Precinct Commissioner concerned or other designated person, and all preparatory work must be inspected and approved, in writing by the Precinct Commissioner or other designated person before any topping may be done.

Select fill: Select fill shall consist of homogeneous soils free of organic matter and rocks larger than four inches in diameter and possess an Atterberg plasticity index of 5 to 15, with a liquid limit of 35 or less. No more than 75% is allowed to pass the #200 sieve. The material should be place in the following manner:

1. Prepare the subgrade in accordance with the recommendations discussed in a previous section of this report.
2. Place subsequent lifts of select fill in thin, loose layers not exceeding eight inches in thickness to the desired rough grade and compact to a minimum of 95 percent of the maximum density defined by ASTM D 698. Maintain moisture within -1% to +4% of theoretical optimum.
3. Conduct in-place field density tests at the following frequencies:
 - One test per 500 linear feet per lift for rods or a minimum of 2 tests.
4. Prevent excessive loss of moisture during construction.

ROAD SPECIFICATIONS

Rural Roadway Section:

(Minimum lot frontage, excluding cul-de-sacs, shall be 100 ft.)

Right-of-Way (minimum)	60'
Pavement Width	22'
Base Course Width (minimum)(if applicable)	24'
Subgrade Width	26'
Turnaround Right-of-Way	60' radius
Turnaround Pavement	41' radius

Curb & Gutter Street Section With Cul-de-Sac

Right-of-Way	60'
Pavement Width (back-to-back)	29'
Base Course Width (minimum) (if applicable)	24'
Subgrade Width	31'
Maximum Length	1320'
Turnaround right-of-way	55' radius
Turnaround Pavement	42' radius

Curb & Gutter Street Section (less than 60 lots)

Right-of-Way	60'
Pavement Width (back-to-back)	29'
Base Course Width (minimum) (if applicable)	24'
Subgrade Width	31'

Curb & Gutter Street Section (60 lots or more)

Right-of-Way	60'
Pavement Width (back-to-back)	33'
Base Course Width (minimum) (if applicable)	28'
Subgrade Width	35'

4. Drainage, Minimum Grades, Retards, Headwalls, etc.

a. All drainage requirements must comply with the Northeast Texas Municipal Water District regulations or orders where applicable. Generally it is desired that surface drainage from private property to be taken to roads and streets, or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited. Minimum grades of roads and streets shall be three-tenths of one percent. All drains, drainage structures and appurtenances shall be designed by a registered professional engineer. Drainage calculations shall be made using the Rational Method (HEQ-HMS and HEQ-RAS are acceptable for larger acreages) for determining storm

water runoff and Manning's Equation for ditch and pipe capacities. All data and calculations shall be presented with the preliminary plat.

b. All roads and streets shall try to accommodate drainage using sheet flow. Where this is not possible, roads and streets shall have ditches which are a minimum depth of 12" below the shoulder of the subgrade. Greater depths shall be provided as required to accommodate greater flows. Concrete or rock retards shall be installed in ditch lines in areas where needed. Drainage structures of a permanent type shall be provided at crossings of drainage courses with roads and streets where needed in order that a minimum of inconvenience and hazard to the traveling public will occur, and in order to maximize drainage to and excessive maintenance of public property. Such drainage structures type, size, and length of drainage shall conform to standard engineering practices.

c. All roadways crossing streams or roadways subject to flooding must be rip-rapped and/or have concrete headwalls on both sides.

d. Open channels and ditches shall be constructed to proper cross section, grade and alignment so as to function properly and without permitting destructive velocities. Grades exceeding six percent (6%) may require concrete chutes and/or flow restrictive devices.

5. Requirements for Roads and Streets.

- a. All subdivisions shall have sufficient width right-of-ways for all streets or roads intended to provide access or egress to allow for emergency vehicles to access all lots within the subdivision, and sufficient turning radius to allow for large equipment necessary for emergency operations. Where available, all subdivisions should provide not fewer than two means of access/egress to allow for evacuations in times of emergency.
- b. All dead-end streets or interior cul-de-sacs shall be provided with a properly crowned and sloped asphalt paved turnaround at the end thereof, with a diameter of not less than seventy-five (75) feet of right of way. Diameter of paving shall be two times the new road width. Hammerhead type turnarounds will be considered on an as required basis.
- c. In a subdivision where water lines or other utilities are installed on rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders) and buried to a minimum depth of 30" and within three feet of property line.
- d. The installation of any water or utility lines, side roads, culverts, curb cuts, driveways, etc. on county right of way shall be prohibited unless expressly permitted in writing by the county commissioner.
- e. Subdivisions which may have adjoining privately owned properties that shall be subject to future subdividing may provide sixty (60) feet rights-of-way not more than one-half (½) mile apart at feasible locations for connecting future possible roadways with such adjacent properties. Unnatural drainage created by such connecting roadways and rights-of-ways shall be resolved beforehand by the land owners concerned through drainage easements or other lawful methods.

- f. Uniform traffic control signs, guard rails and other safety features, as recommended by the Developer's engineering firm or the County Road Supervisor or his designee, should be installed at required locations on all subdivision rights-of-way dedicated for public use at the Developer's expense.
- g. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulder) of the streets and roads leading to the culverts and/or bridges.
- h. Any bridge proposed for use in conjunction for access to or egress from a proposed subdivision must be engineered by a properly licensed engineer, under seal, and shall comply with any applicable TxDot requirements for the anticipated loading of said bridge. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street should be indicated by installation of protective posts or other devices equipped with reflectorized markers.
- i. Rights-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches and other hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place and a right-of-way provided so that safety on the streets and roads is not impaired.
- j. Streets and roads must provide unhampered circulation through the subdivision. Where dead-end street is designed to be so permanently, a turn-around shall be provided at the closed end having an outside finished paved roadway diameter of two times the new road width and a street right-of-way diameter of one hundred (100) feet. Dead-end streets may be platted where the Commissioner concerned deems it desirable and where the land adjoins property not subdivided, in which case, the street shall be carried to the boundaries thereof.
- k. All roads and streets should intersect at a ninety (90) degree angle or within the designated limits of Schedule 2 (Road Standards) of this order.
- l. Where roads and streets in an adjoining subdivision dead-end at the property line of a new subdivision, the said roads and streets shall be continued through the new subdivision, either in a straight line or a curve as provided elsewhere herein. Where no adjacent connections are platted, the roads and streets in the new subdivision must in general be the reasonable projections of roads and streets in the adjacent subdivided-tract. All roads and streets in new subdivisions should be platted so that a continuation of said roads and streets may be made in other subdivision in the future.
- m. All streets and roads to be dedicated to the public with a subdivision shall be names, with prior approval for said name from the 9-1-1 Addressing System through Ark Tex Council of Governments. 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.
- n. 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. All signage shall be placed in compliance with the current standards of the Texas Department of Transportation.
- o. 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.

- p. A maximum 20 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 20 miles per hour.
- q. 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. The sub-divider will be responsible for the expense of all signage.
- r. Utilities: All utilities crossing the Right-of-Way (R.O.W.) shall be encased in Schedule 40 steel pipe or Schedule 80 PVC pipe. Pipe shall extend to the back of ditch slope on each side of the roadway. All installation of utilities crossing the R.O.W. after the construction of the roadway shall be installed via boring under the road as specified by TxDOT in Appendix P for Road Bore Specifications.

C. Lots and acreage tracts in Subdivision.

1. General Layout. The size, width, shape and orientation of lots shall be appropriate for the area of the county in which the subdivision is located, and for the type of development and use contemplated, and where On-Site Sewage Facilities are to be utilized, must insure compliance with Standards for On-Site Sewerage Facilities promulgated by the TCEQ under authority of Chapter 366 of the Texas Health and Safety Code.

2. Residential Lot Sizing.

a. General considerations. The failure of an on-site sewerage system may be caused by a large number of circumstances, including inadequate soil percolation, improper construction, design, installation, and misuse. The single most important factor concerning public health problems resulting from these failures is the residential dwelling density which is primarily a function of lot size. The failure of a system in a highly populated area is the fundamental cause of public health hazards resulting from on-site sewage disposal. Surfacing sewage provides a medium for the transmission of disease and the fact that many people are in the vicinity causes concern over the spreading of disease. Sewerage systems using soil absorption for effluent disposal are more likely to malfunction in high population density situations because the soil available to absorb or evaporate the effluent is limited. The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location.

b. Platted subdivisions served by a public water supply. Subdivisions of a single family dwellings platted or created after January 1, 1988, and served by a public

water supply but utilizing individual OSSF methods for sewage disposal, shall provide for individual lots having surface areas of at least one acre, excluding setbacks and easements or shall have a site-specific sewage disposal plan submitted by a Registered Professional Engineer or Registered Professional Sanitarian and approved by the Permitting Authority or its designee. In no instance, shall the area available for such system be less than two times the design area. The location of an OSSF under this paragraph shall be in accordance with TAC 285.91 (10) of the TCEQ Regulations.

c. Platted subdivisions served by individual water systems. In subdivisions platted or created after January 1, 1988, for single family residences where each lot maintains an individual water supply well and an On-Site Sewage Facilities (OSSF), the plat shall show the approved well location and a sanitary control easement around the well within a 150-foot radius in which no subsurface sewerage system may be constructed. A watertight sewerage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 150 feet, provided the minimum separation stated in Table I of the Standards for On-Site Sewerage Facilities of the TCEQ is not violated. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a subdivision shall contain not less than one acre, or shall have site-specific planning materials prepared by a Registered Professional Engineer or a Registered Professional Sanitarian and approved by the Permitting Authority or its designee. In no instance shall the area available for such systems be less than two times the design area.

d. Approval of existing small lots or tracts. Existing small lots or tracts, subdivided prior to January 1, 1988, and not conforming to the minimum lot size requirements, may be approved for an OSSF provided the following conditions are met:

1. Minimum separation distances in TAC 285.91 (relating to Separation/Setback Requirements) of the TCEQ Regulations are maintained.
2. The site has been evaluated by the site evaluator in accordance with TAC 285.30 (relating to Site Evaluations) of the TCEQ Regulations.

D. Hopkins County On-Site Sewage Facility Regulations. All subdivisions shall comply with the Hopkins County On-Site Sewage Facility Regulations.

E. Manufactured housing communities or multi-use residential developments served by a central sewage collection system for on-site disposal. Manufactured housing communities and multi-use residential developments which are owned or controlled by an individual or other business entity and which rents or leases space may utilize smaller lots than stated herein above provided a sewage disposal plan addressing replacement area is submitted to the permitting authority and approved. Developments of this type which connect living units to a sewage collection system for on-site disposal must provide planning materials for the system prepared by a registered professional engineer or registered sanitarian.

The total anticipated sewage discharge shall not exceed 5,000 gallons per day from the connected homes and the OSSF must conform to the definition of OSSF's in TAC 285.30 of the TCEQ Regulations.

F. Exemptions and variances. Requests for exemptions or variances of any part or parts of these Standards for the design, installation or operation of any on-site sewerage system shall be considered on an individual basis. The burden of proof is the responsibility of the Registered Professional Engineer, Registered Professional Sanitarian or other qualified individual responsible for the design or installation of the system under consideration. This individual must demonstrate to the satisfaction of the TCEQ or licensing authority, that the exemption or variance has been requested because conditions are such that equivalent protection of the public health and environment can be provided by alternate means or construction features. Any such request must be accompanied by sufficient engineering or applicable data to meet the TCEQ or licensing authority's satisfaction. The TCEQ shall, at the request of local authorities, provide evaluation and comment services for any such local authority.

18. Additional Requirements

Compliance.

1. **Plans.** Three (3) complete sets of plans, specifications and contracts covering construction of subdivision infrastructure, in the form of plans, or other satisfactorily written descriptions shall be filed with Hopkins County Clerk upon filing of final plat. When required by the Commissioners' Court these plans shall show such features as roadways, 100-year flood plain, cross-sections, and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground when within street right-of-way, specifications of materials and constructions, and profile maps of all storm sewers showing both ground surface and flow line and any other pertinent information of similar nature.

2. **Inspection of Improvements.** The authorized representative of Hopkins County shall from time to time inspect the construction of all utility facilities in street right-of-way in the subdivision during the course of construction to see that the same comply with the plats and standards governing the same. In this regard, free access to the subdivision shall be accorded Hopkins County's duly authorized representative by the sub-divider, his agents and employees. Failure of the County's representative to inspect will not diminish the obligation of the sub-divider to install improvements in the subdivision in accordance with plans and specifications as approved by the Commissioners' Court.

3. **As-Built Plans.** After all required improvements have been completed by the owner or sub-divider of the subdivision, two sets of "as-built drawings" of all underground utilities that have been constructed shall be filed with the County Clerk within thirty (30) days after completion of all required improvements.

4. **Street Improvements.** All road and street improvements shall meet the current requirements of the Subdivision Regulations. Each public street shall be marked with name and number with permanent marking in keeping with any acceptable plan for easy location.

5. Water Systems.

- a. General. All public water supply, treatment, storage and distribution facilities shall be furnished and installed in compliance with the requirements of the TCEQ.
- b. Water Wells and Water Quality. If a sewage system is to be installed, it must meet the requirements of the TCEQ.
- c. County Has No Liability. The County shall not be responsible for the quantity or quality of a reliable water source.

6. Flood Plain and Drainage. No lot that falls within the federally designated 100-year flood plain shall be sold by the original developer in any subdivision unless it is so noted by agreeing parties.

- A. 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.
- B. 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.
- C. 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.

Flood-Handling Requirements

- A. Drainage for arterial streets or road shall be designed using a 100 year frequency.
- B. Drainage for lateral streets or roads shall be designed using a 25 year frequency
- C. 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.
- D. All drainage structures and appurtenances shall be designed by a Licensed Professional Civil Engineer.

Driveway Drain Pipes

- A. 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.
- B. 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. All pipe shall be reinforced concrete pipe (RCP). All pipe shall have pre-cast type B headwall end treatments.
- C. Certification of a Licensed 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.
- D. 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.
- E. **Notice of these drainpipe placement and concrete driveway construction requirements shall be placed in all deed restrictions.**

Retention/Detention Ponds: Retention/Detention 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.

7. STORM WATER POLLUTION PREVENTION PLAN (SW3P)

A site's Storm Water Pollution Plan shall govern the control measures necessary to prevent and control soil erosion, sedimentation, and water pollution which may degrade receiving waters including rivers, streams, lakes, reservoirs, groundwater and wetlands. The control measures contained herein shall be installed and maintained throughout the construction contract, and coordinated with any permanent or temporary pollution control features specified elsewhere on the plans, and in the specifications to assure effective and continuous water pollution control throughout the construction and post construction periods. These control measures shall not be used as a substitute for the permanent pollution control measures, unless otherwise directed by the OWNER'S representative in writing. The controls may include silt fences, straw bale dikes, rock berms, diversion dikes, interceptor swales, sediment traps and basins, pipe slope drains, inlet protection, stabilized construction entrances, seeding, sodding, mulching, soil retention blankets, or other structural or non-structural storm water pollution controls.

The Developer is responsible for obtaining all permits required for Storm Water Pollution Prevention.

The construction plans must include a Storm Water Pollution Prevention Plan (SW3P). A copy of the plan, as approved by the County Engineer, and any applicable permits must be available for review at the construction site.

Drainage ditches shall be seeded or sodded if, in the opinion of the Engineer, it is required for erosion control.

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 Licensed Professional Engineer shall be submitted for the proposed development, and modifications thereof to the Commissioners' Court of Hopkins county for review and approval.

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.

7. **Changes to Road Names.** Any changes to any subdivision road name shall be in accordance with prior approval for said name from the 9-1-1 Addressing System through Ark-Tex Council of Governments.

8. **Obstacles to Subdividing.** The Owner or Owners of any such tract of land shall provide the Commissioners' Court with proof that there are no obstacles to subdividing, including but not limited to any prohibitions of transfer of property under any lien document.

Article 4. Other Provisions.

A. Construction and Maintenance Bonds

1. Construction Bonds

All construction shall be complete within 2 years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained herein, the developer shall file a Construction Bond, executed with sureties by a Surety Company authorized to do business as a surety in Texas, and made payable to the County Judge of Hopkins County, Texas or his successors in office.

The bond shall be equal to one hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, water and/or wastewater utilities, required drainage structures and all other construction.

The Construction Bond shall be submitted to the Commissioner's Court with the final plat.

The Construction bond 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 Road Supervisor, and the Construction Bond has been released by a Court order from the Commissioner's Court.

In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the County, the unfinished improvements shall be completed at the cost and expense of obligee as provided.

2. Maintenance Bond

To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the Precinct Commissioner, a Maintenance Bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Hopkins County, Texas or his successors in office, shall be substituted for the Construction Bond at the time of release of said Construction Bond.

The Maintenance Bond shall be equal to fifteen percent (15%) of the estimated cost of all construction based on the cost of construction to minimum county standards. This cost will be derived using an engineer's estimate.

The conditions of the Maintenance bond shall be that the Owner shall guarantee to maintain, to the satisfaction of Hopkins County, all of the streets, roads, drainage structures and drainage ditches, retention/detention ponds and channels which have been constructed to specifications with construction security released by Court order from the Commissioners' Court, in a good state of repair with 80% of the lots developed for occupancy (houses built) from the date of official release of construction for Concrete Roads or Asphalt Roads. A release of construction for Concrete Roads shall be a minimum of two (2) years or Asphalt Roads a minimum of four (4) years. When the Commissioner considers that the road or roads are up to the specifications mentioned above, it will be put on the Commissioners' Court Agenda to start the timeline for the acceptance of the roads/release of construction of the roads.

Periodic 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 Road Supervisor 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 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 obligee as in said orders provided.

The release of any bond shall be by order of the Commissioner Court. To request a release the developer who posted the bond in question shall present a written request to release said bond.

If substantial patching is required during the maintenance period, roads or streets must be resurfaced with a two-course surface treatment at the cost of the developer, or recourse upon the Maintenance Bond.

3. Cash Bonds

Cash bonds may be accepted in lieu of surety bonds. The developer shall enter into a formal written and signed agreement for the performance of construction of the roads, streets, street signs, underground utilities, required drainage structures and all other construction related to the development. This agreement shall be approved by the county attorney. The amount of the cash bond is to be determined by the average of three (3) bona fide bids from competent contractors. The cash bond shall be held in the depository of the county's choice. The precinct commissioner in whose precinct the development is occurring shall have signatory responsibility and responsibility for the disbursement of the bond. Reductions or refunds from the cash bond shall be based on a 20/40/40 percentage completion of development. Upon completion of phases, the developer shall present a letter of completion from the project engineer to the precinct commissioner stating the completed work and upon majority approval of the commissioner's court may be granted a partial release of funds in the above specified amounts. The final forty percent (40%) shall not be released until a maintenance surety bond or a cash bond agreement and deposit for maintenance is received by the county. Final release of cash bonds are subject to majority approval from the commissioner's court. Variance from the specified refund amounts may be available by special consideration and a majority approval from the commissioner's court. The commissioner's court may accept a cash bond for one hundred and fifteen percent (115%) of the amount of construction withholding the extra fifteen percent (15%) in lieu of the maintenance bond for a period of two (2) years from the completion and approval of the subdivision construction or ten years for maintenance. Each cash bond agreement may be unique and will require written approval from the county attorney and a majority approval from the Commissioners' Court.

4. Irrevocable Letter of Credit (In Lieu of Bond)

An Irrevocable Letter of Credit may be substituted in lieu of bonds, for the purpose of insuring a developer's promise to construct and maintain the roads and drainage of facilities in a subdivision.

Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Construction and Maintenance Bonds.

5. Final Inspection

The Developer, upon completion of drainage, roads, streets or other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The Precinct Commissioner will inspect, within 10 days, the completed work for compliance. The Developer will be notified in writing, within 10 days of the final inspection, of approval or any work not found in compliance with these Subdivision Regulations.

B. Penalty for Violation.

1. The Commissioners' Court of Hopkins County will cause an employee of the court, or any other person or persons it so designates, to review periodically deeds or sales contracts being recorded in the County Clerk's office to see that any subdivision affected thereby shall comply with requirements of these regulations and state law.
2. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in these regulations and state law, the Commissioners' Court of Hopkins County or its representative can so notify the party selling or transferring title in whole or in part to comply with these regulations.
3. In the event the notified party refuses to comply with said requirements, the Commissioners' Court of Hopkins County can take appropriate action to obtain compliance.
4. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations and any appendices attached to these regulations, and incorporating the Hopkins County for On-Site Sewage Facilities Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
5. At the request of the Commissioners' Court, the County Attorney or legal counsel may file an action in a court of competent jurisdiction to:
 - a. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; and/or
 - b. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners' Court under these Regulations.
6. Variance. The Commissioners' Court may authorize a variance from the 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.
 - A. An Owner may request a variance and the Commissioners' Court may authorize (by majority consent), a variance from these subdivision rules and regulations when, in their opinion, extraordinary hardship will result from requiring strict compliance.
 - B. Any variances requested by the Owner shall be submitted in writing to the County and a copy shall be sent to the County Consulting Engineer. The letter shall contain all the specific facts and pertinent data upon which the variance is requested.
 - C. Variances shall not have the effect of nullifying the intent and purpose of these rules and regulations.

D. Financial hardship to the applicant shall not be deemed sufficient reason to constitute the recommendation of a variance.

E. In granting a variance, the Court shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Court shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Court finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Court Order would deprive the applicant of the reasonable use of the land,
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant,
3. 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,
4. 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 Court Order.

F. Such findings of the Court, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Court meeting at which such variance is granted.

G. After a reasonable review period, the Owner may request consideration for approval by the Commissioners' Court. The Owner's variance request letter and any supporting documents shall be entered into the official minutes of the Court meeting. Such results, as determined by the Commissioners' Court, after considering the material submitted by the Owner, shall be final.

APPENDIX A

Applicant refers to an Owner or its authorized representative submitting an application and seeking approval of a proposed Subdivision pursuant to these Regulations.

AASHTO means the American Association of State Highway and Transportation Officials.

Commissioners' Court refers to the Commissioners' Court of Hopkins County.

Precinct Commissioner refers to the Hopkins County Commissioner in whose precinct the subdivision is located. If the subdivision is located in more than one precinct, approvals affecting the subdivision as a whole shall be obtained from all affected commissioners.

County Road Supervisor refers to the Hopkins County Road Supervisor in charge of all county roads under a unit form of road maintenance. Any matter related to drainage of roads, or the construction of roads, shall be approved by the County Road Supervisor. Should the county return to a commissioner form of road maintenance, the individual commissioners responsible for road maintenance in the area of the subdivision shall be responsible for approval of construction of roads and/or road drainage.

County refers to Hopkins County, Texas.

County Engineer is a licensed engineer, as authorized by the State Statutes to practice the profession of engineering who has been designated by the Hopkins County Commissioners' Court to act as the Hopkins County Engineer

Lot refers to a parcel into which land that is intended for residential use is divided.

Parent Tract The original tract owned by the developer prior to any division of the property.

Daughter Tract Any of the tracts created by division of a parent tract, including the remainder of the parent tract itself.

Minimum Requirement refers to the minimum acceptable requirements. Such requirements may be increased by the county due to issues pertaining to each unique subdivision.

Owner All references in these regulations to an "Owner" shall be construed to refer to the person or persons possessing title and/or lien to the property subject to the proposed subdivision. This can also refer to the owner's surveyor, engineer, lawyer, or planner who has been given authority to represent the owner.

Plat refers to the map, drawing, or chart on which sub-divider's plan of a subdivision is presented, which he submits for approval, and all copies of it, including all components described by Chapter 232 of the Texas Local Government Code, as now in effect or hereafter amended.

Preliminary Plat refers to a map or drawing of a proposed subdivision meeting the requirements of the Hopkins County Subdivision and Development Regulations and is under review by the Hopkins County Commissioners' Court. The map and/or drawing, at the discretion of the County, is to show the proposed improvements to all the owner's adjacent property.

Final Plat refers to a map or drawing of a proposed subdivision of land prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of preliminary approval previously granted by the Commissioners' Court and meeting the requirements of the Hopkins County Rules and Regulations.

Regulations refers to the Hopkins County Subdivision and Development Regulations.

Street or Road: The term "street" or "road" are interchangeable and mean a vehicular way or a way for vehicular traffic and are used to describe all vehicular ways regardless of any other designation they may have. Streets and roads shall be dedicated to the public except as indicated in Article 2 (E). The landowner may dedicate either the fee ownership in the land or an easement for street, drainage, and utility purposes, at the landowner's option.

Arterial Streets or Roads - are those that are principally regional in nature and are used for through or heavy traffic and shall be divided into two classifications;

- ii. Streets or roads which will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.
- iii. Streets or roads which are existing county roads, are at least one mile in length, and carry a numerical designation.

Collector streets or roads - are those which connect arterial streets or roads with local streets or roads.

Local streets or roads - are those which principally provide direct access to lots within the subdivision.

Urban streets or roads - For the purpose of this Regulation, an urban street is any street situated such that the spacing of driveways is less than 100 feet apart for a distance of ¼ of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

Rural streets or roads - For the purpose of this Regulation, a rural street is any street situated such that the spacing of driveways is greater than 100 feet apart.

Private Streets or roads - refer to any right-of-way not dedicated to the public and restricted to the use of certain property owners and their needs.

Public Streets or roads - refer to any public right-of-way owned or, controlled by a city, the county, or state and maintained by same for use of vehicular traffic. This definition does not include streets dedicated to the public use and not accepted for maintenance by the aforesaid governmental entities.

Secondary Streets and Roads - refers to minor streets or roads which principally provide access to abutting property, other than arterial roads and alleys.

Sewer, sewer services, or sewer facilities, are synonymous and means treatment works as defined by Section 17.001, Water Code, or individual, on-site, or cluster treatment systems such as septic tanks and includes drainage facilities and other improvements for proper functioning of septic systems.

Sub-divider, Developer or Owner are synonymous and are used to include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, that owns any interest in land and performs, or participates in the performance of, an act toward the subdivision of land within the intent, scope and purview of this Order.

Subdivision As defined by Section 232.001 of the Texas Local Government Code, all references in these regulations to “subdivision” shall be construed to refer to the division of a tract of land 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.
4. A division of tracts under Subsection P 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 deed, by using a contract of sale or other executory contract to convey or by using any other method, including a condominium or multi-family scheme.

Surveyor is a licensed State Land Surveyor or Registered Professional Land Surveyor, as authorized by the State Statutes to practice the profession of surveying.

Utility means a person, including a legal entity or political subdivision that provides the services of: (a) an electric utility, as defined by Section 31.002, Utilities Code; (b) a gas utility, as defined by Section 101.003, Utilities Code; and (c) a water and sewer utility, as defined by Section 13.002, Water Code.

Utility Easement means an interest in land granted to the county, to the public generally, and/or to a private utility corporation, for installing utilities across, over or under private or public land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Variance: A permit that allows for a departure from the required standards of the Development Rules and Regulations. Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape or dimensions of a site, location of existing structures on the site, or geographic, topographic or other physical conditions on the site or in the immediate vicinity. Financial and/or economic hardships are not sufficient grounds for the granting of a variance.

IMMEDIATE FAMILY MEMBERS

C
O
N
S
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U
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N
I
T
Y

4th Degree Great Great Grandparent
Great Aunt/Uncle
First Cousin
Grand Nephew/Niece

3rd Degree Great Grandparent
Aunt/Uncle
Niece/Nephew
Great Grandchild

2nd Degree Grandparent
Brother/Sister
Grandchild

1st Degree Parent
Child

YOU

A
F
F
I
N
I
T
Y

1st Degree Spouse

2nd Degree Parent-in-Law
Daughter/Son-in-Law

3rd Degree Grandparent-in-Law
Brother/Sister-in-Law
Grandchild-in-Law

4th Degree Great Grandparent-in-Law
Aunt/Uncle-in-Law
First Cousin-in-Law
Niece/Nephew-in-Law
Great Grandchild-in-Law

Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

APPLICATION FOR LAND SUBDIVISION (PLAT)

DATE RECEIVED: _____

CHECK ONE: Preliminary Plat Final Plat Replat Amended Cancellation

1. PROPOSED SUBDIVISION NAME: _____ UNIT NO. _____

LOCATION DESCRIPTION/NEAREST COUNTY ROAD _____

ACREAGE _____ NO. OF LOTS: EXISTING _____ PROPOSED _____

REASON(S) FOR PLATTING/REPLATTING _____

2. OWNER/APPLICANT*: _____

(*If applicant is person other than owner, a letter of authorization must be provided from owner)

ADDRESS: _____

TELEPHONE: _____ FAX: _____ MOBILE: _____

EMAIL: _____

3. LICENSED ENGINEER/SURVEYOR: _____

MAILING ADDRESS: _____

TELEPHONE: _____ FAX: _____ MOBILE: _____

EMAIL ADDRESS: _____

4. LIST ANY VARIANCES REQUESTED: _____

REASON FOR REQUEST (LIST ANY HARDSHIPS): _____

5. PRESENT USE OF THE PROPERTY: _____

INTENDED USE OF LOTS: (CHECK ALL THOSE THAT APPLY)

RESIDENTIAL (SINGLE FAMILY)

RESIDENTIAL (MULTI-FAMILY)

OTHER (SPECIFY) _____

6. PROPERTY LOCATED WITHIN CITY ETJ: YES NO

If yes, Name of City: _____

7. IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? YES NO

WATER SUPPLY: _____ ELECTRIC SERVICE: _____

SEWAGE DISPOSAL: _____ GAS SERVICE: _____

8. Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's Office.

9. See platting requirements. All necessary documents to reflect compliance must be complete before application will be deemed complete.

10. I agree to comply with all platting and subdivision requirements of Hopkins County, Texas. I understand that the plat will NOT be forwarded to the Commissioners' Court unless all documentation is satisfactorily filed with the County Clerk's Office correction due date.

Signature of Owner/Applicant

Print Name & Title

**If applicant is person other than owner, a letter of authorization must be provided from owner. Signature indicates authorization for plat application and acceptance of waiver statement.

DATE: _____

Appendix B
SUBDIVISION PLATTING CHECKLIST
FIRST READING
(PRELIMINARY)

Name of Subdivision: _____
Contact Person: _____ **Phone Number:** _____

YES	NO	N/A	
___	___	___	Name of proposed subdivision.
___	___	___	Name and address of Sub-divider.
___	___	___	Volume, page and reference names of adjoining owners.
___	___	___	Volume, page and reference land use of adjoining owners.
___	___	___	Master Development Plan (if subdivision is a portion of a larger Tract.
___	___	___	Location map.
___	___	___	Scale (not smaller than 1"=200'). <i>If parent tract is larger than 320 acres, scale may be 1"=1,000' w/proposed plat 1"=200'.</i>
___	___	___	North directional arrow.
___	___	___	Contour information – rivers, creeks, bluffs, etc. (no greater than 2' intervals)
___	___	___	Major topographic features.
___	___	___	Total acreage in subdivision.
___	___	___	Total number of lots in subdivision.
___	___	___	Typical lot dimensions.
___	___	___	Land use of lots, parks, greenbelts.
___	___	___	Total length of roads.

PRELIMINARY CHECKLIST

YES NO N/A

___	___	___	Width of right-of-way.
___	___	___	Special flood hazard areas/note.
___	___	___	Road maintenance (County/Home Owners Assn.).
___	___	___	Approval by TxDOT or County for driveway entrance(s).
___	___	___	Location of wells - water, gas, & oil, where applicable & unused capped statement.
___	___	___	Plat Filing Fees paid. (receipt from County Clerk required)
___	___	___	On-Site Sewage Facility Inspector's Approval
___	___	___	Acknowledgement of Rural Addressing / Signage.
___	___	___	Water Availability Study.
___	___	___	Tax Certificates and rollback receipts.

Signature of Reviewer

Date of Review

ADDITIONAL REQUIREMENTS:

ALL ITEMS ON THIS CHECKLIST MUST BE IN THE HANDS OF THE COUNTY CLERK'S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO THE COMMISSIONERS' COURT HEARING DATE.

Appendix C
SUBDIVISION PLATTING CHECKLIST
SECOND (FINAL) READING

Subdivision name: _____

YES	NO	N/A	
___	___	___	All information required for preliminary plat.
___	___	___	Lot and block numbers.
___	___	___	Street names, <i>must be pre-approved by 9-1-1 Coordinator.</i>
___	___	___	Acreage of each lot or parcel.
___	___	___	Name and address of Surveyor/Engineer.
___	___	___	Location and size of drainage structures.
___	___	___	Location, size, and proposed use of easements.
___	___	___	Incorporated City's Boundary/ETJ Note.
___	___	___	Servicing Utilities Note.
___	___	___	Certification from licensed professional engineer regarding utilities.
___	___	___	Restrictive covenants.
___	___	___	Tax certificates and rollback receipts if required.
___	___	___	Home Owners' Association Incorporation articles and by-laws.
___	___	___	Construction plans of roads and drainage improvements.
___	___	___	Receipt showing payment of Final plat fees.
___	___	___	Sign-off for TxDOT road access, if applicable.
___	___	___	Appendix D (1) – Certificate of Dedication by Owner (when owner is an individual)
___	___	___	Appendix D (2) – Certificate of Dedication by Owner (when owner is a corporation)

FINAL CHECKLIST

YES NO N/A

___	___	___	Appendix D – Certificate of Recording (if applicable)
___	___	___	Appendix E – Water Supply Certificate
___	___	___	Appendix F – Certificate of Surveyor
___	___	___	Appendix G – Certificate of Engineer
___	___	___	Appendix H – Certificate of Road Maintenance (when roads are to be retained as private roads)
___	___	___	Appendix I – Certificate of County Approval (not applicable until the Court hears request to assume maintenance of roads)
___	___	___	Appendix J – Hopkins County Permit to Construct Access Driveway Facilities on County Road Right-of-Way
___	___	___	Appendix K – Lienholder’s Acknowledgement
___	___	___	Appendix L – Revision to Plat
___	___	___	Appendix O - On-Site Sewage Facility Inspector’s Approval
___	___	___	Appendix P - Utility Line Installation Permit
___	___	___	Appendix Q - Road Construction Specifications (Typical Section)
___	___	___	Appendix R - Cattle guard specification

Signature of Reviewer

Date of Review

ADDITIONAL REQUIREMENTS:

ALL ITEMS ON THIS CHECKLIST MUST BE IN THE HANDS OF THE COUNTY CLERK’S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO THE COMMISSIONERS’ COURT HEARING DATE.

Appendix D (1)

CERTIFICATE OF DEDICATION BY OWNER
(When Owner is an Individual)

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

KNOW ALL MEN BY THESE PRESENT, that I, _____, owner of _____ acres of land out of the _____ Survey, Hopkins County, Texas as conveyed to me by deed dated _____, and recorded in Volume _____, Page _____, Real Property Records of Hopkins 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’s name)

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

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 D (2)

CERTIFICATE OF DEDICATION BY OWNER
(When Owner is a Corporation)

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

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 owners of _____ acres of land out of the _____ Survey, in Hopkins County, Texas, as conveyed to it by deed dated _____ and recorded in Volume _____, Page _____, Real Property Records of Hopkins 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 "owners 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 HOPKINS §

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 F

WATER SUPPLY CERTIFICATE

“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 Northeast Texas Municipal Water District, a TCEQ approved public water supply system (described below), or other domestic water supply subject to approval by the Hopkins County Commissioners’ Court.”

Northeast Texas Municipal Water
District

Date

Name of Public Water Supply System

Date

Signature & Title of Authorized Agent

Other Proposed Domestic Water Supply (Please specify): _____

Appendix G

CERTIFICATE OF SURVEYOR

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

KNOW ALL MEN BY THESE PRESENT, that I, the undersigned, a Registered Professional Land /Licensed State Land Surveyor in the State of Texas, do hereby certify that this Plat complies with the survey related requirements of the Hopkins 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 / Licensed State Land Surveyor Date

License No. _____

Seal:

Appendix H

CERTIFICATE OF ENGINEER

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Licensed Professional Engineer in the State of Texas, hereby certify that this plat complies with the engineering related requirements of the Hopkins County Subdivision Regulations.

Licensed 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 I

CERTIFICATE OF ROAD MAINTENANCE

(When roads are to be maintained as Private Roads)

“In approving this plat by the Commissioners Court of Hopkins County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Sub-divider 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 Sub-divider and/or subsequent owners of the subdivision and will not be the responsibility of Hopkins County.”

Sub-divider or Representative

Date

Appendix J

CERTIFICATE OF ROAD MAINTENANCE

(When roads are to be dedicated to Hopkins County for maintenance)

“In approving this plat by the Commissioners’ Court of Hopkins County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the Sub-divider 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 Hopkins County.”

Sub-divider or Representative

Date

Appendix K

CERTIFICATE OF COUNTY APPROVAL OF PLAT FOR FILING PURPOSES ONLY

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

I, _____, County Clerk of Hopkins County, Texas, do hereby certify that on the _____ day of _____, A.D., 2_____, the Commissioners' Court of Hopkins County, Texas, passed an Order authorizing the filing for record purposes only this Plat, and said Order has been duly entered in the minutes of the said Court in Book _____, Page _____.

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

**COUNTY CLERK
HOPKINS COUNTY, TEXAS**

**COUNTY JUDGE
HOPKINS COUNTY, TEXAS**

Appendix L

HOPKINS COUNTY

**PERMIT TO CONSTRUCT WITHIN
COUNTY ROAD RIGHT-OF-WAY**

Applicant: _____

County Road Name _____

Address: _____ Permit # _____

_____ Phone No. () _____

I, the Precinct Commissioner for Hopkins County Texas authorize
_____, hereinafter called the Grantee, to (re)construct an access
driveway on the County road right-of way abutting County Road
_____ in Hopkins 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 insure 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 () _____ at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

DATE OF ISSUANCE: _____

PRECINCT COMMISSIONER: _____

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

LIENHOLDER’S ACKNOWLEDGEMENT

I (We), (Name of Lienholder(s)) _____
_____,
owner(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 Hopkins 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(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 HOPKINS §

SWORN TO AND SUBSCRIBED before me by _____
_____ on the _____ day of _____, 20____.

Notary Public in and for
The State of Texas

Appendix N

REVISION TO PLAT

Name of Subdivision: _____

Recorded in Volume _____, Page _____ of the Plat Records of Hopkins County, Texas

Commissioner Precinct No.: _____

Owner : _____

Owner's Mailing Address: _____

Owner'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 of the described property does hereby request to revise the plat of the property. The owner certifies that any and all lienholders have acknowledged this revision as per the attached Lienholder's Acknowledgement, if applicable.

(Owner's Signature)

(Printed name)

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

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 _____ DAY OF
_____, 20____.

HOPKINS COUNTY JUDGE

ATTEST: _____
HOPKINS COUNTY CLERK

Appendix O

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSPECTOR'S APPROVAL

THE STATE OF TEXAS §

COUNTY OF HOPKINS §

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 Hopkins 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 P

**NOTICE OF PROPOSED UTILITY LINE INSTALLATION
HOPKINS COUNTY RIGHT OF WAY AND PERMIT**

TO: HOPKINS COUNTY ROAD SUPERVISOR: _____
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 Hopkins County Commissioner Precinct No. _____.

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

Applicant will insure 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 of the utility line.

Applicant agrees to give Hopkins County Precinct Commissioner 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 Hopkins County does not purport to grant any right, claim, title, or easement in or upon this road, and Applicant further agrees that Hopkins County may require owner to relocate line, subject to provisions of governing laws, upon the giving of _____ days written notice.

In the event Applicant fails to comply with any of the requirements as set forth above, Hopkins 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.

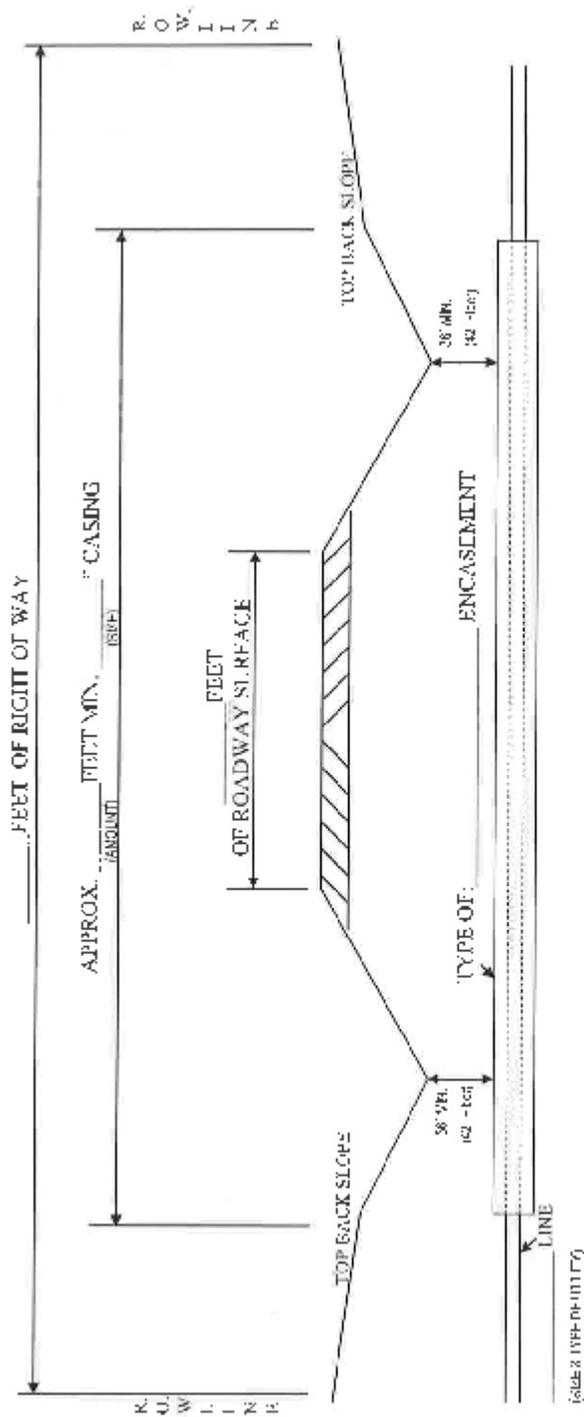
APPLICANT:

Name: _____
Authorized Agent: _____
Address _____
Phone _____

HOPKINS COUNTY:

Hopkins County Precinct Commissioner:
Address _____
Phone _____

SKETCH SHOWING PROPOSED
UTILITY LINE CROSSING



NO CUTS WITHIN 30' OF PAVEMENT.
CASING TO EXTEND FROM BACK SLOPE TO BACK SLOPE.

Where line is being installed by boring, the opening should be approximately the same diameter as line or casing being installed.

The utility company shall place a readily identifiable and suitable marker at each right of way line where it is crossed by a _____ line.

Appendix R

**IN THE COMMISSIONERS' COURT
Of
HOPKINS COUNTY, TEXAS**

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

WHEREAS, §251.003 (a)(1) of the Texas Transportation Code grants the Hopkins 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, Hopkins County anticipates requests from a property owner proposing to construct new cattle guards on an existing County maintained road; and

WHEREAS, Texas Transportation Code §251.009 (a) states that the Hopkins 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 Hopkins 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 HOPKINS 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 HOPKINS COUNTY, that a person proposing to construct a cattle guard on a County maintained road may submit a Permit to Construct Cattle Guard on Hopkins

County Right of Way for consideration by the Hopkins County Commissioners' Court.

IT IS FURTHER ORDERED BY THE COMMISSIONERS' COURT OF HOPKINS 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 Licensed Professional Engineer, for consideration by the Hopkins County Engineer, and the County Engineer's decision may be appealed to Commissioners' Court.

Approved, this _____ day of _____, 20__ by the Hopkins County Commissioners' Court.

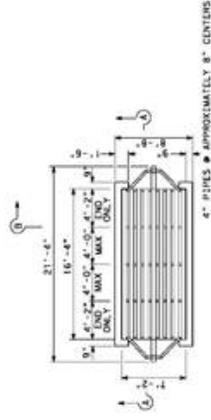
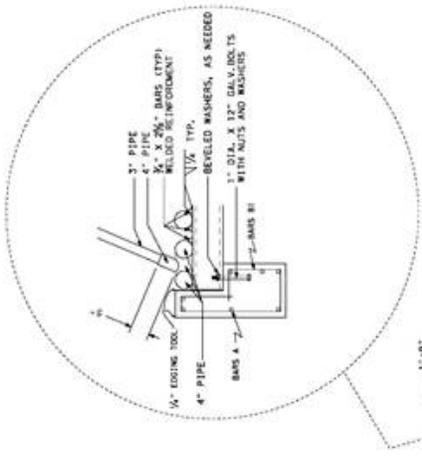
County Judge

County Commissioner Pct. 1

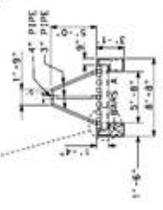
County Commissioner Pct. 2

County Commissioner Pct. 3

County Commissioner Pct. 4

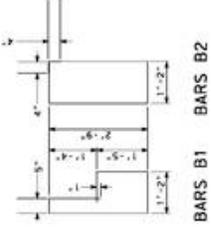


PLAN VIEW



SECTION A-A

SECTION B-B



BARS B1 BARS B2

BILL OF MATERIALS

NO.	DESCRIPTION	SIZE	LENGTH
1	PIPE	3"	16'
2	PIPE	4"	16'
3	PIPE	5"	16'
4	PIPE	10 X 30	16'
5	PIPE	10 X 30	16'
6	PIPE	10 X 30	16'
7	PIPE	10 X 30	16'
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47	PIPE	10 X 30	16'
48	PIPE	10 X 30	16'
49	PIPE	10 X 30	16'
50	PIPE	10 X 30	16'

GENERAL NOTES

QUANTITIES SHOWN ARE FOR CONTRACTOR'S INFORMATION ONLY.

ALL DIMENSIONS RELATION TO REINFORCING STEEL ARE TO THE CENTERLINE OF BARS.

PROVIDE PIPE IN CONVENIENT LENGTHS (10'-0" MIN.) AND PROVIDE JOINTS IN ACCORDANCE WITH ITEM 448, AS AN ALTERNATIVE, 1/2" JOINT AS SHOWN.

IF ROCK IS ENCOUNTERED, DEPTH OF FOUNDATION MAY BE VARIED AS DIRECTED.

PROVIDE NEW PIPE CONFORMING TO ASTM A501 OR ASTM A53 TYPES E OR F, GRADE B, STANDARD WEIGHT.

NOT DIP GALVANIZED CATTLE GUARD IN ACCORDANCE WITH ASTM A153 AND A155.

Texas Department of Transportation
Austin District Office

**CATTLE GUARD DETAILS
(16' RECOVERY ZONE)**

AUSTIN DISTRICT STANDARD

DATE	BY	CHECKED	APPROVED
01/10/07	0002		
DATE	BY	CHECKED	APPROVED

PLAN: 157-15.04-00

SUMMARY OF HOPKINS 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'
Minimum Crown Width	30	30	36	40
Width of Traveled Way	22'	22'	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 Hopkins County Precinct Commissioner, or 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 collectors.
- Any development generating more than 15000 average daily traffic counts will be designed according to TxDot standards.

Development Fees

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

Preliminary Plat without a designated floodplain: \$1000.00 + \$10.00 per lot
Preliminary Plat in a designated floodplain: \$1500.00 + \$10.00 per lot
Final Plat: \$250.00

PASSED AND APPROVED THIS _____ DAY OF _____, 20____.

County
Judge

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

ATTEST:

County Clerk

